



2012

Minturn Council Meeting

Wednesday October 17, 2012

Work Session: **5:00pm**
(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 October 17, 2012

Work Session – 5:00pm
Regular Session – 6:30pm

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

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 – 5:00pm

Please remember to bring your FY2013 Budget Book

- 2013 Budget Review – White/Brunvand (75min) Pg 4
 - Council Goals
 - 2012 Accomplishments
 - Water Update
 - Budget Review

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**
 - October 3, 2012 Pg 9
 - Action Item Report Pg 16
4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations**

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. **Discussion/Action Item: Kayak course discussion and direction – White (20min)**
7. **Discussion/Action Item: Resolution 19 – Series 2012; A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan. Cerimele – (15min) Pg 18**
8. **Discussion/Action Item: MS 2012 – 02; A Resubdivision of Tract A, Maloit Park. Cerimele (20min) Pg 26**
9. **Discussion/Action Item: Discussion and direction SSCV Human Performance Center regarding a recreation Memo of Understanding – White (30min) Pg 37**
10. **Discussion/Action Item: Ordinance 11 – Series 2012 (Second Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation – White (15min) Pg 38**
11. **Discussion/Action Item: Ordinance 12 – Series 2012 (Second Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions – White/Christensen (15min) Pg 41**
12. **Discussion/Action Item: to extend the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan – White/Christensen (15min)**

OTHER MATTERS

13. **Planning Department Update – N/A**
14. **Town Manager’s Report Pg 44**

15. Town Council Comments

EXECUTIVE SESSION

16. Executive Session - 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 Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen – White/Christensen Pg 46

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

FUTURE AGENDA ITEMS

18. Next Meeting – November 7, 2012

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2013 Budget – review public funding requests – Brunvand/White 11/7/11 (45min)

19. Future Meeting

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2013 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2013 Budget Ordinances – Brunvand/White 12/7/11 (15min)

20. Set Future Meeting Dates

- Council Meetings:
- November 7, 2012
- November 21, 2012
- December 5, 2012

21. b) Planning & Zoning Commission Meetings:

- November 14, 2012
- December 12, 2012
- January 12, 2012

22. c) Other Dates:

- Minturn Halloween – Tuesday, October 30, 2012
- Veteran's Day November 12, 2012 – Office Closed

23. Adjournment

**FROM THE DESK OF
JAY BRUNVAND, MINTURN FINANCE OFFICE
MEMORANDUM**

TO: Mayor and Town Council
FROM: Jay Brunvand, Treasurer
CC: Jim White, Town Manager
DATE: 10/25/11
RE: FY2013 Budget – Direction and Summary

At previous Council Meetings several items were covered and further information was requested by Council on some of the items. To date:

- We reviewed major revenue components of the budget to include sales and property taxes. The preliminary Assessed Property Valuation was received from the County and it was noted that, at least for this year, the property values have stabilized. Due to the annexation of the Maloit Park area and new construction in town, our Assessed Valuation is actually slightly up for 2013.
- We reviewed the Fiscal Year 2013 Budget page by page and each fund.
- We reviewed the various bank accounts and investments which the Town holds and we have identified areas where cash is available for projects either fully funded or in conjunction with any available project related grants.
- We reviewed the various types and the costs of insurance for the Town and Town employees.

1) Sales Tax:

Council requested specific information during our budget review regarding the status of our current sales tax in relation to previous years and the affects the Summer/Winter markets and other major events on the sales tax receipts.

Sales tax comparison:

Sales tax is collected by the merchants in one month, submitted by the 20th of the next month to the State, and then the State submits payment to us by the second Tuesday of the third month. Although this results in approximately 30-45 days before we receive the funds. We receive an added benefit by working with the State on delinquent merchants.

In review of our year to date collections, we have received funds from the state that reflect collections through August receipts. During the first eight months of the year the Town collected \$321,032.

- The budget for 2012 sales tax is \$443,500; currently we are at approximately 72.4% of budget.
- It was noted during the last meeting that several months reflect an increase in revenue; however, some months have had large swings down in comparison to 2011. This is mainly due to timing, if a merchant is a day late with their tax payment, it may be carried to the next month.
 - This can make the numbers appear to be significantly down or indicate other fluctuations. Currently the Town is almost exactly even with 2011 year to date; 2012 is up \$467 overall.
 - Although 2011 was a very low snow year, it was our strongest sales tax year since 2008, currently we are right on track to slightly exceed 2011.

The Market and other Events:

It is relatively easy to pull out the revenue contributions of the Summer/Winter Markets to show their overall contribution to the bottom line. However, it is nearly impossible to segregate and realize the contributions of a one day event. The Council has been cautioned over the years of the downside of trying to “Event” our way to prosperity. Nonetheless, it is important to recognize that a strong marketing and

event campaign rewards Minturn with consistent destination customer visits. Each and every one of our restaurants feels the impact when visitors are not able to ski the Mile as the last run of the day and enjoy dinner in one of our restaurants afterwards.

The Summer Market just finished its fourteenth season, the longest running summer market in the valley. A large portion of the market vendors pay sales tax once at the end of the season; therefore, many have not paid and are not included in the current numbers. In addition, a large number of Minturn merchants have a booth at the market and/or abut the market. These vendors do not designate in their sales tax payment the portion of revenue attributed to sales at the market. Although the numbers are very preliminary:

- The 2012 Market generated \$14,959 thus far in sales tax receipts
- The gross sales attributed to these receipts exceeds \$375,000
- In 2011 the Town collected just over \$17,000 for sales of almost \$450,000
- The Market, taken as a whole, is the sixth largest retail business in the Town

For an event that has a one day market or generates only foot traffic but does not have a retail attribute such as the Ski Joring, the 4th of July, the Burro Race, and the Halloween party, we are not able to specifically calculate the financial success of these festivities. It is also difficult to judge how many visitors came to the market on a Saturday and then came back to Town for dinner or to make a purchase during the immediate few days or a future visit. However, to have hundreds or even thousands of visitors at an event does result in future visits.

2) Direction Requested From Council:

As you recall during the budget presentation, staff requested Council direction on several items as follows:

Budget Book Page	Detail
Page 37 Account 01-00-4575	Staff presented the use of \$95,100 to be allocated to the Police Dept for the third officer and to the Events Dept to allow increased funding for current and proposed events. This will be included in the budget. This leaves an additional \$84,900 to be allocated by Council and or the Town Manager.
Page 38 Account 01-01-5271	During the November 7 Public Hearing on the Budget, Council will hear three funding requests from community organizations. The amounts to fund each organization will need to be set by Council. Normally, this is done after the presentations but can also be done at the November 21 st meeting.
Page 45 Account 02-00-4210	The budget does not include an increase in Water or Trash rates. Staff is requesting Council to review the attached information and direct Staff.
Page 51 Account 06-01-5310	Staff is requesting direction on the allocation and expenditure of the Little Beach Park Funds
Page 54 Account 08-01-5300	Staff has budgeted \$5,000 for 2013 scholarship use. This amount can be modified as a supplemental appropriation during 2013. However, if Council feels this amount should be reconsidered there is opportunity now.
Page 55	Staff is requesting Council direction on populating this fund with projects. Once projects are agreed upon, Staff can allocate dollars to fund the projects.

