



2012

Minturn Council Meeting

Wednesday December 19, 2012

**Regular Session:
(Town Center)**

5:00pm

TOP COUNCIL PRIORITIES:

- Street and Drainage Projects Eagle Street, Toledo, Norman, Nelson
- Submit Grants for Infrastructure and Prioritize/Create a Regular Schedule
- 100 Block Streetscape
- Sidewalks/ Engineering South Minturn
- Submit DOLA Grant for Microfiltration Plant
- Electronic Packets (I-Pads or Comparable)
- Loop Water Lines



Agenda

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

Wednesday December 19, 2012

Regular Session – 5:00pm

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
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.

Regular Session – 5:00 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**
 - December 5, 2012
 - Action Item Report
- 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**: Continue discussion of the Memorandum of Understanding for Minturn Fitness Center /Resolution to Approve the Memorandum of Understanding for the Minturn Fitness Center– White (20 Min)

OTHER MATTERS

7. **Planning Department Update**
8. **Town Manager's Report**
9. **Town Council Comments**

EXECUTIVE SESSION

10. **Executive Session** - To convene in Executive Session Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land – Christensen/White
11. **Executive Session** - Action by Council or direction to Staff as a result of the Executive Session – White (5min)

FUTURE AGENDA ITEMS

12. **Next Meeting – 5:00 p.m. January 2, 2013**
 - TST update regarding Battle Mountain Water Services Agreement – White (30 min)
 - Discussion/Action: Resolution 1 – Series 2013 A Resolution setting the official posting sites for the Town of Minturn – Brunvand (15 min)
13. **Future Meeting**
 - Work Session: Portable device disbursement and review session (60 min)
 - Eagle River Water and Sanitation District overview of CBS/Viacom superfund site. – White (30 min)
 - Discussion/Action: Historical Society contribution request
 - Darell Wegert, ERFPD – Citizen Comment – 1/16/13
14. **Set Future Meeting Dates**
 - a) Council Meetings:
 - January 2, 2013

- January 16, 2013
- February 6, 2012

b) Planning & Zoning Commission Meetings:

- January 12, 2013
- February 13, 2013

15. Other Dates:

- Little Beach Park Open House, Dec 20, 2012
- Christmas Day, Tuesday, December 25, 2012 – Office Closed
- New Year's Day, Tuesday, January 1, 2013 – Office Closed

16. Adjournment



Official Minutes

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

Wednesday December 5, 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 970/827-5645 302 Pine St. Minturn, CO 81645

Work Session – 5:00pm

- Battle Mountain Resorts Update – White (30 min)
- Eagle Valley Land Exchange (EVLEX) Discussion--White (20 min)
- Eagle Mine Concerns Discussion--White (20 min)
- Continuation of Local Business Owner Discussion – White (20 min)

Recommendation to convey to CDOT that CDOT staff is welcome in Minturn, however; trailers are against code.

Recommendation to request that CDOT mitigate impacts to local residents while construction of the maintenance facility takes place.

Direction to staff to verify if any past Resolutions were approved regarding the Eagle Valley Land Exchange at Dowd Junction.

Request for staff to provide information regarding the results of the previous contamination of the Eagle River (a few months ago).

Request for an analysis from H&H to determine if the science is available to actually “fix” the superfund problem to the extent that there is no more management of the site needed.

The Town Manager suggested formation of a subcommittee to study our water rate structure. Request to see comparative costs of water rates for communities outside of ERWSD.

Request to Mayor Flaherty by Earle B. to recuse himself from the discussion of commercial water rates as they pertain to a specific local business.

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 Flaherty at 6:41 pm.

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

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

2. Approval of Agenda

- a. Items to be Pulled or Added

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

11a. Addition of Resolution 23 – 2012 a Resolution in support of the Colorado Department of Local Affairs Financial Grant to the Town of Minturn, Colorado.

11b. Addition of item: Consideration of a subcommittee to review the water rate structure for the Town of Minturn.

Addition of Special Presentation by CDOT

3. Approval of Minutes and Action Report

- November 21, 2012
- Action Item Report

Motion by George B., second by Jerry B., to approve the Minutes of November 21, 2012 as presented. Motion passed (7-0).

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

Mr. Michael Cacioppo, Business Briefs, requested the Council to direct staff to notify people by e-mail, upon request, for all scheduled government meetings.

