



2012

Minturn Council Meeting

Wednesday September 19, 2012

Work Session: **4:00pm**
(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 September 19, 2012

Work Session – 4:00pm
Regular Session – 6:30pm

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays

Work Session – 4:00 pm

- Retreat to review Council goals, 2012 accomplishments, and cash funds available for future projects – White/Brunvand (60min)
- Work Session discussion to review scholarship – White (90min)
 - 1st and Main presentation – 30min
 - SRS Capital Advisors – 30min
 - Sherman an Howard – 30min

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

- September 5, 2012 Pg 4
- Action Item Report Pg 14

4. Minturn Liquor License Authority

- Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Tamberino, Manager – Brunvand (10min) Pg 16
- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min) Pg 22

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

6. Special Presentations

- Presentation by John Cole of SSCV Human Performance Center – White (30min)
- Presentation on Eagle County Energy Smart Program – White (10min)
- Update on Active Energies Solar Garden – White (20min)
- Presentation from the Eagle County Ambulance District/Western Eagle County Ambulance District – White (15min)

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

7. Discussion/Action Item: Discussion and direction with regard to the Scholarship Fund – White (30min)

OTHER MATTERS

8. Planning Department Update Pg 28

9. Town Manager's Report Pg 29

10. Town Council Comments

EXECUTIVE SESSION

- 11. 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 Club of Vail (SSCV) as related to a recreation Memo of Understanding and to discuss a pending agreement for fee dispute with Martin and Woods and to provide direction to the negotiating team – White/Christensen Pg 35**
- 12. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

FUTURE AGENDA ITEMS

13. Next Meeting – October 3, 2012

- Discussion/Action - ORDINANCE 11 - SERIES OF 2012 an Ordinance regarding in-Town fire bans – Christensen (20min)
- Discussion/Action - ORDINANCE 12 - SERIES OF 2012 an Ordinance regarding Planning Commission appeal periods – Christensen (20min)
- Special Presentation – Eagle River Fire Protection District
- Special Presentation – Mr. Chris Romer, Vail Valley Partnership
 - Economic Council of Eagle County update
 - Group Sales – Sports & Events update
 - FY2013 funding request

14. Future Meeting

- Special Presentation by Mr. Andy Kaufman regarding a kayak course in Minturn – White (15min) 10/3/12

15. Set Future Meeting Dates

a) Council Meetings:

- October 3, 2012
- October 17, 2012
- November 7, 2012

b) Planning & Zoning Commission Meetings:

- October 10, 2012
- November 14, 2012
- December 12, 2012

c) Other Dates:

16. Adjournment



Official Minutes

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

Wednesday September 5, 2012

Work Session – 5:15pm
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 – 5:15 pm

- Discussion of Holiday Party – White (10min) *Dec 7, 2012*
- Fire District update and Volunteer discussion – White (15min)
- Report from Auditor for recommendations for Battle Mountain escrow funds – White/Brunvand (15min) page 38
- Preparation of FY2013 Budget Calendar – Brunvand (30min) page 39

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 6:45pm.

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

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

2. Approval of Agenda

a. Items to be Pulled or Added

Motion by John R., second by George B., to approve the agenda as presented. Motion passed (6-0). (Earle B. absent, excused)

3. Approval of Minutes and Action Report

- August 15, 2012

Motion by Aggie M., second by John R., to approve the minutes of August 15, 2012 as presented; motion passed (5-0). (Earle B absent, excused and Shelley B. abstained as she was absent at that meeting.)

- Action Item Report

John R. requested the Manager to call CDOT or USFS re the trees that are in potential of falling across Hwy US 24 at the south end of Town

George B. noted some of the year to date Town successes to include scholarship fund, release of BMR funds, our market economy is improving , the municipal parking lot, the Pro Challenge bike race, the cleanup of the Town, the Independence Day, Community Garden, Flowers on Main, Pine St paving, new construction, concert series. He noted the Park Master Plan had been given the go ahead but he asked how this was proceeding: Intermountain Engineering has been contracted to do the survey and the Little Beach Park area is being surveyed.

Hawkeye F. asked for a Parks and Rec Master Plan detail update on the Action Plan.

George B. asked where we are on the drainage plan; we have received a bid and are moving forward with a potential DOLA grant to help fund this. North Taylor Parking: a parking plan has been submitted to the Manager from Chris C. to provide 5, 7, and 10 parking stalls. Abandoned vehicles in that area are being removed and a more diligent enforcement program is being undertaken. The Town Manager will be submitting a plan to the UPRR to begin discussion on a parking area lease.

Aggie M. asked if we have heard anything from CDOT regarding the bike/sidewalk in south Minturn; we have not; efforts to meet with CDOT have been unsuccessful to date. Aggie said the hydrant extensions looked good for the bike race.

4. Minturn Liquor License Authority

- Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners – Brunvand

Jay B. noted the report in the packet, no issues have arisen that would preclude approval, and Staff recommends approval.

Motion by John R., second by Aggie M., to approve the Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners as presented; motion passed (6-0). (Earle B absent, excused)

- September 22, 2012 Special Event Permit, Town of Minturn – Brunvand (request that this item be pulled from agenda)

Motion by Shelley B., second by George B., to remove this item from the agenda.