3) Other Items:

- In an attempt to make the budget clearer Staff recommends to transfer annually the entire \$180,000 Administrative Fee to the General Fund from the BMR Fund. The Admin Fee would be used, as discussed, to fund certain payroll amounts that are directly impacted by the administrative load placed on Staff by the Battle Mountain Resort project. The balance would then be segregated

in to 01-09-8000 Capital Outlay to be used on capital projects agreed to by the Council.

This change has been accommodated

- Staff prepared additional information on employee raises. The proposal is to show what the cost would be if the Town did a 2.5% Cost of Living Allowance (COLA) and a 2% raise pool for a total of 4.5%. The current total annual base payroll is \$670,879.08, a 2% raise would increase the base payroll \$13,417.58, and with taxes included the total increase would be \$14,981.73 for a revised gross payroll of \$685,859.81. For the sake of discussion including wages and taxes, each 1% increase adds just under \$7,500; each 1/2% adds \$3,750.

In review of our current standing a wage increase in the range of 2% would be sustainable in future years.

- A Council member requested information on the ability of the Town to give Staff members a December Bonus in the amount of \$1,000-2,000 per employee at the Manager’s discretion. In recent years Council has given an additional \$1,000 to each employee (service under one year was prorated) on the December 15th paycheck. This bonus is paid for in the year it is given meaning this would be a 2012 expense.

In review of our current standing the Town will show a surplus in 2012 and this request could be accommodated from that surplus.

- In previous years the cost of employee insurance has been discussed at length. Staff goes to great lengths to keep this cost factor within a reasonable limit by reviewing each component of the employee benefit package annually. The following table shows the changes between 2011 and 2012:

	2011	2012	% Change	\$ Change per Mo	# of Emp'ees
Single	582.86	676.81	13.89%	187.90	2
Single+1	1,080.58	1,270.31	14.94%	379.46	2
Single+Spouse	1,270.61	1,286.31	1.32%	15.70	1
Family	1,827.88	1,629.88	-12.19%	-1,188.00	6
Net Mo Change				-6,872.54	

Employee Actual Budget Change

	2011	2012	% Change	\$ Change per Year	# of Emp'ees
	260,400.00	225,000.00	-13.60%	-35,400.00	12

- Currently the metered water rates for the Town of Minturn are:
 - Residential: \$67.11 per Single Family Equivalent (SFE) plus \$2.60 per 1,000gal over the first 10,000gal.
 - Commercial: \$83.08 per SFE plus \$2.73 per 1,000gal over the first 30,000gal.

In 2013 the combined Residential and Commercial Use Fees generated by use in excess of the base allowance anticipates revenues of approximately \$7,600.

Previous Fee Action:

- 2012 5% per SFE, 5% on Trash, and the Debt Service fee was adjusted down
- 2011 None (the Debt Service Fee was introduced)
- 2010 None (Use fee was reduced from 15,000gal/SFE to 10,000gal/SFE)
- 2009 None
- 2008 5%
- 2007 None
- 2006 5%
- 2005 5%
- 2004 None
- 2003 5%
- 2002 5%

Below is a table showing the rates as compared to Minturn’s from highest to lowest, the average rate is \$80.86.

Eagle County Residential Water Rates

Municipality	2012 Rates 10,000gal/mo
Red Sky Ranch	117.00
Red Cliff	105.95
Cordillera	94.34
Bachelor Gulch	94.34
Beaver Creek	94.34
Avon, Town of	94.34
Avon, Village at	94.34
Minturn, Town of	67.11
Berry Creek	66.20
Eagle Vail	66.20
Edwards	66.20
Vail, Town of	55.12
Arrowhead	49.71

The cost of water and the resulting fee assessed should be based on the cost to produce the water and run the department plus an amount sufficient to produce reasonable and responsible annual savings for major repairs and maintenance. At this point, the Town covers the cost of annual operations and puts an amount into reserve based on depreciation. The water plant and distribution system is aging and annually more and more repairs are necessary. Additionally, the Town has begun the process of developing and implementing an annual maintenance program whereby the lines are flushed, hydrants maintained, and valves are exercised. Even this maintenance has resulted in expensive repair jobs. We have also been working diligently to locate and repair leaks in the distribution system.

A second issue that needs Council attention is the cost of water taps. Although this is not a major source of revenue it should be reviewed nonetheless. Our water tap rates are as follows:

Water Tap Fees		ERWSD
	Minturn	Sewer Tap*
Residential (3/4 tap)	\$7,500/SFE	9,180.00
Commercial		
3/4 inch	10,000.00	10,488.00
1 inch	17,250.00	18,179.00
1.5 inch	38,250.00	40,554.00
2 inch	68,250.00	72,019.00
3 inch	152,250.00	160,818.00
4 inch	270,500.00	285,977.00
6 inch	609,000.00	643,972.00

*The ERWSD comparison shows what the corresponding residential sewer tap would cost for a 3,000 square foot home and what a commercial sewer tap would cost.

Staff is requesting direction on fees for Water, Water Taps, and Trash.



Official Minutes

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

Wednesday October 3, 2012

Work Session – 5:00pm
Regular Session – 6:30pm

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

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

Work Session – 5:00pm

Please remember to bring your FY2013 Budget Book

- 2013 Budget Review – White/Brunvand (75min)
 - Council Goals
 - 2012 Accomplishments
 - Water Update
 - Budget Review
- Review of Ordinance 11 – Series 2012 – White (5min)
- Review of Ordinance 12 – Series 2012 – White (5min)

Regular Session – 6:30 pm

1. Call to Order

a. Roll Call

The meeting was called to order by Mayor Hawkeye Flaherty at 6:38 pm.

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

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

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

Motion by Shelley B., second by George B., to approve the agenda as presented. Motion passed (6-0). (Note: Jerry Bumgarner was excused.)

3. Approval of Minutes and Action Report

- September 19, 2012

Motion by George B., second by John R., to approve the minutes of September 5, 2012 as presented; motion passed (6-0). (Note: Jerry Bumgarner was excused.)

- Action Item Report

George B. liked the changes made to indicate what strides had been made on Action items between meetings. He would like to discuss the Mall concept that is on the action Report and what the intent is of the project in a work session

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

Mr. Tony Aiello, 30 Mann Ave, discussed his clean up efforts in the Town. Hawkeye reminded Council that this was discussed at previous meeting no compensation will be awarded.

Mr. Del Nelson, 119 Lindsey Trail, Edwards, introduced himself as an Independent candidate for County commissioner. He noted some of his solutions for the County.

5. Special Presentations

- Special Presentation – Eagle River Fire Protection District

Mr. Darrel Wegert, 1716 Main St. spoke as a representative of the Eagle River Fire Protection District. Mr. Wegert outlined the issues and facts of the proposed mill levy increase for the

District on the November County Election. John McCally and Chief Carl Bauer were present as well to answer questions. It was noted this is a ratcheting mill levy and will reduce until the 2010 revenue is realized.

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

Mr. Chris Romer, Exec Dir of VVP, updated the council as related to the funding request they have submitted for 2013 in the amount of \$5,000. Mr. Romer stated each community within the County is being asked to assist in the VVP funding needs. Mr. Romer outlined the work the VVP does in the County and how this work benefits all communities within the County.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: Kayak course discussion and direction – White (20min)

This item was pulled from the agenda and moved to the October 17, 2012 meeting.