Lorenzo M. requested assistance for the Salvation Army Food Drive. Toys and donated items should be delivered by Friday, Dec 14, 2012 to Town Hall.

5. Special Presentations

- Little Beach Park Master Plan – Introduction and Overview of Improvement Design Plan by Zehren and Associates – White (15min)

Mr. Pedro Campos, 48 East Beaver Creek Blvd, Avon, CO , of Zehren and Associates, provided information as to the goals, timeline and process for consideration of improvements to Little Beach Park. He requested several community meetings to receive feedback for desired improvements. The first of these meetings will be an “Open House” to discuss this topic will on December 20, 2012 from 4pm-7pm.

Request by Council to get the Little Beach Park subcommittee organized before moving forward with the public. The subcommittee will meet on Wednesday, December 12, 2012.

- Colorado Dept of Transportation presentation – White (15min)

Ms. Martha Miller, CDOT Representative, 714 Grand Ave, Eagle CO provided a presentation on why transportation matters to the State of Colorado. Ms. Rebecca White from the CDOT office in Denver assisted with the presentation.

Mr. Michael Cacioppo, Business Briefs, gave a brief historical overview of road repair history by CDOT and the lack of improvement within Eagle County. He encourages local representatives to ensure Eagle County is within the scope of repairs if/when CDOT proposes any tax increases for needed road repairs.

6. Liquor License Authority

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

The Town Clerk, Chief of Police, and Town Attorney all reviewed the application and are recommending approval.

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

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

- 7. Discussion/Action Item:** Ordinance 14 – Series 2012 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2012 Town of Minturn Budget – Brunvand (10 min)

Motion by Shelley B, second by George B, to approve Ordinance 14 – Series 2012 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2012 Town of Minturn Budget. Motion passed (7-0)

- 8. Discussion/Action Item:** Ordinance 15 – Series 2012 (Second Reading) An Ordinance Setting the 2013 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10 Min)

Motion by Shelley B, second by Jerry B, to approve Ordinance 15 – Series 2012 (Second Reading) An Ordinance Setting the 2013 General Property Tax Mill Levy for the Town of Minturn. Motion passed (7-0)

- 9. Discussion/Action Item:** Ordinance 16 – Series 2012 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2013 for the Town of Minturn – Brunvand (10 Min)

Motion by George B, second by Shelley B, to approve Ordinance 16 – Series 2012 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2013 for the Town of Minturn. Motion passed (6-1) Hawkeye F nay.

- 10. Discussion/Action Item:** Ordinance 17 – Series 2012 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2013 Revenues and Expenses by Fund – Brunvand (10 Min)

Motion by Shelley B, second by George B, to approve Ordinance 17 – Series 2012 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2013 Revenues and Expenses by Fund. Motion passed (7-0)

- 11. Discussion/Action Item:** Continue discussion of the Memorandum of Understanding for Human Performance Center – White (20 Min)

Concern over the use of the word “initial” was expressed, and it was recommended to remove it in order to state a clearer definition of the rates moving forward.

Question regarding the cost of construction and “if it does not exceed \$1,000,000 then would the excess funds provided by the Town of Minturn be allocated as the parties determine?”

Direction to Staff to incorporate requested changes to the MOU before submission to Ski and Snowboard Club Vail.

(11a) Discussion/Action Item: Resolution 23 – 2012 a Resolution in support of the Colorado Department of Local Affairs Financial Grant to the town of Minturn, Colorado. – White (20 Min)

Motion by John R, second by Aggie M, to approve Resolution 23 – 2012 a Resolution in support of the Colorado Department of Local Affairs Financial Grant to the Town of Minturn, Colorado. Motion passed (7-0)

11b. Discussion/Action Item: Consideration of the Water Rate Sub Committee

Hawkeye F, acknowledged his interest to serve on the sub-committee, George B, Earle B. and Aggie M. also expressed their interest to serve.

Nomination of George B and Aggie M to the Water Rate Subcommittee. All voted in favor.

Goals include:

1. a true comparison of SFE rates as they compare to other non-ERWSD municipalities
2. a full and accurate understanding of what it costs to operate the water system including emergency issues and future system improvement costs
3. review of loan pay-offs forecasting

OTHER MATTERS

12. Planning Department Update

DOLA grant has been submitted. Planning is also looking to Council for direction regarding an Open House on Dec 20, 2012 for public feedback on initial concepts for Little Beach Park improvements. Refined concepts from the Open House will be presented in mid-January.