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

Ms. Jill Ryan, candidate for County Eagle County Commissioner from Edwards. She is running from District 1. Ms. Ryan gave a brief outline of her campaign goals.

6. Special Presentations

- Presentation of Town Map by the Minturn-Red Cliff Business Association – White

Jim W. outlined the directory light box/map. Jim W. noted this project is a staff level approval but wanted to share with the Council the proposal and the possible location and design concepts. Shelley B. noted that all businesses should be included in the map if the Town is to participate. Since this is an MRBA activity and will be located on private property, this request will be communicated to MRBA.

- Presentation of proposed Eagle County Ambulance District merger – White

This item was mentioned in the Work Session and will be moved to the 9/17/12 meeting.

- Presentation by Mr. Chris Romer, Vail Valley Partnership
 - Economic Council of Eagle County update
 - Group Sales – Sports & Events update
 - FY2013 funding request

Mr. Romer was not present at the meeting. (This item rescheduled to the 10/3/12 meeting).

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

7. Discussion/Action Item: Update on comments made by Mr. Tony Aiello regarding citizens cleaning up after their pets - White

Jim W. introduced Mr. Aiello and stated that he has been picking up after some of the dogs in Town. Mr. Aiello is requesting remuneration for this service. Jim W. stated that this is not a job the Town is prepared to monetarily reward on an ongoing basis. On an individual basis, Jim W. has rewarded Mr. Aiello personally with a gift certificate.

Mr. Tony Aiello, 30 Mann Ave., is requesting \$6 per “growler” pick up from the Town and would like a large white shirt recognizing his service. He will also write down and turn in offending dogs and their owners to the Minturn Police.

The general consensus of the Council was to not pursue this service in a monetary fashion. It was stated that we need animal control service in the morning and in the evening. Hawkeye felt this was something we should consider at about \$10 per week; Mr. Aiello stated that was not enough compensation.

A license fee and dog registration was discussed. It was requested the fee be considered during the budget program and goal setting on September 19.

Ms. Suzanna Miranda, 552 Main St, stated she is a responsible dog owner and picks up after her dog. She stated owners need to be more responsible for their dogs.

Council indicated they appreciated Mr. Aiello’s efforts and authorized a onetime financial remuneration for Mr. Aiello at the Manager’s discretion.

8. Discussion/Action Item: Fire District update and Volunteer discussion – White

Jim W. stated this was discussed with a member of the Fire Board during the Work Session regarding the November mill levy ballot question. Items covered included the cost of the proposed mill levy and the cost of this measure not passing. Shelley B. asked all citizens of the District to educate themselves on the reasons to support this ballot question as relates to station closures and other costs that might be realized if this measure does not pass.

9. Discussion/Action Item: Report from Auditor for recommendations for Battle Mountain escrow funds – White/Brunvand

Jim W. stated this was discussed during the Work Session. Council directed Town staff to provide absolutely clear tracking and reporting of the Battle Mountain Resort funds. It is important that these funds be clear and transparent. These discussions will be incorporated within the proposed 2013 budget for further review.

10. Discussion/Action Item: Discussion regarding stipend to businesses as related to the Water outage - White

Jim W. updated the Council that the water service was interrupted on two occasions during the same week in early August. Jim W. stated the stipend would be by request only, it would be a stipend not an attempt to cover their costs during the closures, and it would only be for business that were directly affected.

Concern was expressed that it would set a precedent and also asked if it would be extended to residents as well. It was determined that a business must have been directly and financially affected.

After further discussion, direction from Council was to not consider a stipend.

11. Discussion/Action Item: Direction on preparation of FY2013 Budget Calendar – Brunvand

Direction was to add extra time during the scheduled meetings and work sessions in order to provide adequate time for Council to review their goals and funding of those goals. It was directed that the September 19, 2012 Work Session begin at 4pm in order to begin 2013 goal setting and 2013 budget discussion.

12. Discussion/Action Item: Direction on preparation of a Holiday Party – White

Direction was given for Staff to solicit ideas and locations. It was noted by several Council members that the cost would increase as a restaurant would need to close in order to accommodate our small party. Council set the date for the event as December 7.

OTHER MATTERS

13. Planning Department Update

Chris C. outlined the proposed bus routes for the winter Eco Transit schedule as provided to him by the Transit Authority. The schedule identifies four routes in the morning and five in the evening. ECO Transit is requesting comments be submitted. It was noted this is a degradation of service by cutting out the loop service we currently have. Shelley B. noted the ridership increased with the loop service.

Direction was given to Chris C. to propose the same schedule as winter 2012 and retain the loop bus. Chris C. will pass on the concerns and report back. Aggie M. is the Town representative on the Transit Board and will forward the concerns as well.

Chris C. updated the Council on several of the projects in Town.

14. Town Manager's Report

Water Valve Leaks

On August 6 and again on August 9, 2012, the Town had water outages as a result of two water leaks at the intersection of Mann and Harrison. We recognize the impact on our local business and residents.

