



2013

# Minturn Council Meeting

Wednesday July 17, 2013

**Work Session:** **5:00pm**  
**(Town Center)**

**Regular Session:** **6:30pm**  
**(Town Center)**

**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 July 17, 2013**

**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**

- Update on Eagle Street Construction – White
- Review of Water Payments Related to the 2010 Water Settlement - White
- Update on Railroad Conditional Use Process – Cerimele Pg 4
- 1<sup>st</sup> and Main Advisors/Update on Investments/Minturn Education Fund - White
- Review of Resolution 6 – Series 2013 GASB-54 - Brunvand Pg 23

### **Regular Session – 6:30 pm**

- 1. Call to Order**
  - a. Roll Call
- 2. Approval of Agenda**
  - a. Items to be Pulled or Added

**3. Liquor License Authority**

- Education Foundation of Eagle County Request for Special Event Permit; 800 Cemetery Rd. – Brunvand Pg 7

**4. Approval of Minutes and Action Report**

- June 19, 2013 Pg 15
- Action Item Report Pg 21

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

**6. Special Presentations**

- 1<sup>st</sup> and Main Advisors – White

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**7. Discussion/Action Item: Ski and Snowboard Club of Vail – White**

**8. Discussion/Action Item: Resolution 6 – Series 2013 a Resolution authorizing the Town Council or its designee to designate the assigned portion of all Market Fund Balances for the Town Financial Statements for 2013 and subsequent years – Brunvand**

Pg 23

**OTHER MATTERS**

**9. Planning Department Update**

**10. Town Manager's Report**

Pg 26

**11. Town Council Comments**

**FUTURE AGENDA ITEMS**

**12. Next Meeting –August 7, 2013**

- Work Session – Eagle Street Construction Update

**13. Future Meeting**

- Work Session – Eagle Street Construction Update
- Work Session – Continued work on the Town Council Vision Statement
- Discussion with Xcel Representative

#### **14. Set Future Meeting Dates**

- a) Council Meetings:
  - August 7, 2013
  - August 21, 2013
  - September 4, 2013
  
- b) Planning & Zoning Commission Meetings:
  - August 14, 2013
  - September 11, 2013
  - October 9, 2013

#### **15. Other Dates:**

#### **16. Adjournment**



To: Minturn Town Council  
From: Chris Cerimele, Town Planner  
Date: June 14, 2013  
Re: Conditional Use Permits

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Conditional Use as defined in the MMC:

a use listed in the Character Area use tables and permitted upon approval of the Town Council upon showing that such use in a specified location will comply with the conditions and standards for the zone and location proposed.

Procedure for issuing a conditional use permit:

The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to such other conditions as the Town Council may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening and street dedication and improvements; regulation of vehicular access and parking, signs, illumination and hours and methods of operation; control of potential nuisance; prescription of standards for maintenance of buildings and grounds; and prescription of development schedules.

The following list outlines the uses that require a conditional use permit in Minturn:

- Accessory apartments and dwellings in commercial zones
- Bars in mixed use zones
- Car washes in commercial and mixed use zones
- Convenience stores in mixed use zones
- Drive thru establishments in mixed use zone

Duplexes in commercial and mixed use zones  
Gas stations in commercial and mixed use zones  
Hotels in mixed use zones  
Laundries in mixed use zones  
Liquor stores in mixed use zones  
Light manufacturing in commercial zones  
Multi-family dwellings in commercial and mixed use zones  
Pawn shops in mixed use zones  
Restaurants in mixed use zones  
Retail uses greater than 5,000 sf in commercial zones  
Single family residences in the commercial zones  
Theaters in mixed use zones

In other communities, a conditional use permit is typically required for the following uses:

Churches  
Commercial parking lots  
Vehicle sales  
Shop for blacksmith, cabinetry, machining, printing/publishing, metal fabrication  
Outdoor storage  
Wireless telecommunication equipment  
Utility substation  
Veterinary clinic  
Water storage

**The following list outlines the current uses in the Union Pacific rail yard:**

Equipment Storage

- Indoor & outdoor

Contractor's Yard – building and landscaping

Turntable Restaurant and Motel

**Rail yard former uses**

Active rail yard

Sawmill

Truck rentals

Crane rentals / storage

**Screening Standards**

Staff is developing screening standards that will apply to businesses operating with a conditional use permit in the rail yard.



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

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

*MEMORANDUM*

TO: Town Manger, Mayor, and Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Friday, July 12, 2013  
RE: Special Event Permit – August 24, 2013

**SUMMARY:**

At tonight's meeting the Council is asked to approve a Special Event Permit for the Education Foundation of Eagle County scheduled for August 24, 2013. The location of this license is the Little Beach Park located at 800 Cemetery Road. The attached documentation indicates the compliance with the posting of the site and the event.

**PREVIOUS COUNCIL ACTION:**

None.