Recommendation by Council to have more than one open house, and approval was given to begin the open house process on Dec 20, 2012.

Request by Council for Little Beach Park subcommittee to review progress to date before the Open House on Dec 20th.

Recommendation to potentially consider the Town contributing funds, as well as Battle Mountain, in order to better leverage grant funding for Little Beach Park.

13. Town Manager's Report

Memorandum of Understanding related to the Human Performance Center/Fitness Center at Maloit Park

We continue to work on a draft Memorandum of Understanding (MOU) for Phase 1 of the Human Performance Center/Fitness Center facility. Concurrently, representatives from SSCV

are working with the Town's consultant, Ken Ballard, of Ballard and King, and members of the Town's subcommittee on a proposed business plan for the center.

Bone Yard Property

We are working in conjunction with the Eagle County Open Space Advisory Board (OSAC) and the Eagle County Commissioners in an effort to secure the purchase of the Bone yard property in Minturn.. We are also working with the Eagle Land Trust on developing a conservation easement on the site. Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn which will help which outlines the plans for the property. I continue to be in touch with the Eagle County OSAC director and a representative of the USFS to discuss the process and timetable for submitting a bid to purchase the property. We confirmed a time on the Eagle County Commissioners schedule for December 4, 2012 to request formal approval for funding to purchase the property.

Department of Local Affairs (DOLA) Grant

Town staff completed our application for a Tier 1 DOLA grant. Staff collaborated with TST Engineering and with John Volk, Water Quality Control Professionals, on our submittal. We hit the target deadline of December 3, 2012. Our grant proposal will focus on combined elements of upgrades currently needed to our water distribution system.

We titled our grant: "Potable Water System Reliability, Redundancy and Modernization Improvements."

Building Inspector Resignation

On November 27, 2012, Chuck Lanci, of Alpine Building Consultants, Inc., submitted a letter terminating our contractual agreement with Alpine Building Consultants, effective March 17, 2013 per the stipulations of our contract agreement. He has been with Minturn for fifteen (15) years and indicated he decide to take another step closer to full retirement. He resides in Glenwood Springs. CO

Northwest Colorado Council of Governments (NWCCOG)

The Town of Minturn will be hosting the Northwest Colorado Council of Governments meeting on Thursday, December 6, 2012.

La Playuela (Little Beach) Park Improvements Planned

The Town has secured the services of Zehren and Associates to lead the design phase of improvements for Little Beach Park. Meetings to involve Town residents, the Planning Commission and the Town Council will be scheduled. Pedro Campos of Zehren and Associates will be present at tonight's meeting to briefly outline the first steps in the process to secure community input for the project.

UPRR

The Town staff submitted a draft proposal to Kathy Snead with UPRR for a proposed trail easement in the rail yard area from Dowd Junction into downtown Minturn. We are awaiting her response. A formal proposal will follow. We are also working to resolve a land lease for a section of RR property adjacent to Taylor Street. One interest of the Town is the development of a day use trail head for the Game Creek Trail.

Scholarship Committee

Our scholarship committee is working to formally complete the documents and register with the State of Colorado as the Minturn Education Foundation as a formal 501 (c) 3. Investment options will then be pursued by 1st and Main Advisors, on behalf of the Town. Town Council has also discussed a smaller scholarship fund (\$25,000) to be considered with Colorado Mountain College here in Eagle County. We have secured the services of Kelly Lyle, CPA, to assist with the financial aspects of our preparation and planning.

Upcoming Events:

Christmas on Main Street and Tree Lighting

Saturday, December 1, 2012 6pm-8pm

Dr. Seuss' "How the Grinch Stole Christmas" will be shown at 6pm.

Minturn Winter Markets

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012** and **Saturday, December 15, 2012.**

Christmas Holiday, Tuesday, December 25, 2012.

Town offices will be closed.

Christmas Tree Bonfire

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

Request for staff to review possible CDOT funding for improvements to the "Narrows."