Motion by Shelley B., second by George B., to move discussion and direction of the Kayak Course to the October 17, 2012 meeting; motion passed (6-0). (Note: Jerry Bumgarner was excused.)

7. Discussion/Action Item: Ordinance 11 – Series 2012 (First Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation – White (15min)

Motion by Shelley B., second by John R., to approve Ordinance 11 – Series 2012 (First Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation as presented; motion passed (6-0). (Note: Jerry Bumgarner was excused.)

6. Discussion/Action Item: Ordinance 12 – Series 2012 (First Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions – White/Christensen (15min)

Motion by John R., second by Shelley B., to approve Ordinance 12 – Series 2012 (First Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions as presented; motion passed (6-0). (Note: Jerry Bumgarner was excused.) Hawkeye voted nay

7. Discussion/Action: – Council Action Item to formally accept the FY2013 Preliminary Budget – Brunvand/White (10min)

Motion by Shelley B., second by George B., to formally accept the Fiscal Year 2013 budget and to set Public Hearings beginning at 6:30pm on November 7, 2011 and November 21, 2011 to be held in the Council Chambers at 302 Pine Street, Minturn, CO, as presented; motion passed (6-0). (Note: Jerry Bumgarner was excused.) (*Note: Included in the acceptance is the General Improvement District Budget.*)

8. Discussion/Action: - Resolution 18 - Series 2012 a resolution to support the Eagle River Fire Protection District Mill Levy election – White (10min)

Earle B. noted the Minturn Fire House has been experiencing rolling shutdowns due to funding issues; this mill levy increase would alleviate that need. He urged a yes vote.

John R. thanked the ERFPD for attending the meeting and explaining the ratchet affect this mill levy will experience as the economy improves to 2010 values.

Motion by George B., second by Shelley B., to approve Resolution 18 - Series 2012 a resolution to support the Eagle River Fire Protection District Mill Levy election as presented; motion passed (6-0). (Note: Jerry Bumgarner was excused.)

OTHER MATTERS

9. Planning Department Update – N/A

10. Town Manager's Report

Little Beach Park

The Little Beach Park stage area and all woodwork areas, including the playground have been stained and prepared for the upcoming fall and winter. The work was done by Prima Painting, located in the Minturn business park.

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

The most recent subcommittee meeting with representatives from SSCV and Battle Mountain was held on Monday, October 1, 2012 and was attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, and Town Attorney Allen Christensen. We addressed issues related to the development of a Memorandum of Understanding for Phase 1 of the Human Performance Center/Recreation Center facility.

DOLA Grant

We have been awarded the grant for the Master Drainage Study in the amount of \$17,325. TST Engineering has been given approval to begin the project and expect to get started the first week of October, 2012.

Maloit Park Water Tank Repairs

Repairs are now in progress again on the interior of the Maloit Park Water tank. The water tank has been sandblasted, surfaced filled with epoxy in certain areas and prepared for painting. The top coat of paint will be applied the weekend of September 29-30, 2012 and the project will be complete and cured by the second week of October, 2012. Due to the imminent colder weather, heaters will be used to accelerate the cure time.

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 requesting reconsideration of the closing of the Minturn branch planned for October 2012. A meeting was held with 1st Bank representatives, the Mayor, the Mayor Pro Tem, and the Town Manager on Monday, October 1, 2012. (Note: this meeting was changed. The meeting was held on Tuesday afternoon, October 2nd between the 1st Bank Holding Company and the Mayor Pro Tem and the Town Manager.)

Bone Yard Property

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn planned to be held 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 Boneyard 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 continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property.

Scholarship Committee

Our scholarship investment options were reviewed at the study session on Wednesday, September 19, 2012 by the Town Council. We had presentations from 1st and Main Advisors and SRS Capital Advisors. The subcommittee met on Thursday, September 20, 2012 and will have a recommendation to Town Council soon, pending legal review by Sherman & Howard attorney, Dee Wisor.

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. We have had some subsequent comments and concerns raised by citizens that the proposed schedule only works for a small segment of the working population in Minturn. I have notified ECO Transit of the concerns expressed.

Infrastructure Planning

John Volk, water operator, and Don Taranto, TST Engineering will be present at tonight's meeting to provide an update on the status and future planning related to the Minturn water treatment plant. The Town Council has been given preliminary information on microfiltration treatment and asked for more financial data.

Upcoming Events:

Minturn Halloween Celebration, Tuesday, October 30, 2012.

Veterans Day Holiday, Monday, November 12, 2012.

Town offices will be closed.

Minturn Winter Markets

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012 and 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.**

Jim W. noted that he will be out of the office on Friday, Monday and Tuesday to attend the ICMA National Conference.

11. Town Council Comments

Shelley B. noted that the Town's Halloween celebration is on October 30th rain or shine.

Earle B. stated that the Town should not need to advertise the Halloween celebration because it is already well attended.

George B. noted an ad for a bucket truck. Jim W. stated the Town has already called them and we are third on the list.

Aggie M. stated if anyone has any comments for the ECO Transit meeting to let him know.

EXECUTIVE SESSION

12. Executive Session - 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 Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen

Motion by Shelley B., second by George B., To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding ongoing negotiations with Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake; motion passed (6-0). (Note: Jerry Bumgarner was excused.)

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

Council directed Staff to continue negotiations.

FUTURE AGENDA ITEMS

14. Next Meeting – October 17, 2012

- Worksession – FY2013 Budget discussion
- Worksession – Goal setting exercise
- Discussion/Action: Kayak course discussion and direction – White (20min)

15. Future Meeting

16. Set Future Meeting Dates

a) Council Meetings:

- October 17, 2012
- November 7, 2012
- November 21, 2012

b) Planning & Zoning Commission Meetings:

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

c) Other Dates:

- Minturn Halloween – Tuesday, October 30, 2012
- Veteran's Day November 12, 2012 – Office Closed

17. Adjournment

In that there were no further items for discussion the meeting stood adjourned.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**Town of Minturn
Council Action Item Memo**

TO: Council Members/Staff Members
FROM: Jim White/ Town Manager
DATE: October 17, 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 escrow money. Scholarship Committee met on September 20 , 2012. An investment option recommendation will be forthcoming from the subcommittee, pending legal review. .
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 a storm drainage study proposal from TST Engineering 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/pedestrian 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. Additional Internet marketing options are being explored.

Action Item	Responsible Party	Progress Report
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. UPRR wants to lease a larger portion of the north end of Taylor Street and seek help from the Town in policing encroachments.
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. Staff requested a meeting with Sam Otero, BMR engineer.