Due to the unusual circumstances of two outages in the same week, I am recommending that Town Council consider a stipend up to \$200 to local businesses, upon request from them, to defray the loss of revenues they incurred. Certainly not intended to recover all of those costs, a small "Good Neighbor" stipend, capped at this predetermined amount, would be a gesture to reflect our awareness of their importance to us and our recognition of the difficult week they endured. I would extend this offer to businesses that were impacted and set a deadline for any such requests to be due in by Friday, September 28, 2012.

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

The subcommittee meetings with representatives from SSCV and Battle Mountain are attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, Town Attorney Allen Christensen, and Town Planner Chris Cerimele. The current direction of the group is to create lists of the desired amenities to be created by each of the parties. In addition, the Town hosted an Open House on Wednesday, August 8, 2012 to solicit resident input. We coordinated a meeting at the Gypsum Rec Center on August 20, 2012 to look at design features and talk with the firm previously selected by the Town of Minturn in 2008, Barker, Rinker, Seacat. Representatives from the Ski and Snowboard Club Vail (SSCV) and Battle Mountain Resorts attended as well.

DOLA Grant

Greg Winkler, our DOLA field representative, presented DOLA funding options at our last Town Council meeting on August 15, 2012. Subsequently, the Town Manager submitted a request, signed by the Mayor, for approval of an administrative grant from DOLA for a Master Drainage Plan for the Town of Minturn in the total amount of \$34,650, of which the Town of Minturn would have to match 50%, or \$17,325.

Maloit Park Water Tank Repairs

Repairs were in progress on the interior of the Maloit Park Water tank in early August. It became clear that without further repairs, the water tank interior would not withstand the sandblasting process. The Town is now at work with the Eagle School District to assess the necessary repairs and to develop a plan to determine what needs to be done in order to proceed. From the report I received on August 28, 2012 from the engineering firm utilized by the school district, (Base Engineering) no steel structural modifications will be required, yet additional epoxy filler and coating on the interior will be applied prior to painting the interior of the tank and restoring it to use prior to winter.

Resident Request

At the last Town Council meeting, local resident Tony Aiello asked Town Council to consider paying him for picking up feces left by dogs throughout Town. He has been doing this as a volunteer. He has been doing this for several months. I do not recommend ongoing payment for this service. Though it is appreciated, it is the responsibility of dog owners to pick up after their dogs. As a footnote, Tony was previously given a personal gift certificate from the Town Manager to be used at Kirby's BBQ as a symbolic "thank you" for his efforts. This was not from Town coffers.

Stricter enforcement of dog owners in picking up after their dogs would be my first recommendation, as it is each owner's responsibility.

1st Bank

Letters drafted by the Town Manager and signed by the Mayor and the entire Town Council were sent to John Ikard, president and CEO of 1st Bank Holding Company and to Mary McDougall, president, 1st Bank Vail on Friday August 24, 2012 requesting reconsideration of the closing of the Minturn branch currently planned for October 2012.

Bone Yard Property

Staff has completed 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 earlier recommendation to move forward to the Eagle County Commissioners. The draft management plan was provided to Town Council for its collective comments. We have scheduled discussion at the September 5, 2012 work session. Staff will also attend and present this project at the next Eagle County Open Space Advisory Committee meeting on Monday, September 10, 2012. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. Dave Neely, USFS District Ranger, called to inform me that the Environmental Assessment by the USFS came back recently. Due to the fact that no comments were received, the process will be accelerated by at least 45 days. I have been in touch with the USFS to discuss the process and timetable.

XCEL Energy

Following the last Town Council meeting, I contacted Todd Anderson from XCEL Energy to recite the list of issues presented at the last Town Council meeting. We are awaiting follow up from him.

Scholarship Committee

The final two scholarship letters were sent during the final week of August. We have now depleted our original \$3600 minor scholarship fund. We are now \$732 dollars into the Battle Mountain/Town of Minturn Scholarship dollars. 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. We have had a presentation from 1st and Main Advisors and we have received inquiries from Jeffery Apps and the Colorado Mountain College in the past two weeks asking if the Town Council has selected an investment strategy or investment firm.

Water Treatment Update

(see attachment provided by John Volk, Water Quality Professionals, Inc, our consulting water operator).

Pine Street Rehab Project

Elam began work on Monday, August 6, 2012. We have had negotiations with Elam and saved just shy of \$3000 by considering value engineering cost saving measures that have been applied to the project. Several negotiations resolved driveway grade issues that developed as the project continued. Final paving occurred on Wednesday, August 29, 2012. This benchmark project included sidewalks, storm drainage, and paving.

Upcoming Events:

Pro Cycling Challenge Bike Event

The Town of Minturn hosted the stage of the race that passed through Minturn on **Thursday, August 23, 2012.**

Minturn Summer Market

Only one more market this weekend! The Minturn Summer Market continues to be successful. New umbrellas and some additional tables have spruced up the Minturn Market. Attendance continues at a steady pace. The market will continue through September 8, 2012. Please stop by to visit and shop!

Fall Festival/Lettuce Bowl

The Town of Minturn and the Minturn Community Fund will be teaming up again to provide the Fall Festival on Saturday September 22, 2012.