FUTURE AGENDA ITEMS

14. Next Meeting – 5:00 p.m. December 19, 2012 (no work session)

- MOU for Human Performance Center

15. Future Meeting

- Work Session: Portable device disbursement and review session (60 min)
- TST update regarding Battle Mountain Water Services Agreement – White (30 min)
- Discussion/Action: Resolution 1 – Series 2013 A Resolution setting the official posting sites for the Town of Minturn – Brunvand (15 min)
- Eagle River Water and Sanitation District overview of CBS/Viacom superfund site. – White (30 min)
- Historical Society

16. Set Future Meeting Dates

- a) Council Meetings:
 - December 19, 2012
 - January 2, 2013
 - January 16, 2013

b) Planning & Zoning Commission Meetings:

- December 12, 2012
- January 12, 2013
- February 13, 2013

17. Other Dates:

- Christmas, December 25, 2012 – Office Closed
- New Year’s Day, January 1, 2013 – Office Closed

18. Adjournment

Motion by Jerry B, second by Shelley B to adjourn the meeting at 8:55 p.m. All voted in favor.

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: December 19, 2012
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Minturn Education Fund	White	Funding is from the Battle Mountain Annexation escrow money. The Scholarship Committee met on November 14, 2012 to create an investment policy statement in draft form and to continue developing our investment strategy. An investment option recommendation will be forthcoming from the subcommittee. We will also be completing the documentation to form the 501(c)(3) corporation so we can pursue our investment options with 1 st and Main Advisors.
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, in conjunction with Eagle County -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. On November 15, 2012, we met with Eagle County staff and confirmed that we will be on the December 4, 2012 Board of County Commissioners agenda to seek final approval for this funding. <u>We received partial funding on December 4, 2012 and will return to the BoCC December 18, 2012 meeting to request more funding. Eagle Co has completed its preparation to submit the bid fee in order to be approved to participate in the bid process with GSA.</u>
Parks and Recreation Master Plan	Cerimele	Staff is creating an initial draft of a Park Master Plan for Planning Commission review in October and November. We have also hired Zehren and Associates to work on the design features for Little Beach Park improvements. Community involvement will be crucial. <u>The subcommittee met Wednesday, December 12, 2012 to prepare for the public Open House to be held on Thursday, December 20, 2012 from 4pm-7pm.</u>

Action Item	Responsible Party	Progress Report
2012 Goal: Town Street Repairs and Drainage.	White/ Cerimele	<p>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. I met with Sam Otero from BMR to begin coordinating our efforts prior to meeting with CDOT. The results of the study are expected in the first quarter of 2013.</p>
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	<p>We are working with LaFarge representatives in planning to repair sidewalks on the east side and west side of the 100 block next year. As the cold weather moved in, LaFarge recommended that we hold off on 100 block sidewalks until Spring 2013.</p>
2012 Goal: Implement Streetscape Plan	White /Cerimele	<p>Staff has reviewed previously submitted plans from OZ, and DCI. We have secured info on streetlights; and worked with the primary local property owner on design ideas for a mall/pedestrian area. We will continue to work on this over the winter to prepare for work in 2013.</p>
2012 Goal: Strengthen Marketing and Events	Metteer	<p>Staff is coordinating scheduled co-op advertising opportunities for Minturn business license holders. The final Confirmation of winter Minturn Markets will be held on December 8 and on Saturday, December 15, 2012, and winter events December 1-2012 are in progress, including the addition of A-a new "Concierge/Industry Day" event was held on December 4, 2012.</p>
2012 Goal: Clean Up Parking Area on North Taylor St	Cerimele/L. Martinez	<p>Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking. Discussed this area with UPRR. Staff sent 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 removing encroachments. We are addressing neighbors concerns with the UPRR officials as we consider this lease. The Town Manager, the Police Chief, and the Public Works Supervisor visited the site to review the signage, parking, and snow removal plan.</p>
2012 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	<p>Staff to provide periodic updates to Council. Received \$17, 325 DOLA grant for Master Drainage Plan (September 2012). Staff completed a Tier 1 Dola grant for water system improvements. We met the grant deadline of deadline of December 3, 2012 for the DOLA grant.. A copy of the proposal was sent to Town Council members. The review period by DOLA is expected to conclude in March 2013.</p>
2012 Goal: South Minturn sidewalks	White/Cerimele	<p>Over the winter, we will continue to 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. The Town Manager met with Sam Otero, BMR engineer.</p>

Draft #32 121/136/12

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made by and between the Town of Minturn, Colorado (“Minturn”), a Colorado Home Rule Municipal Corporation and ~~the Ski~~ Ski and Snowboard Club Vail (“SSCV”).