P.O. Box 309 ♦ 302 Pine Street
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TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Jerry Bumgarner
Councilman – Earle Bidez
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Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Resolution 19 – 2012; A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan
MEETING DATE: October 17, 2012
PRESENTER: Chris Cerimele
BACKGROUND: The Federal Disaster Mitigation Act of 2000 requires jurisdictions to prepare and adopt a Hazard Mitigation Plan every five (5) years, to be eligible for future pre disaster and post-disaster federal funding for mitigation purposes. The Eagle County Pre-Disaster Mitigation Plan was developed by the Eagle County Emergency Management Department with the cooperation of incorporated municipalities and special districts.
CORE ISSUES: <ul style="list-style-type: none">• Adoption of this Resolution and the associated Pre-Disaster Mitigation Plan enables the Town and County to access Federal resources and funding.
BUDGET/FINANCE IMPLICATIONS: none
RECOMMENDED MOTION: I move to approve Resolution 19-2012

Town Council Staff Report

October 17, 2012

FILE NUMBER: Resolution 19 - 2012

PROJECT TYPE: A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan

STAFF RECOMMENDATION: Approval

BACKGROUND

The Federal Disaster Mitigation Act of 2000 requires jurisdictions to prepare and adopt a Hazard Mitigation Plan every five (5) years, to be eligible for future pre-disaster and post-disaster federal funding for mitigation purposes.

The Eagle County Pre-Disaster Mitigation Plan was developed by the Eagle County Emergency Management Department with the cooperation of incorporated municipalities and many special districts to identify potential hazards and to develop strategies to mitigate these hazards.

The purpose of the Pre-Disaster Mitigation Plan is to:

1. Protect life, property and the environment by reducing the impact of natural and human-caused hazards.
2. Reduce the economic impact and speed recovery and redevelopment following future disaster events.
3. Commit to hazard mitigation principles.
4. Proactively prepare to minimize the secondary hazards associated with expected event.
5. Comply with federal and state legislation and guidance for local hazard mitigation planning.

6. Review mitigation projects, strategies and actions on an annual basis and modify plans as necessary.

The output of the PDMP is a set of recommended pre-disaster mitigation actions that minimize the potential impacts from the prioritized hazards. Specific goals and objectives have been established to deliver measurable benefits to each County through mitigation actions that have been justified and prioritized using accepted practices and the methodology described in this document.

Two hazard mitigation projects were identified for the Town of Minturn. The first project is the continuation of the floodplain management program. The Town currently participates in the National Flood Insurance Program. By committing to continue the floodplain management program, Minturn residents will have access to flood insurance at reduced rates. Other benefits include reduced property losses due to flooding and the reduced need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public.

The second project identified in the plan is the Pine Street Fuel Break. This project entails the removal of all dead trees associated with the mountain pine beetle infestation to create a fuel break behind the community. The goal is to limit fire embers from entering the community as well as the potential spread of fire into the forest surrounding the neighborhood as a result of structure fires. Partners in this project include Eagle County, Colorado State Forest Service, White River National Forest and the Eagle River Fire Protection District. The estimated cost for the project is approximately \$2,500 per acre with potential funding through the Colorado State Forest Service and the United States Forest Service.

DRAFT MOTION

I move to approve Resolution 19 – Series 2012.

Respectfully Submitted

Chris Cerimele, Town Planner

Attachments:

Resolution 19 – Series 2012

Excerpts from the Pre-Disaster Mitigation Plan pertaining to the Town of Minturn

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 19 SERIES 2012**

**A RESOLUTION ADOPTING THE EAGLE COUNTY PRE-DISASTER MITIGATION
PLAN**

WHEREAS, the Town of Minturn may be at risk natural or human caused hazards , such as wildfires, flooding and others with the potential for the loss of life and significant property damage; and

WHEREAS, the Town of Minturn recognizes the importance of reducing or eliminating the vulnerability of such hazards for the overall good and welfare of the community; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires jurisdictions to prepare and adopt a Hazard Mitigation Plan every five (5) years, to be eligible for future pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, this All Hazards Pre-Disaster Mitigation Plan was revised by the Eagle County Emergency Management Department with the cooperation of incorporated municipalities and many special districts to identify potential hazards and to develop strategies to mitigate these hazards.

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

THAT, the revised Eagle County Pre-Disaster Plan be approved and adopted in the form attached hereto as Exhibit "A" and incorporated herein by reference.

THAT, the Eagle County Pre-Disaster Mitigation Plan, set forth herein shall be effective upon final approval from the Federal Emergency Management Agency after adoption by all of the participating entities.

THAT, should any section, clause, provision, sentence or word in this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any parts thereof, other than the part so declared to be invalid. For this purpose, this Resolution is declared to be severable.

THAT, the Minturn Town Council hereby finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the citizens of the Town of Minturn and Eagle County.

MOVED, READ AND ADOPTED by the Town Council of the Town of Minturn, County of Eagle, State of Colorado, at its regular meeting held the 17th day of October 2012.

1.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

Eagle County Pre-Disaster Mitigation Project

Jurisdiction: Town of Minturn

Action Title: Floodplain Management

Priority: Low

Issue/Background:

The Town of Minturn participates in the National Flood Insurance Program. This project reinforces the commitment to continue to adhere to the Flood Damage Prevention regulations which provide for the mitigation of flood hazards for all new construction.

Implementation:

Methods of reducing flood losses include;

- Adoption of a flood damage prevention ordinance that prevents any new construction in a designated floodway and substantial improvements to existing structures that are located in a designated floodway;
- Prohibiting all development within 30' of the ordinary high water mark of any live stream;
- Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- Controlling filling, grading, dredging and other development which may increase flood damage;
- Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Responsible Agency: Town of Minturn

Partners: None

Potential Funding: Funding provided in existing Town budget

Cost Estimate: Minimal

Benefits: Continued availability of flood insurance for residents at lower rates;
Reduced property loss due to flooding; Reduced need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public

Timeline: Ongoing

Eagle County Pre-Disaster Mitigation Project

Jurisdiction: Minturn

Action Title: *Pine Street Fuel Break*

Priority: (High)

Issue/Background: The town of Minturn is located in the valley bottom along Highway 24. The population of the town is approximately 1,100. The valley sides surrounding the town are steep, and are covered primarily with grass and sage on the northern side; and grass, sage, aspen, and lodgepole pine on the southern side. Most lodgepole pine trees within the vicinity of town are dead, and will eventually blow down if not removed. Rapid rates of fire spread can be expected in these steep areas, especially those containing grass and sage. Flame lengths could easily exceed 11 feet in areas of standing dead lodgepole pine.

Implementation: The project area is located on public/private lands above Pine Street in Minturn. Remove all dead trees associated with MPB infestation and thin further to create a fuel break behind the community. This will limit fire-branding by embers into the community as well as the potential spread of fire into the forest surrounding the neighborhood as the result of structure fires. Adjacent home owners should also meet with appropriate fire mitigation experts at the fire district and county/state level to complete home wildfire hazard assessments, and make necessary recommendations to minimize wildfire hazards in the home ignition zone. Agency oversight will be needed to create linked treatment areas across the intermix of private and public property in the area.

Responsible Agency: Minturn

Partners: Eagle County, Colorado State Forest Service, Eagle River FPD, White River National Forest (USDA Forest Service)

Potential Funding: Grant funding from Colorado State Forest Service and USFS

Cost Estimate: \$2500/acre

Benefits: This will limit fire-branding by embers into the community as well as the potential spread of fire into the forest surrounding the neighborhood as the result of structure fires.