Additional direction was given to Jim W. to follow up with the Shop n Hop spill and make sure the clean up is still progressing. Jim W. will contact the state for an update or possibly a site visit with the State.

15. Town Council Comments

George B. wished a Happy Birthday to the Mayor, Hawkeye.

Hawkeye reminded the citizens that school is in session and the Town has a zero tolerance stance on passing school buses.

Shelley B. stated the District consolidated bus stops so you will see more kids congregating at the bus stops.

EXECUTIVE SESSION

16. 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 Club of Vail (SSCV) as related to a recreation Memo of Understanding and to discuss a pending agreement for fee dispute with Martin and Woods and to provide direction to the negotiating team – White/Christensen

Motion by Shelley B., second by George B., to convene in Executive Session Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and 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 Club of Vail (SSCV) as related to a recreation Memo of Understanding and to discuss a proposed Department of Local Affairs grant.

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

The Executive Session ended at 9:53pm. After the Executive Session, staff was directed to continue negotiations related to purchase of the USFS parcel, to continue ongoing negotiations with SSCV regarding the Human Performance Center/Rec Center and invite a presentation at the next meeting on 9/19/12, and to verify that we can accept the grant funds from the Department of Local Affairs to complete a Master Drainage study.

FUTURE AGENDA ITEMS

18. Next Meeting – September 19, 2012

- Start 9/17 with 4pm retreat for discussion on Town goals, last year's accomplishments, and cash funds available for projects. Also add a dog license fee discussion.
- Work Session and Discussion/Action for scholarship to give direction or hire a company to manage the money.
 - Sherman and Howard representative, Dee Wisser-during work session
- Ambulance District merger presentation during the regular meeting.

19. Future Meeting

- October 3, 2012 Eagle River Fire District special presentation

20. Set Future Meeting Dates

a) Council Meetings:

- September 19, 2012
- October 3, 2012
- October 17, 2012

b) Planning & Zoning Commission Meetings:

- October 10, 2012
- November 14, 2012
- December 12, 2012

c) Other Dates:

- September 22, 2012 – Fall Festival

21. Adjournment

Motion by Jerry B., second by John R., to adjourn the meeting at 9:55pm.

**Town of Minturn
Council Action Item Memo**

TO: Council Members/Staff Members
FROM: Jim White/ Town Manager
DATE: September 19, 2012
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Battle Mountain Annexation/Minturn Scholarship Fund	White	Funding from Annexation interest money.. Scholarship Committee met on August 7, 2012. Several scholarships awarded recently; . More specific information will be provided in Manager's Report.
OSAC Funding for Boneyard Purchase	White	On September 10, 2012, OSAC formally referred this to the Eagle County Commissioners for approval to support the Town's \$2,068,000 request for funding to purchase the Minturn Bone yard parcel. Town staff will pursue the purchase of the property through the USFS open bid process. Staff has prepared a draft management plan and is working with Eagle Valley Land Trust on a Conservation Easement.
Parks and Recreation Master Plan	Cerimele	Staff is creating an initial draft of a Park Master Plan for Planning Commission review in October.
2012 Goal: Town Street Repairs and Drainage.	White/ Cerimele	Check with CDOT regarding south Town drainage. Staff received storm drainage study proposal and has received DOLA grant approval of \$17,325 to complete the study.
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	We are working with La Farge representatives in planning to repair sidewalks on a portion of the east side of 100 block this year..
2012 Goal: Implement Streetscape Plan	White /Cerimele	Staff has reviewed previously submitted plans from OZ, and DCI. We have secured info on streetlights; and worked with local property owner on design ideas for a mall area.
2012 Goal: Strengthen Marketing and Events	Metteer	Using media to promote local events. 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. Staff to send a draft lease proposal to UPRR for parking area.

Action Item	Responsible Party	Progress Report
2012 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	Staff to provide periodic updates to Council.. Received \$17, 325 DOLA grant for Master Drainage Plan (September 2012).
2012 Goal: South Minturn sidewalks	White/Cerimele	Work with CDOT to determine right of way, investigate grant funding opportunities, and begin planning and implementation. VSSA may be interested in multi-purpose path between Town and Maloit Park.

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



Town Council
MR. HAWKEYE FLAHERTY, MAYOR
MR. GEORGE BRODIN, MAYOR PRO TEM
MR. AGGIE MARTINEZ, COUNCILMAN
MR. EARLE BIDEZ, COUNCILMAN
MS. SHELLEY BELLM, COUNCILWOMAN
MR. JERRY BUMGARNER, COUNCILMAN
MS. JOHN ROSENFELD, COUNCILWOMAN

AGENDA ITEM COVER SHEET

AGENDA TITLE: Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar, annual renewal of a Hotel/Restaurant Liquor License; 474Main Street; Michael Deutschman, Owner

MEETING DATE: September 19, 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 Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar, annual renewal of a Hotel/Restaurant Liquor License; 474Main Street; Michael Deutschman, Owner as presented."