RECITALS

- A. SSCV desires to construct a premier fitness facility to provide an incomparable environment for increasing athletic performance where professional and amateur athletes are able to train.
- B. Minturn desires to construct a recreation center where the general population of Minturn, ~~are is able~~ is able to participate in exercise for general fitness, recreational athletics and improving quality of life.
- C. Minturn and SSCV have been in negotiations to plan to construct a facility at the Maloit Park campus on property owned by the Ski and Snowboard Club Vail.
- D. SSCV has provided Minturn with an executive summary for design and operations of The Minturn Performance Enhancement Complex (“MPEC”). (or Minturn Fitness Center (MFC))???
- E. Minturn had the executive summary reviewed by its Recreation Center Committee and its professional consultants.
- F. Minturn and SSCV recognize that approval of plans for any possible joint venture to construct MPEC (or MFC) must be approved by the Minturn Town Council.
- G. The Parties recognize that it is premature to enter into a formal agreement; therefore, the purpose of this MOU is to set forth an informal statement of intent for the design, operations, construction and financial contribution of the parties for a jointly owned

and operated facility that will serve as MPEC (MFC) and the Minturn Recreation Center, (“the “Ffacility”).

RESPONSIBILITIES OF THE PARTIES

1. **Property Acquisition:** SSCV will be solely responsible for the acquisition of the real property interests necessary for the Ffacility and to negotiate with the Eagle County School District (“School District”) to remove or satisfactorily modify the use restrictions at Maloit Park which contain a reversionary interest to the School District. SSCV shall keep Minturn advised of the status of its acquisition/modification efforts and shall promptly notify Minturn if it completes acquisition/modification or if it fails in its acquisition-such efforts or abandons theis efforts. SSCV shall keep Minturn advised of the status of negotiations to remove/modify the use restrictions at Maloit Park and shall promptly notify Minturn if it completes, fails or abandons these negotiations.
2. **Design:** SSCV has retained architects to design the MPEC and shall cooperate with Minturn’s recreational consultants to review and provide commentary on the MPEC design.
3. **Construction:** SSCV recognizes that due to provisions of Colorado law, the construction award will be ~~done~~accomplished by public bid. In the alternative, a collaborative process with fee and general conditions proposal could be considered.
4. **Ownership:** The parties will jointly form a foundation, a qualified 501 (c) (3) corporation, to own and operate the land and the facility. The Foundation will be governed by a board of directors which jointly and equally represents Minturn and SSCV.
5. **Business Plan:** SSCV has provided Minturn with an executive summary for design and operations of the MPEC (MFC). SSCV shall cooperate with Minturn’s recreational consultants to formulate a business and financial plan that will allow the parties to operate the Ffacility. The business plan will clearly delineate expected operating expenses and anticipated revenues.

Comment [RKR1]: We should discuss this.

Comment [RKR2]: This is likely not the right word here. I would prefer a not-for-profit entity of limited liability (It, in fact, might not be a 501(c)(3) but rather another section of IRC 501(c).

Comment [RKR3]: Same comment.

6. Programming: SSCV and Minturn will work ~~in partnership cooperatively~~ to evaluate and create programming for increasing athletic performance; for professional and amateur athletes and the programs for the benefit of the general population of the Town of Minturn. .

7. Operation: SSCV will operate, staff, and provide public programming at the Ffacility at its expense in Phase 1. Revenues generated from memberships and programs will be used by SSCV to offset its operating costs. An annual accounting of expenses and revenues will be provided to Minturn via its role with equal representation on the Foundation Board.

Comment [RKR4]: Phase 1 should likely be defined.

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8. Membership: Memberships and programs will be provided to Minturn residents at reduced rates. The initial rates have been estimated and are attached hereto as Exhibit A. Public memberships and programs will be provided to non-Minturn residents at fair market value. Those initial rates are included in Exhibit A.

9. Hours of Operation: The Ffacility will be open to the public at operating hours consistent with industry standards. Access to certain performance conditioning areas will be restricted during SSCV training; however, access to general conditioning areas will be available to the public during all operating hours.

10. Financial Commitment: For initial construction each party has agreed to contribute One Million Dollars (\$1,000,000.00) Payment schedule of such funds to be determined. (phased contributions by Town)

Comment [RKR5]: This should be spelled out more clearly.