Timeline: TBD

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AGENDA ITEM COVER SHEET

AGENDA TITLE: MS 2012-02; A Resubdivision of Tract A, Maloit Park.
MEETING DATE: October 17, 2012
PRESENTER: Chris Cerimele
BACKGROUND: The Eagle County School District has submitted an application for a minor subdivision of Tract A at the Maloit Park. The proposed subdivision will create 2 parcels of land that will be conveyed to the Ski and Snowboard Club Vail for the purposes of constructing a dormitory and recreation center facility.
CORE ISSUES: <ul style="list-style-type: none">• Does the application meet the subdivision standards of the Town of Minturn?
BUDGET/FINANCE IMPLICATIONS: While the newly created parcels are not subject to property taxes, the continued presence of the Ski and Snowboard Club Vail in Minturn will provide indirect benefits to the Town through sales tax revenue generated by parents, students, faculty and visitors of the school.
RECOMMENDED MOTION: I move to authorize the Mayor to sign the First Amendment to the Maloit Park Plat – A Resubdivision of Tract A, Maloit Park

Town Council Staff Report

October 17, 2012

FILE NUMBER: MS 2012-02; A Resubdivision of Tract A, Maloit Park
PROJECT TYPE: Minor Subdivision
LOCATION: Maloit Park
OWNER: Eagle County School District - RE-50J
STAFF RECOMMENDATION: Approval

BACKGROUND

In 2011, the Town of Minturn approved the annexation and subdivision of approximately 105 acres of land owned by the Eagle County School District. The subdivision created three separate parcels of various sizes. The first parcel is comprised of approximately 47 acres and zoned Mixed-Use. Per the terms of the approved annexation agreement, the Eagle County School District retained the right to develop up to 120 residential units on this parcel as well as dormitory housing for the Ski and Snowboard Club Vail.

The second parcel created through the subdivision is 18 acres in size and zoned Public Facility. This parcel was subsequently deeded to the Town of Minturn and currently houses the Town's water treatment facilities.

The final parcel is approximately 39.5 acres and is zoned Recreation and Open Space.

The applicant, Eagle County School District (ECSD) RE-50J, has submitted an application for a subdivision of Tract A of the approved Maloit Park Subdivision. This parcel is the 47 acre Mixed-Use parcel. This subdivision of land would create 2 additional parcels. Parcel 1 being .922 acres in size and Parcel 2 being 1.122 acres. As stated in the attached subdivision application, the purpose of the subdivision is to create these two parcels which are to be conveyed by the Eagle County School District to the Ski and Snowboard Club Vail (SSCV). The intended use for these parcels is to provide sites for a fitness center (Parcel 1) and dormitory/staff housing (parcel 2).

STAFF ANALYSIS

The proposed subdivision is classified as a Type B Minor Subdivision per section 17-8-20 of the Minturn Municipal Code. This section states the following:

A Type B subdivision means a subdivision creating not more than six (6) lots within a legally approved subdivision, or is a subdivision of a building containing condominiums, townhomes or duplexes, which may include the subdivision of land directly associated with that building.

Since the proposed subdivision does not create more than 6 lots and it is within a legally approved subdivision, it is being classified as a Minor Type B Subdivision.

Per section 17-8-30 (Procedure) of the MMC, the procedure for processing a Type B subdivision is as follows:

Sec. 17-8-30. Procedure.

- (a) Initiation. An application for either a Type A or Type B subdivision or an amended final plat shall only be submitted by the owner, any other person having a recognizable interest in the land or his or her authorized agent. The application shall contain the materials specified herein and shall also contain the following additional materials, as applicable:
- (1) Final plat. A final plat of the proposed subdivision in conformance with final plat requirements.
 - (2) Zoning. Demonstration that the land included within the proposed subdivision is properly within the proper character area and zoned for the proposed use. Conformance with existing zoning on the property is required.
 - (3) Access. Demonstration that all lots in the proposed subdivision have legal and physical access to a public street or right-of-way by conventional vehicle.

- (4) Water supply. Satisfactory evidence demonstrating the existence of a legal, physical, adequate and dependable water supply for each lot.
- (5) Wastewater disposal. Satisfactory evidence, for each proposed lot, demonstrating the existence of a wastewater disposal system, or other lawful means of disposing of human wastes, which complies with all applicable public health laws.
- (6) Fire protection. Satisfactory evidence demonstrating adequate fire protection for each proposed lot.
- (7) Hazards. Satisfactory evidence demonstrating that all site conditions associated with the subdivision will not create hazards and all lots will contain safe, adequate building sites.
- (8) Site plan. A site plan, if applicable, depicting existing and proposed building locations, access drives, parking areas, landscaping, fences, signs and any other pertinent site data.
- (9) Agreements. A subdivision improvements agreement, off-site road improvements agreement or other agreement if required by the Town Council.
- (10) Restrictions. Any protective covenants, declarations, party wall agreements or other restrictions to be placed on the subdivision, which shall be filed for recording in the office of the County Clerk and Recorder at the time of final plat recording.
- (11) Schools. Demonstration that all applicable school land dedication or cash-in-lieu requirements have been satisfied.

The above requirements have been satisfactorily addressed in the Applicant's submittal (attached) for the proposed subdivision.

The subdivision is being approved per section 17-8-30 (f) (Procedure) of the MMC. This section states:

Action on Type B Subdivision. After review of an application on the Type B subdivision and the revised subdivision mylar, improvements agreement and certificates, the Planning Director shall review the application and other support materials and approve or disapprove the Type B subdivision based on the standards herein. If the Planning Director approves the Type B subdivision, the final plat shall be signed by the Town Council.

The applicant has satisfactorily addressed the submittal requirements for a Type B Minor Subdivision as outlined in section 17-8-30 of the Minturn Municipal Code. Furthermore, the standards for a Type B Minor Subdivision have been met. These include the adequacy of access to the parcels, potable water and sewage disposal on the land to be subdivided.

DRAFT MOTION

I move to authorize the Mayor to sign the First Amendment to the Maloit Park Plat – A Resubdivision of Tract A, Maloit Park

Respectfully Submitted

Chris Cerimele, Town Planner

Attachments:

Maloit Park Subdivision Plat

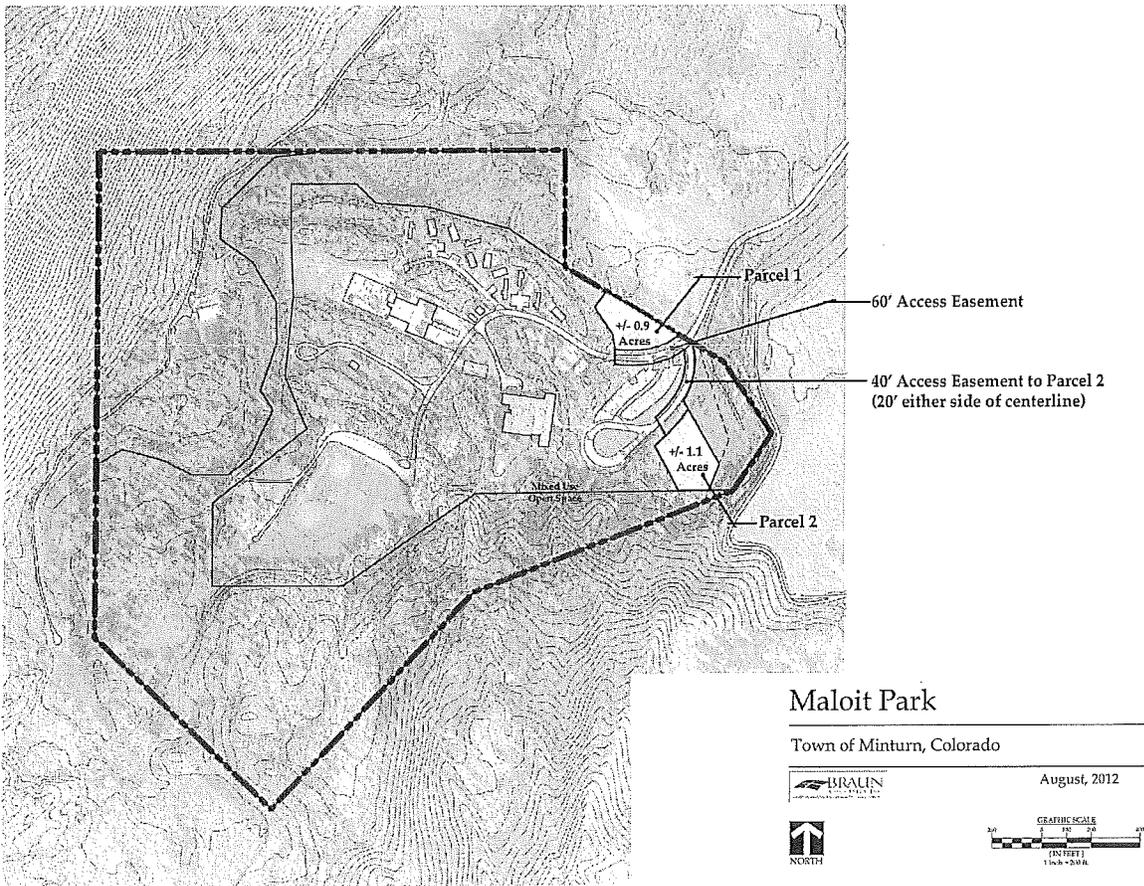
Subdivision Application

Maloit Park/Eagle County School District
Minor Type "B" Subdivision
August 25, 2012

The following information is provided in accordance with Section 17-8-30 of the Minturn Land Use Regulations for Minor "Type B" Subdivisions.

Purpose of Proposed Subdivision

The purpose of this subdivision is to create two parcels of land, both of which are to be conveyed by the Eagle County School District (ECSD) to the Ski and Snowboard Club Vail (SSCV). These parcels will provide sites for a fitness center (Parcel 1) and dormitory/staff housing (Parcel 2), improvements intended to support the mission of both Ski and Snowboard Club Vail and the Vail Ski and Snowboard Academy. Parcels 1 and 2 are depicted on the diagram below.



Two main objectives influenced the location of these two parcels. The first was to provide locations for buildings which would establish a “campus” setting proximate to the Vail Ski and Snowboard Academy. The second was to locate the parcels so that they did not encumber the District’s future use of Maloit Park. Prior to any development of these two parcels SSCV will be required to first obtain all necessary development approvals from the Town.

1. Final Plat

A final plat has been submitted under separate cover. This plat is the First Amendment to Maloit Park, A re-subdivision of Tract A, and has been prepared in accordance with the Town’s final plat requirements.

2. Zoning

The proposed subdivision and the future uses of the two parcels are consistent with the Maloit Park Character Area. Proposed land uses include a fitness center, dormitories and staff housing units, each of which are permitted by existing zoning. The proposed parcels also conform to minimum lot size for the Maloit Park Character Area.

Maloit Park Annexation Agreement between the District and the Town contemplated the development of dormitories and staff housing. The agreement specifically excludes the dorms and staff housing from the 120 dwelling unit maximum that may occur at Maloit Park.

3. Access

Access to Maloit Park is provided by an easement from Hwy 24 to the site. Two new access easements are depicted on the plat. These easements are granted by ECSD to the public for the benefit of Parcels 1 and 2. A 60’ access easement is provided over the existing road into Maloit Park along the frontage of Parcel 1. This easement was set at 60’ to provide sufficient width to serve as a right-of-way that could be established in the future. A 40’ access easement is provided over the existing bus loop to provide access to Parcel 2.

4. Water Supply

Water service for the future development of these two parcels will be provided by the Town’s water system utilizing the existing tank and water distribution system at Maloit Park. A final decision on the size/location/alignment of water line extensions necessary

to these building sites have not been made. ECSD and SSCV will collaborate on the location and alignment of any line extensions. The District will grant utility easements for these lines as may be necessary after the Town has approved their location.

SSCV has met with town staff regarding the necessary water dedication and water tap fees for this development. It is assumed that final resolution of the dedication and tap fees will be occur as part of the development plan review process for the fitness center and dorm/staff housing buildings.

5. Waste Water Disposal

Eagle River Water and Sanitation District provides sanitary sewer service to Maloit Park. An existing 8' main is located beneath the main road into Maloit Park. This line is located within a 60' wide access and utility easement and is readily accessible to Parcel 1. As described above with water service, ECSD will provide the necessary easement for this line once decisions are made about its final alignment to Parcel 2.

6. Fire Protection

The Eagle River Fire Protection District provides fire protection to Minturn. The two parcels created by this plat are readily accessible on existing roadways. It is expected that the detailed review of fire protection by the Fire District will occur as an element of the Town's development review process, at which time decisions about staging areas, the need for hydrants, etc. will be made.

7. Hazards

There are no significant site hazards that would create constraints on the future development of the parcels created by this plat.

8. Site Plan

To date only conceptual site design work has been done on the fitness and dorm buildings. Prior to construction of these facilities the Town's approval of the site plan and other aspects of the project design will be required. Detailed plans of the proposed project will be provided at that time.

9. Agreements

It is not anticipated that a subdivision improvements agreement or off-site road improvements agreement will be required.

10. Restrictions

ECSD and SSCV have agreed upon a number of parameters regarding the future development of these parcels that will be included in covenants to be recorded with the property. The following is excerpted from the ECSD/SSCV sale contract and provides a summary of what will be included in the covenants:

RECORDED COVENANTS. *At the initial closing of Parcel 1, the parties shall execute and cause to be recorded an instrument that shall operate as covenants running with the land and subjecting the Property to certain restrictions, and requiring certain obligations of Buyer, and allocating certain rights and responsibilities, including but not limited to the following minimum terms and conditions which may be enforced by the District utilizing appropriate remedies:*

1.1 *The Buyer's proposed design of all improvements to be located on the Property shall be compatible with the District's current and/or expressed intended uses in Maloit Park as an educational center with related support facilities. Before submitting designs to the Town of Minturn for development of each Parcel, Buyer shall present the plans to the District's Land Resource Committee for its timely review, comment, and approval (which approval shall not be unreasonably withheld). Design considerations shall include, but will not be limited to, the Buyer's use of predominantly natural building materials, use of stone/masonry bases, natural colors that are complimentary with the surrounding natural environment, and non-light polluting exterior lighting. All developmental designs shall conform to the Town of Minturn's then-applicable design standards.*

1.2 *During the approval process of all land use applications to the Town, the Buyer will keep the District informed of all proposed restrictions and conditions that may be proposed to be imposed by the Town on the development in order to afford the District an opportunity to appear and provide comment on such proposed actions to insure that any imposed conditions do not materially and adversely affect the District's current and/or intended use of its Maloit Park property. Copies of all approvals, consents and proposed conditions shall be promptly provided to the District's Land Resource Committee.*