**STAFF RECOMMENDATION:**

Approve the request as presented with the detailed conditions.

**RECOMMENDED MOTION:**

I move to approve the proposed Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located at the Little Beach Park as defined on the attached location map as presented with the following conditions:

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on July 5, 2013 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests that at least one experienced T.I.P.S certified, or equivalent, server be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit be monitored to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.
- Refer to Little Beach Park rules and regulations as it applies to security, traffic, parking, and crowd control.

**ATTACHMENTS:**

- Application

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT  
 AND ONE OF THE FOLLOWING (See back for details.)

- |                                    |  |   |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL    | <input type="checkbox"/> ATHLETIC                              | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE                  |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES  |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |   |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR	\$25.00 PER DAY
2170	<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer)	\$10.00 PER DAY

<b>DO NOT WRITE IN THIS SPACE</b>
LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Education Foundation of Eagle County</i>	State Sales Tax Number (Required)
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>PO Box 18533 Arvon, CO 81620</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>800 cemetery rd Minturn, CO 81645</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Wendy Rimel</i>	<i>1/8/71</i>	<i>377 Edwards Village Blvd PO Box 128, Edwards, CO 81632</i>	<i>970.390.8115</i>
5. EVENT MANAGER <i>Molly Gallagher</i>	<i>4/1/69</i>	<i>23 Round Up, Edwards, CO 81632</i>	<i>970.390.6710</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? <u>1</u>	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
<i>8/24/13</i>															
		<i>2:00 p.m.</i>	<i>8:00 p.m.</i>												

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE <i>Wendy Rimel</i>	TITLE <i>President</i>	DATE <i>7/3/13</i>
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

## APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.

**Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.

- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

**TOWN OF MINTURN  
Park Permit**

**Name of Contact:**     Matt Scherr     **Phone #:**     970.376.4449    

**Day of Event Contact:**     Matt Scherr     **Phone #:**     970.376.4449    

**Address:** (Physical)     511 Main St., Minturn, CO 81645      
(Mailing)     PO Box 717, Minturn, CO 81645    

**Park Requested for Rental:**     Little Beach Park      
Date(s):     August 24, 2013     Time: (from)     2pm     to     8pm      
Date(s): \_\_\_\_\_ Time: (from) \_\_\_\_\_ to \_\_\_\_\_

**Activity Planned:**     Concert     **Number People Expected:**     250      
**COMMENTS:**     for the Education Foundation of Eagle County (EFEC), www.efec.org    

**Security Deposit:** All individuals are required to pay a security deposit. An inspection of the premises will occur to determine condition of facility after use. If the condition is approved, security deposit will be refunded in full within thirty (30) working days after reservation date.

**Cancellations:** All cancellations must be received no later than thirty (30) days in advance to guarantee full refund of deposits and fees. If cancelling within 30 days of scheduled use, the entire deposit may be forfeited.

**Will alcohol be served?**     Yes     No **Will admission be charged?**     Yes     No  
**Will alcohol be sold?**     Yes     No  
*(If yes to admission being charged and/or alcohol sold, a Special Events Permit is required)*

**Town Resident?**     Yes     No **Non-Profit Status\*?**     Yes     No  
**County Resident\*?**     Yes     No **Out of County?**     Yes         No      
*\*Proof of residency and non-profit status required*

	FEES	AMOUNT PAID	DATE	PAYMENT TYPE
Facility Rental:	<u>    Waived    </u>	_____	_____	_____
Admission:	<u>    n/a    </u>	_____	_____	_____
Deposit:	<u>    \$100    </u>	_____	_____	_____
Total Fees:	<u>    \$100 -    </u>	<u>    \$ -    </u>	_____	_____
Facility Rental Fees Due By:	_____	Deposit Returned:	_____	_____

**IN CONSIDERATION** of the permission by the Town of Minturn given the undersigned to use certain Town facilities, the undersigned herewith agrees to indemnify and hold harmless the Town of Minturn from all liability, claim or demand for any event or incident involving damages, injuries, or the no-payment of any obligation incurred by the undersigned which may be asserted against the Town of Minturn and further agree to defend the Town of Minturn against any claim arising therefrom, and to pay any judgment which may be obtained, together with costs and attorney's fees incurred by the Town of Minturn.

**FURTHER**, the undersigned agrees to furnish, at its cost, such liability insurance, if any be required or requested by the Town of Minturn, at least two weeks prior to the time of the intended use of the Town facility.

I have read the policy contained on the reverse side of this form for the use of Town Recreational Facilities, understand it, and agree to comply with all the provisions set forth therein. I also agree to comply with the provisions set forth above in this permit.