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



DEUTSCHMAN FAMILY LLC
 KIRBY COSMO'S BBQ BAR
 PO BOX 93
 MINTURN CO 81645-0093

License Number 42-43371-0000	License Type 1970
Liability Information 44 030 721110 B 120506	
Business Location 474 MAIN ST MINTURN CO	
Current License Expires DEC 04, 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 8/27/12	Business Phone 9708279027
Title Manager	Sales Tax Number 42-43371-0000	<i>owner</i>
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 KIRBY COSMO'S BBQ	LICENSE NUMBER (Use for all reference) 42-43371-0000		PERIOD 12-13
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 <i>Kipby Cosmo's BBQ Bar</i>		State License Number <i>42-43371-0000</i>	
1. Operating Manager <i>Mark Tamberino</i>	Home Address <i>2433 Draw Spur</i>	Date of Birth <i>05/27/1976</i>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <i>Rented</i> If rented, expiration date of lease: <i>2015</i>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions.			
Since the date of filing of the last annual license application:			
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
EVIDENCE OF LAWFUL PRESENCE			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input checked="" type="checkbox"/> I am a United States Citizen			
<input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States			
<input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law			
<input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature <i>Mark Tamberino</i> <i>MRT</i>		Printed name <i>Mark Tamberino</i> <i>Michael Deutschman</i>	
		Date <i>8/25/12</i> 18	

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Deutschman Family LLC

is an entity formed or registered under the law of **Maryland** has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20061430195.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/05/2012 that have been posted, and by documents delivered to this office electronically through 09/07/2012 @ 10:03:23.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 09/07/2012 @ 10:03:23 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8334412.



A handwritten signature in blue ink, which appears to read "Scott Gessler".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

LIQUOR LICENSE RENEWAL FORM
LOCAL LICENSING AUTHORITY – TOWN OF MINTURN

Name of Establishment: Kimby Casano's

Date of Submittal: 9/2/12 License Expires: 12/4/12

Application is a:

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

Scheduled for Council meeting on: 9/19/12

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



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: 9/7/12 10:09 AM
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for the Deutschman Family LLC, DBA Kirby Cosmo's located at 474 Main St. I have reviewed the application and obtained a Certificate of Good Standing from the Secretary of State's Office. The only item of note is the signature of Michael Deutschman is different from last year. I contacted him and he assures me that is his signature and he did sign it.

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

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



Town Council
MR. HAWKEYE FLAHERTY, MAYOR
MR. GEORGE BRODIN, MAYOR PRO TEM
MR. AGGIE MARTINEZ, COUNCILMAN
MR. EARLE BIDEZ, COUNCILMAN
MS. SHELLEY BELLM, COUNCILWOMAN
MR. JERRY BUMGARNER, COUNCILMAN
MS. JOHN ROSENFELD, COUNCILWOMAN

AGENDA ITEM COVER SHEET

AGENDA TITLE: Gail Crowder, DBA Minturn Mile Liquors, annual renewal of a Retail Liquor Store License; 341 Main Street; Gail Crowder, Owner/Manager
MEETING DATE: 9/19/2012
PRESENTER: Brunvand
BACKGROUND: This is an application for annual renewal of a Retail Liquor Store 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 \$122.5 has been paid to the Town.
STAFF RECOMMENDATION/MOTION: "Motion to approve t Gail Crowder, DBA Minturn Mile Liquors, annual renewal of a Retail Liquor Store License; 341 Main Street; Gail Crowder, Owner/Manager as presented."

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

CROWDER GAIL W
 MINTURN MILE LIQUORS
 PO BOX 1603
 VAIL CO 81658

License Number 26-35821-0000	License Type 1940
Liability Information 44 030 445310 I 111600	
Business Location 341 MAIN ST MINTURN CO	
Current License Expires NOV 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>Gail Crowder</i>	Date 9-10-12	Business Phone 970-827-5220
Title <i>Owner</i>	Sales Tax Number 26-35821-0000	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

Local Licensing Authority for	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.

21

Business Name MINTURN MILE LIQUORS	LICENSE NUMBER (Use for all reference) 26-35821-0000		PERIOD 11-13
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 1940-750(999) \$ 50.00	CITY 85% OAP 2180-100(999) \$ 127.50

SUB-TOTAL \$ 227.50
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____
 TOTAL AMOUNT DUE \$ 227.50

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 <i>MINTURN MILE LIQUOR</i>		State License Number <i>26-35821-0000</i>	
1. Operating Manager <i>GAIL CROWDER</i> <i>JEGN CROWDER</i>		Home Address <i>BOX 1603 VAIL CO 81655</i> <i>310 BOULDER #A MINTURN CO 81645</i>	
		Date of Birth <i>5-26-77</i>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <i>OWNED</i> If rented, expiration date of lease: _____			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. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions.			
Since the date of filing of the last annual license application:			
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
EVIDENCE OF LAWFUL PRESENCE			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input checked="" type="checkbox"/> I am a United States Citizen			
<input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States			
<input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law			
<input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature <i>Gail Crowder</i>		Printed name <i>GAIL CROWDER</i>	
		Date <i>2-10-17</i>	

LIQUOR LICENSE RENEWAL FORM
LOCAL LICENSING AUTHORITY – TOWN OF MINTURN

Name of Establishment: Carl Crowder / Minturn Mile

Date of Submittal: 9/10/12 License Expires: NOV 15, 2012

Application is a:

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

Scheduled for Council meeting on: 9/19/12

1. Fees paid: Local \$ 122.50 and State \$ _____.
2. N/A Status of Corporation verified with Secretary of State and found to be in good standing. (Town Clerk's Initials)
3. Operating Manager verified and registered.
4. Sales tax submittals current.
5. Water bill submittals current.
6. Business license current.
7. Police Department approval for renewal.
 - a. Officer's report (see attached):
 - b. List of violations within the last year: _____



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: 9/11/12 1:36 PM

RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for Gail Crowder, DBA Minturn Mile Liquors located at 341 Main St. I have reviewed the application and am forwarding it on to you for further review. No Certificate of Good Standing from the Secretary of State's Office is required as this is a Sole Proprietor organization.