1.3 *The Property shall be subject to restrictions that prohibit or limit exterior storage of motorized vehicles and trailers (outside of designated parking areas), and unused construction or maintenance equipment, tools, or materials.*

1.4 *Prior to commencing any construction of any approved designs, Buyer shall submit to the District's Land Resource Committee:*

(a) a construction schedule and a detailed architect's estimate of anticipated construction costs along with evidence satisfactory to the

District's Land Resource Committee, in its sound discretion, that Buyer has secured the necessary financing or funds to commence and complete construction in accordance with the approved design plans;

(b) a detailed construction management plan describing and identifying the limits of disturbance to the area, the limits of construction activity, defined parking for contractors and subcontractors, location of staging areas, supply storage, dumpsters and other construction related activities; and

(c) a construction restoration bond or cash deposit in an amount to be determined by the parties as adequately ensuring compliance with the construction management plan and needed restoration of any damage to the District's adjacent property resulting from such construction activities. The District shall notify Buyer of any deviations from such plan and Buyer shall have a reasonable opportunity to remedy or cure the deviation. Failure to remedy or cure shall entitle the District to utilize the bond or deposit to remedy or cure such deviation. Upon satisfactory completion of construction, and satisfactory restoration of any damage, the bond or security deposit shall be released to Buyer.

1.5 *The Property shall be subject to express limitations on the continued and future use of the Property for educational, fitness, training, and instructional purposes, and related accessory uses. The Buyer may lease all or part of its intended facilities on the Property to any non-profit third party for similar educational, fitness, training, and instructional uses that are compatible with District uses but only with the prior consent of the District, which consent shall not be unreasonably withheld.*

1.6 *The Property shall be subject to an exclusive First Right of Refusal for Lots 1 and 2 granted to the District by the Buyer and memorialized in the recorded instrument, such right to continue for so long as the instrument remains in effect. If the Buyer desires to sell Lot 1 and/or Lot 2, or receives any bona fide offer from a third party to purchase either or both Lots 1 and 2 which the Buyer wishes to accept, the Buyer before making an offer to any third party, or accepting an offer from a third party, as the case may be, shall send District two executed copies of the contract for the sale of either or both Lots 1 and 2 embodying the terms of the offer; provided, however, that the District's purchase price for Lots 1 and/or 2 shall be the same consideration that Buyer paid to the District for the respective Lots as adjusted by the Case-Schiller index-Denver-Aurora Metropolitan area. The contract shall be accompanied by a letter notifying the District that Buyer intends to make or accept the offer embodied in the contract, as the case may be, if the offer is not accepted by the District. The District shall have the right, within 60 days of receipt of the contract and notice,*

to purchase Lot 1 and/or Lot 2 on the terms and conditions set forth in the contract. In the event that the District accepts the offer, it must do so by executing one copy of the contract and returning it to the Buyer within 60 days of receipt. If the District does not accept the offer within such period, then the offer shall be deemed withdrawn and the Buyer shall be free to sell, or offer to sell Lots 1 and/or 2 to any party.

1.7 The design and determination of the final number of parking spaces to be provided for both Parcels 1 and 2, shall be subject to the review and approval of the District's Land Resources Committee, such approval to not be unreasonably withheld, with the expectation of the parties that such design will provide for a minimum of 8 on-site spaces and with the potential to add up to an additional 17 spaces if warranted by parking demand on Parcel 1 Determination of the need and number of additional spaces that may be necessary in the future shall be mutually agreed upon by the District and Buyer. Parking for Parcel 2 will include 1 garage space and 1 associated driveway space for each of the townhouse residences, and 15 surface spaces for dormitory use.

These covenants are agreements between the ECSD and SSCV. Any topic referred to above that entails Town review (i.e. land uses, parking, etc.) would also require Town approval. Final wording of the parameters to be included in the covenants pertaining to Parcels 1 and 2 is currently underway and will be completed prior to conveyance of the property. Once completed, a copy of the covenants will be provided to the town.

VSSA & Minturn Performance Center
Price Structure Proposal

Minturn Resident Rates vs. Competitors Resident Rates

ADULT	MINTURN HPC	AVON	GYP SUM	ASPEN
Annual	\$375	\$447	\$450	\$494
6 Month	\$200	\$259	N/A	\$275
Monthly	\$40	\$49	\$45	\$84
YOUTH				
Annual	\$225	\$268	\$250	\$399
6 Month	\$150	\$155	N/A	\$221
Monthly	\$25	\$31	\$25	\$46
SENIOR				
Annual	\$225	\$268	\$350	
6 Month	\$150	\$155	N/A	
Monthly	\$25	\$31	\$35	
FAMILY				
Annual	\$725	\$866	\$750	\$1078
6 Month	\$400	\$502	N/A	\$600
Monthly	\$70	\$96	\$75	\$116

Non-Minturn Resident Rates vs. Competitors Non-Resident Rates

ADULT	MINTURN HPC	AVON	GYP SUM	ASPEN
Annual	\$425	\$687	\$450	\$494
6 Month	\$275	\$398	N/A	\$275
Monthly	\$45	\$76	\$45	\$84
YOUTH				
Annual	\$300	\$413	\$250	\$399
6 Month	\$200	\$239	N/A	\$221
Monthly	\$35	\$46	\$25	\$46
SENIOR				
Annual	\$300	\$413	\$350	
6 Month	\$200	\$239	N/A	
Monthly	\$35	\$46	\$35	
FAMILY				
Annual	\$950	\$1332	\$750	\$1078
6 Month	\$500	\$773	N/A	\$600
Monthly	\$80	\$148	\$75	\$116

**TOWN OF MINTURN, COLORADO
ORDINANCE 11 - SERIES OF 2012**

**AN ORDINANCE AMENDING ARTICLE 10, CHAPTER 7 OF THE MINTURN
MUNICIPAL CODE, AUTHORIZING TOWN OFFICIALS TO IMPLEMENT
FIRE BAN IN THE TOWN OF MINTURN AND IMPOSING PENALTIES
FOR VIOLATION THEREOF**

WHEREAS, the Town of Minturn (“Town”) is a home rule authority municipal corporation and body politic organized under the laws of the State of Colorado and possessing the powers, authority and privileges to which it is entitled under Colorado law; and

WHEREAS, the Town Council finds and determines that the Town’s geographic location and history of seasons with warm weather conditions, lack of precipitation, and heavy fuel loading which create a threat of wildfire in and around the Town and furthermore the Town Council takes notice of the numerous wildfire occurrences throughout Colorado and other western states; and

WHEREAS, the public awareness and compliance with fire bans is most efficiently promoted with consistent regulations across Eagle County and the Town of Minturn jurisdictions and therefore the Town Council desires to adopt and apply the fire restrictions enacted by the County in coordination with the Eagle River Fire Protection District; and

WHEREAS, the Town Council previously adopted this ordinance on an emergency basis; and that ordinance will expire in accordance with terms of the Town Charter on or about October 18, 2012; and

WHEREAS, the Town Council desires to adopt the provisions of the fire ban ordinance on a permanent basis.

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

Section 1. **Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. **Amendments to Chapter 7.** Chapter 7 is amended to enact a new Article 10, Section 7.10.010 and 7.10.020 to read as follows:

Article 10. Emergency Restrictions.