11. Future Expansion: The parties recognize that there may be an expansion of the Ffacility in conjunction with a third party, Battle Mountain Resorts. SSCV may participate in such expansion. All incremental operating costs for any future expansion shall be the responsibilities of the Town of Minturn and other parties to be determined at that time. Revenues generated by the expanded facility shall be used by the Foundation to offset costs.

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12. Confidentiality: Each of the parties agrees to keep confidential and not disclose any financial information respecting the other, except with the others' written consent.

13. Additional Agreements: The parties recognize that additional and more specific agreements between and among them will be desirable and necessary in order to accomplish the design and construction of the Ffacility. The parties will work together in good faith to adequately and timely document their agreements in

accordance with the general principles stated herein and as needed to satisfy and implement their respective legal requirements and authorities.

14. Final Agreement: A final agreement for the design and construction of the Facility will be prepared by legal counsel for the Town and will be subject to review and approval by legal counsel for SSCV. Such agreement will contain standard terms, conditions, covenants, and warranties for a transaction of this type. The parties agree to use their best efforts to negotiate and execute such an agreement within 60-90 days of this MOU.

15. Legal Effect: This MOU sets forth the intent of the parties only and is not a contract or in any way legally binding on the parties. Nonetheless, the parties acknowledge their intention to proceed as rapidly as possible to negotiate and enter into a contractually binding agreement in accordance with the terms set forth herein.

Signatures

Mayor Gordon "Hawkeye Flaherty

Town of Minturn

Aldo Radamus

Ski and Snowboard Club Vail

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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: December 14, 2012
Re: Manager’s Report for the December 19, 2012 Town Council Meeting

Memorandum of Understanding related to the Human Performance Center/Fitness Center at Maloit Park

We continue to work on a draft Memorandum of Understanding (MOU) for Phase 1 of the Human Performance Center/Fitness Center facility. Concurrently, representatives from SSCV are working with the Town’s consultant, Ken Ballard, of Ballard and King, and members of the Town’s subcommittee on a proposed business plan for the center. **This item will be the primary subject discussed at the December 19, 2012 meeting with a recommendation from the subcommittee to approve a Resolution in support of the Minturn Fitness Center.**

Bone Yard Property

We are working in conjunction with the Eagle County Open Space Advisory Board (OSAC) and the Eagle County Commissioners in an effort to secure the purchase of the Bone yard property in Minturn. We are also working with the Eagle Land Trust on developing a conservation easement on the site. Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn which will help which outlines the plans for the property. I continue to be in touch with the Eagle County OSAC director and a representative of the USFS to discuss the process and timetable for submitting a bid to purchase the property. We confirmed a time on the Eagle County Commissioners schedule for December 18, 2012 to request formal approval for additional funding to purchase the property. We will discuss our negotiation strategy in Executive Session.

Little Beach Park Improvements Planned

The Town has secured the services of Zehren and Associates to lead the design phase of improvements for Little Beach Park. Meetings to involve Town residents, the Planning Commission and the Town Council will be scheduled. **The first Open House will be held on Thursday, December 20, 2012 from 4pm to 7pm.** Pedro Campos of Zehren and Associates will be present to briefly outline the first steps in the process and to secure community input for the project.

12/14/12

Scholarship Committee

Our scholarship committee is working to formally complete the documents and register with the State of Colorado as the Minturn Education Foundation as a formal 501 (c) 3. Investment options will then be pursued by 1st and Main Advisors, on behalf of the Town. Town Council has also discussed a smaller scholarship fund (\$25,000) to be considered with Colorado Mountain College here in Eagle County. We have secured the services of Kelly Lyle, CPA, to assist with the financial aspects of our preparation and planning.

Upcoming Events:

Minturn Winter Markets

Our final Minturn Winter Market is planned for **Saturday, December 15, 2012.**

Christmas Holiday, Tuesday, December 25, 2012.

Town offices will be closed.

New Year's Day, Tuesday, December 25, 2012.

Town offices will be closed.

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, December 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 of the land purchase from the USFS. The following motion is recommended:

“Recommended motion: “I move To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) for the purpose to consult with the Town's Attorney to discuss and direct Staff regarding the negotiation update of the land purchase from the USFS – 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