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

Jay Brunvand

From: Lorenzo Martinez
Sent: Wednesday, September 12, 2012 3:00 PM
To: Jay Brunvand
Cc: Jim White; Allen Christensen
Subject: RE: Gail Crowder

Jay,

Please be advised that I have conducted the requisite background investigation for the principal identified on the application, conducted an inspection of the premise, and reviewed the conduct of establishment for the preceding year. No information was ascertained as part of the background investigation that would be adverse. An inspection of the premise was made this date, 12 September 2012, and no deficiencies were noted. There were no noteworthy incidents during the preceding year at this particular premise.

Lorenzo W. Martinez
Chief of Police

-----Original Message-----

From: Jay Brunvand
Sent: Tuesday, September 11, 2012 2:26 PM
To: 'Allen Christensen'; Lorenzo Martinez
Subject: Gail Crowder

Another liquor license renewal...

Jay Brunvand, MMC
Town Clerk/Town Treasurer
Town of Minturn
P.O Box 309
Minturn, CO 81645

treasurer@minturn.org
970/827-5645

-----Original Message-----

From: Scans [<mailto:scans@minturn.org>]
Sent: Tuesday, September 11, 2012 11:50 AM
To: Jay Brunvand
Subject:

This E-mail was sent from "RNPC5B2C2" (Aficio MP C4500).

Scan Date: 09.11.2012 13:50:07 (-0400)
Queries to: scans@minturn.org



To: Minturn Town Council
From: Chris Cerimele, Town Planner
Date: September 19, 2012
Re: Planning Department Update

Parks, Recreation, Trails and Open Space Plan Master Plan

This long-range planning document will replace the 1992 Minturn Parks and Recreation Master Plan. Staff is drafting this document and will seek public comments this fall.

ECO Trail Phase 2

Town staff recently sent a letter to the Union Pacific Railroad requesting a revocable land lease for the purpose of constructing the second phase of the Eagle Valley Regional Trail through the Union Pacific Railyard.

Little Beach Park Improvements

Intermountain Engineering has performed preliminary work on a topographic and boundary survey of Little Beach Park, the Public Works site, and the nearby 8 acre snow dump parcel. These surveys will be used for as a basis for establishing future improvements.

Recreation Center Survey

Preliminary results from the online survey indicate that the two most popular recreation center amenities are the weight room/cardiovascular equipment/circuit space area and aerobics/fitness/dance/yoga/pilates/ space. We will continue to host the survey on the Town's website to gather additional citizen input.

N. Taylor St. Parking Area

Staff sent a letter to Union Pacific Rail Road requesting a lease for a 7 space parking area at the north end of Taylor Street. Staff proposes to delineate the area with a split rail fence or equivalent. The parking area would be signed as no overnight parking.

DOLA Energy and Mineral Impact Assistant Grant

The Town will need to identify a water system improvement project to seek grant funding for in the upcoming DOLA grant cycle. The 2009 Baseline Engineering report identifies several projects that would be eligible for funding. The grant deadline is December 3, 2012.

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



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

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: September 14, 2012
Re: Manager’s Report for the September 19, 2012 Town Council Meeting

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

The subcommittee meetings with representatives from SSCV and Battle Mountain are attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, Town Attorney Allen Christensen, and Town Planner Chris Cerimele. At tonight’s meeting, we will hear from John Cole, representing Ski and Snowboard Club Vail (SSCV).

DOLA Grant

Greg Winkler, our DOLA field representative, presented DOLA funding options at our last Town Council meeting on August 15, 2012. Subsequently, the Town Manager submitted a request, signed by the Mayor, for approval of an administrative grant from DOLA for a Master Drainage Plan for the Town of Minturn in the total amount of \$34,650, of which the Town of Minturn would have to match 50%, or \$17,325.

We have been awarded the grant for the Master Drainage study in the amount of \$17,325.

Maloit Park Water Tank Repairs

Repairs are now in progress again on the interior of the Maloit Park Water tank. The water tank is being sandblasted, filled with epoxy in certain areas and prepared for painting. Additional epoxy filler and coating on the interior will be applied prior to painting the interior of the tank and restoring it to use in the next two weeks.

Based on the report I received on August 28, 2012 from the engineering firm utilized by the school district, (Base Engineering) no steel structural modifications were required.