“7.10.010 Severe Wildfire Conditions Fire Restrictions. The Town Council and/or Town Manager may declare that severe wildfire conditions exist and may further declare that fire restrictions adopted by the Eagle River Fire Protection District and/or County of Eagle shall be applicable in the Town of Minturn. Any fire restrictions adopted in accordance with this Section 7.10.010 shall become effective immediately and shall supersede any provision of the Minturn Municipal

Code which is inconsistent with such restriction. Notice of the adoption of such additional fire restrictions shall be posted immediately in accordance with the Town's general posting requirements adopted in accordance with the Minturn Home Rule Charter. The Town of Minturn shall be authorized to erect such signage and post such notices as deemed appropriate to notify the general public. The Town Council and/or Town Manager may rescind the additional fire restrictions adopted in accordance with this Section 7.10.010 when determined by Town that the conditions warranting such additional fire restriction no longer exist.

7.10.020 Violation – Penalty. Any person violating any of the provisions of this Chapter shall be deemed to have committed an offense for each and every day or portion thereof during which any infraction is committed, continued or permitted and shall be subject to the General Penalty set forth in Section 1.4.20 of this Code.”

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Minturn, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 3RD DAY OF OCTOBER, 2012. The 17TH DAY OF OCTOBER, 2012 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645 IS SET FOR PUBLIC HEARING HEREON.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 17TH DAY OF OCTOBER, 2012.

Hawkeye Flaherty, Mayor

ATTEST:

Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE 12 SERIES 2012

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN
MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 16-21-700 (c) (3)
AS THAT SECTION PERTAINS TO FILING APPEAL OF PLANNING COMMISSION
DECISIONS**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Town Charter; and

WHEREAS, the Council has carefully considered the time for citizens and the Town Council to file an appeal of any decision, determination or interpretation by the Planning Commission with respect to the provisions of Chapter 16 of the Minturn Municipal Code.

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

Section 1. Amendment. The Municipal Code of the Town of Minturn is amended by the repeal and re-enactment of Section 16-21-700 (c) (3) as follows:

(3) Procedures. A written notice of appeal must be filed with the administrator within thirty (30) calendar days of the Planning Commission's decision becoming final. If the last day for filing an appeal falls on a Saturday, Sunday or a Town-observed holiday, the last day for filing an appeal shall be extended to the next business day. Such notice shall be accompanied by the name and addresses (person's mailing and property's physical) of the appellant, applicant, property owner and adjacent property owners (the list of property owners within a condominium project shall be satisfied by listing the addresses for the managing agent or the board of directors of the condominium association) as well as specific and articulate reasons for the appeal on forms provided by the Town. The filing of such notice of appeal will require the Planning Commission to forward to the Town Council at the next regularly scheduled meeting a summary of all records concerning the subject matter of the appeal and to send written notice to the appellant, applicant, property owner and adjacent property owners (notification within a condominium project shall be satisfied by notifying the managing agent or the board of directors of the condominium association) at least fifteen (15) calendar days prior to the hearing. A hearing shall be scheduled to be heard before the Town Council on the appeal within forty (40) calendar days of the appeal being filed. The Town Council may grant a continuance to allow the parties additional time to obtain information. The continuance shall be allowed for a period not to exceed an additional thirty (30) calendar days. Failure to file such appeal shall constitute a waiver of any rights under this Chapter to appeal any interpretation or determination made by the Planning Commission.

Section 2. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Minturn that the provisions of this Ordinance are severable.

Section 3. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 3rd DAY OF OCTOBER, 2012. The 17TH day of OCTOBER, 2012 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645 IS SET FOR PUBLIC HEARING HEREON.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 17TH DAY OF OCTOBER, 2012.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Bolts Lake Stipulation as pertains to case number 07CW225
MEETING DATE: October 17, 2012
PRESENTER: Christensen
<ul style="list-style-type: none">• BACKGROUND: This work is part of the implementation of the Bolts Lake Stipulation that was attached to the decree in Case No. 07CW225, and includes groundwater modeling, water quality monitoring and Bolts Lake design planning. The purpose of the work is to ensure that the construction of Bolts Lake will not result in additional loading to the Eagle River from Bolts Lake and the Consolidated Tailings Pile. Deadlines are set forth in the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan. The requested amendment extends the deadlines for finalizing the Bolts Lake design and corrective action plan from October 15, 2012 to November 9, 2012
CORE ISSUES:
STAFF RECOMMENDATION/MOTION: Motion to extend the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan. The requested amendment extends the deadlines for finalizing the Bolts Lake design and corrective action plan from October 15, 2012 to November 9, 2012 as presented or amended.

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
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Councilmember – Aggie Martinez
Councilmember – John Rosenfeld

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: October 12, 2012
Re: Manager’s Report for the October 17, 2012 Town Council Meeting

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

The most recent subcommittee meeting with representatives from SSCV and Battle Mountain was held on Monday, October 1, 2012 and was attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, and Town Attorney Allen Christensen. We addressed issues related to the development of a Memorandum of Understanding for Phase 1 of the Human Performance Center/Recreation Center facility. Further discussion will occur at tonight’s meeting. Representatives from SSCV are expected to be present to discuss a proposed rate structure.

Maloit Park Water Tank Repairs

Repairs are now completed on the interior of the Maloit Park Water tank. The water tank has been sandblasted, surfaced filled with epoxy in certain areas and painting. The paint is curing now and the tank will soon be refilled.

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 requesting reconsideration of the closing of the Minturn branch planned for October 2012. A meeting was held with 1st Bank representatives, the Mayor, the Mayor Pro Tem, and the Town Manager on Monday, October 1, 2012. The Mayor Pro Tem and the Town Manager went to Denver on October 2, 2012 for a second meeting. **Despite all our efforts, the 1st Bank branch in Minturn closing was set for October 12, 2012.**

Bone Yard Property

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn. We are doing this with the assistance of the Eagle County Open Space Advisory Board and the Eagle County Commissioners. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. I continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property.

10/17/12

UPRR

Kathy Snead from Union Pacific Railroad stopped by on Friday, October 12, 2012 to look at the site proposed by the Town for a possible trail in the rail yard area from Dowd Junction into Town.

Battle Mountain Infrastructure Meeting

Staff met with Sam Otero from Battle Mountain on Friday, October 12, 2012 to review prospective infrastructure plans in an effort to coordinate planning efforts between the two parties.

DOLA Grant

TST Engineering has begun its work on the Master Drainage project.

Scholarship Committee

Our scholarship investment options were reviewed at the study session on Wednesday, September 19, 2012 by the Town Council. We had presentations from 1st and Main Advisors and SRS Capital Advisors. The subcommittee met on Thursday, September 20, 2012 and will have a recommendation to Town Council soon, pending legal review by Sherman & Howard attorney, Dee Wisor.

ICMA Conference

I attended the International City Manager's Conference from October 5-9, 2012 in Phoenix, AZ.

Upcoming Events:

Minturn Halloween Celebration, Tuesday, October 30, 2012.

Veterans Day Holiday, Monday, November 12, 2012.

Town offices will be closed.

Minturn Winter Markets

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012 and 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



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

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

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, October 12, 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 and discuss final payment to Elam Construction. 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 Battle Mountain Resort discussions and to provide direction to the negotiating team related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen

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