1st Bank

Letters drafted by the Town Manager and signed by the Mayor and the entire Town Council and were sent to John Ikard, president and CEO of 1st Bank Holding Company and to Mary McDougall, president, 1st Bank Vail on Friday August 24, 2012 requesting reconsideration of the closing of the Minturn branch currently planned for October 2012. A meeting will be held with 1st Bank representatives listed above, the Mayor, the Mayor Pro Tem, and the Town Manager on Monday, October 1, 2012.

9/14/12

Bone Yard Property

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn which the Town is planning to purchase and retain as open space. We are doing this with the assistance of the Eagle County Open Space Advisory Board and the Eagle County Commissioners. The Town Manager and the Town Planner presented this project at the Eagle County Open Space Advisory Committee meeting on Monday, September 10, 2012. We received OSAC's formal endorsement for **\$2,068,000** to augment Town funding to purchase the Bone yard parcel from the USFS. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. I will continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property.

XCEL Energy

Following the last Town Council meeting, I contacted Todd Anderson from XCEL Energy to recite the list of issues presented at the last Town Council meeting. We received written follow up from him (see attached).

Scholarship Committee

The final two scholarship letters were sent during the final week of August. We have now depleted our original \$3600 minor scholarship fund. We are now \$732 dollars into the Battle Mountain/Town of Minturn Scholarship dollars.

Our scholarship investment options will be reviewed at the study session at tonight's meeting so the Town Council can eventually set policy for disbursement of the scholarship funds we now have available. We will have a presentation from 1st and Main Advisors and SRS Capital Advisors. In addition, Sherman & Howard attorney, Dee Wisor, will be available to answer Town Council questions on the investment options presented.

ECO Transit

ECO Transit plans to maintain the loops and fares again this year in Minturn as they were last year. Staff was asked to follow up with ECO following the last Town Council meeting.

Upcoming Events:

Minturn Winter Market

Our Minturn Winter market is planned for Saturday, December 15, 2012.

Christmas Tree Bonfire

The Town of Minturn Christmas Tree Bonfire is planned at Little Beach Park on Friday night, January 4, 2013.

Respectfully submitted,
Jim White
Town Manager

Jay Brunvand

From: Jim White
Sent: Thursday, September 13, 2012 5:32 PM
To: Jay Brunvand
Subject: FW: Response to the Town's Questions

Jay,

Please place the responses below in the packet as an attachment to my Manager's Report for September 19th meeting...

Thanks,

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

From: Anderson, Todd F [mailto:Todd.Anderson@XCELENERGY.COM]
Sent: Thursday, September 06, 2012 3:07 PM
To: Jim White
Subject: Response to the Town's Questions

Jim,
We have assembled a group at Xcel to look at the problems in Minturn. I have tried to summarize what we have found out and what we are doing to fix things now and in the future. I am also asking you to get back to me on several issues with more detail.

Answers to questions 1, 2, 4, 5 and 6. I am not sure how to answer question 7 or how it will help

The town has experienced several large scale outages that are anomalies to typical system reliability performance. Of the 64 outages in the town over the past 3 years, 13 events attributed to over 75% of the overall customer based outage time referenced as SAIDI minutes or commonly referred to as customer minutes out. The single transmission event on 5-26-12 attributed to over 75% of the total outage time seen by the town year to date (*see brief recap below). We have held several meetings to address the reliability of the area and to focus on resolutions to issues related to not only these anomaly outages but to implement plans for overall reliability. We have held several internal meetings with operations and engineering to discuss the electric system in the area and are implementing plans to pursue items that we think will help with issues in the area. Response time will be impacted if severe weather conditions exist.

***Recap of 5-26-12 event.**

Single large live ponderosa tree uprooted and blew over during high winds. The tree was outside of the transmission corridor (tree trimming limited to the corridor by Forest Service). High winds were prevalent throughout the I-70 corridor and crews initially focused on major issues in the Summit County area. This extended restoration time to use the Holy Cross Electric (HCE) tie needed to support Minturn. First responders were unsuccessful on the first try to restore power through the tie.

Below are the action items we are implementing to try to get the power back on more quickly after the next outage.

1. Our Transmission line operations is aware of issues of unsuccessful auto-reclose attempts with a reclosing relay that has caused other shorter sustained outages and momentary outages excluding the long outage 5-26-12 . Transmission system protection is looking into the relay issue and will revise as necessary.
2. Operations has added language to signs at the substation tie to inform first responders of special issues when using the tie to avoid recurrence of issues experienced on 5-26-12. The tie is designed as contingency support to all Xcel

Energy customers from Minturn to Redcliff and can also be used by Holly Cross Electric (HCE) to support their customers in the Avon area. Engineering and operations discussed use to the tie and processes to mitigate issues that could result if not followed.

3. Crews will be working in the Minturn area patrolling the overhead lines to address any issues to mitigate potential for outages (i.e. tighten up slack spans, add wildlife protection, inspect hardware, poles crossarms and braces and replace or upgrade as needed). This is a standard process for crews to patrol lines behind devices that operate after an outage but in light of events that have impacted the area this year, operations agreed to perform a thorough line patrol of the entire Minturn area.

4 Crews will be adding fault indicators at isolation points along the feeder and adding isolation points to allow first responders to locate and isolate faults quicker.

5. Mapping errors in the new GIS system will be updated as errors are found to assist first responders. This issue has hampered restoration efforts on prior outages.

6. Engineering will study a proposal to implement automated restoration equipment at the HCE tie and at the substation or possible other field equipment. This option is very costly and will require executive approval for funding and will also be contingent on the type of communication devices that will be required for reliable operation in the area (i.e. transmitters, receivers, repeaters, etc). A back up plan to install fault indicators with remote indication to operators at our main dispatch center in Denver will be pursued if funding or communications issues preclude the possibility for an automated scheme. Either option should enhance restoration processes in the event of large scale outages affecting the town.

Another important aspect of the outages in the Minturn area has been trees and trees blowing into the lines. Below I have summarized our vegetation management activities that we do to try and alleviate outages.

Vegetation Management scheduling:

(Gilman Substation to Minturn) Previous routine maintenance cycle completed 1/5/11 to 10/31/11, next routine maintenance cycle scheduled for 2016. Because this maintenance map is located inside the Mountain Pine Beetle (MPB) Epidemic area, traditional routine maintenance cycles are supplemented with mid cycle hazard tree patrol/mitigation cycles every other year. The next MPB hazard tree patrol is scheduled for 2013.

(Gilman Substation to Turkey creek reloser). Previous routine maintenance cycle completed 10/29/09 to 12/4/09. Next routine maintenance cycle is scheduled for 2014. Because this maintenance map is located inside MPB epidemic area, traditional routine maintenance cycle is supplemented with mid cycle hazard tree patrol/mitigation cycles every other year. Previous hazard tree patrol cycle completed in 2011 and next hazard tree patrol is scheduled for 2013.

(Turkey creek reloser to underground on Ptarmigan hill, aka the Shrine Line) previous routine maintenance cycle completed 8/1/11 to 10/6/11, next routine maintenance cycle scheduled for 2016. Because this maintenance map is located inside MPB epidemic area, traditional routine maintenance cycle is supplemented with mid cycle hazard tree patrol/mitigation cycles every other year. The next MPB hazard tree patrol is scheduled for 2013.

(115kv transmission from Robinson rack to Gilman sub). Previous routine maintenance cycle completed 8/10/10 to 1/1/11, next routine maintenance cycle scheduled for 2015. Because this transmission line is located inside MPB epidemic area, traditional routine maintenance cycle is supplemented with mid cycle hazard tree patrol/mitigation cycles every other year. MPB hazard tree patrol is scheduled for 2012 and is currently in progress, next MPB hazard tree patrol is scheduled for 2012.

Note: the transmission outage on 5/26/12 was not caused by a tree limb dropped on line as originally reported, it was caused by an entire live lodge pole pine located outside right of way maintenance corridor being blown over during very strong winds and landing on the 115 kV conductor. This outage was determined to be non preventable.

Question 3

Can you give me the specific location of the gas facility at the entrance to the Town? We have several in the area and knowing which one is necessary so we can take a look at it.

Question 6

Customers who want to file claims can either call our customer service number at 1-800-895-4999 or our Claims Department directly at 303-294-2828. In both cases they will be asked to leave a name and address where a claim form can be sent. After we get it back and investigate it we will respond back to the customer.

I will be out of the office until Sept 20. Hopefully we can talk then. This is a lot to absorb but we are trying to overcome the long outage situations. As you know no electric system is infallible and serving in the mountains is more challenging then serving in Berthoud. We have dedicated people looking and working at this and we will be there incase of another outage but in the mean time this long answer is our attempt to fix the problem. Call me today if you can.

Todd Anderson

Xcel Energy | Responsible By Nature
Area Manager, Community and Local Govt. Affairs

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XCELENERGY.COM

Please consider the environment before printing this email

From: Jim White [<mailto:manager@minturn.org>]

Sent: Thursday, August 16, 2012 5:40 PM

To: Anderson, Todd F

Subject: XCEL Issues

Todd,

The issues raised at the Minturn Town Council meeting last night included:

- 1 Transmission issues and extended and more frequent outages in Minturn
- 2 Slow response time from emergency crews and lack of manpower at XCEL
- 3 North end of Town regulator station repairs...unsightly landscaping and damage to hillside...any plans for renovation...efforts to mitigate unattractive appearance?
- 4 Get Gary Holmes or another technician here to answer technical questions
- 5 Share power with Holy Cross/ explain process and capabilities to do so when outages occur
- 6 Be responsive to Minturn residents and businesses if they file claims for extended outages form past occurrences
- 7 Explain one source power from Gillman substation

The real disappointment came in the form of resident and Town Council comments that the answers we were given last night were ineffective and that you came unprepared.

What happened?...I had informed you previously of many of the issues you faced. I have never seen you with such a loss of effective responses...

Let's talk soon!

Jim White

Town Manager

Town of Minturn

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treasurer@minturn.org

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

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, September 14, 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 Club of Vail to discuss the developing Memo of Understanding as well as to discuss a fee dispute with Martin and Woods. 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 Club of Vail (SSCV) as related to a recreation Memo of Understanding and to discuss a pending agreement for fee dispute with Martin and Woods and to provide direction to the negotiating team.”

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