    Matt Scherr      
APPLICANT SIGNATURE

    6/28/13      
DATE

    Matt Scherr      
APPLICANT NAME (PRINT)

**Blue Lines = yellow tape barrier**

**Red Lines = existing barrier (e.g. fencing)**

**Dimensions = approx. 300 x 150 at widest points**

**ingress/egress**

**Ingress/egress**

**Beer tent**

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

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

**THE PUBLIC EDUCATION FOUNDATION OF EAGLE COUNTY**

is a **Nonprofit Corporation** formed or registered on 04/13/2001 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20011076248.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/27/2013 that have been posted, and by documents delivered to this office electronically through 06/28/2013 @ 10:43:27.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 06/28/2013 @ 10:43:27 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8578379.



A handwritten signature in blue ink, appearing to read "Scott Gessler", is written over a horizontal line.

Secretary of State of the State of Colorado

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

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



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
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**FROM THE DESK OF  
JAY BRUNVAND, CLERK/TREASURER/FINANCE**

*MEMORANDUM*

TO: Brad Lamb, Police Chief  
Allen Christensen, Town Attorney  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Friday, July 05, 2013  
RE: Special Event Permit

I am in receipt of a Special Event Permit submitted by the Education Foundation of Eagle County for an event at Little Beach Park on August 24, 2013. Could you please conduct your review and report back in writing your findings. I will be available to work with you in the event you have any questions.

I have preliminarily scheduled this for Council review on July 17<sup>th</sup>. If this date does not work for you let me know and we can move it to the August 7<sup>th</sup> meeting. Note, because this is a Special Event Permit, only the Town approves the application, the State is informed of the event but they do not approve the application as is done with a Liquor License application.

Please feel free to contact me in the event you have any questions.

Sincerely,

Jay Brunvand  
Town Clerk/Treasurer

# **NOTICE**

**FURNISHING TO THE LEGISLATIVE COUNCIL  
OF COLORADO**

Application for License to Practice as a  
Professional Engineer  
in the State of Colorado  
in the City of Denver

HAS REQUESTED THE LICENSING  
OFFICIALS OF THE STATE OF COLORADO  
TO CONSIDER AND GRANT HIM A LICENSE  
TO PRACTICE AS A PROFESSIONAL ENGINEER  
IN THE STATE OF COLORADO

HE HAS BEEN ADVISED THAT HE MUST

**MAKING AN APPLICATION TO BE MADE BY**

THE LICENSING OFFICIALS OF THE STATE OF COLORADO

**TIME AND DATE: MONDAY, JULY 2, 2013**

**DATE OF APPLICATION: JULY 2, 2013**

**BY DENVER CO. LICENSING OFFICIALS**

**NOTICE:**

Make this application at  
200 E. Colfax Ave.  
Denver, Colorado 80202

*Posted at Park 7/5/13  
JB*



## **Minutes**

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

**Wednesday June 19, 2013**

**Work Session – 5:15pm**  
**Regular Session – 6:30pm**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 5:15pm**

- Council Photo with CMC plaque – White
- Fiscal Year 2012 Annual Audit presentation and acceptance – White/Brunvand
  - Make change in 2014 in the Capital Projects Fund to better segregate the Battle Mountain Capital from other Capital expenses.
- Update on Railroad Conditional Use Process – Cerimele
- Update on Eagle Street Construction – White

### **Regular Session – 6:30 pm**

- 1. Call to Order**
  - a. Roll Call

The regular meeting was called to order by Mayor Hawkeye Flaherty at 6:35pm.

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

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

## **2. Approval of Agenda**

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

- Add an executive Session as 9a in regards to 64 Harrison for legal discussion

Motion by Shelley B. second by Jerry B., to approve the agenda as amended. Motion passed (5-0). Note: Council members John Rosenfeld and Aggie Martinez were excused absent.

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

- June 5, 2013

Shelley requested to modify the minutes by dropping one redundant reference to appoint representatives to the Fitness Center Board.

Motion by George B., second by Shelley B., to approve the Minutes of June 5, 2013 as amended. Motion passed (5-0) Note: John Rosenfeld and Aggie Martinez were excused absent.

- Action Item Report

Hawkeye inquired how the water audit was progressing; Jim W. stated that our consultant indicated it would be several more weeks before he completed his work.

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

## **5. Special Presentations**

- Swearing in of Police Chief Brad Lamb – White

Judge Terry Quinn swore in Police Chief Lamb as the Minturn Police Chief. Chief Lamb thanked the Town for the support and indicated he was proud to be on the team.

- Report from USFS Representative on Martin Creek Logging Plan for 2013 – White

Mr. Matt McCombs, Deputy Forest Ranger, and Mr. Kerry Green, Timber Coordinator, from the USFS outlined the White River National Forest Stewardship Project which is designed to reduce the forest fuel loads caused by the Pine Beetle kill within the forest. Mr. Green highlighted the

use of helicopters, and the proposed truck route. The main exit route will be from Maloit Park to I-70; however, it should be relatively low impact. Chief Lamb asked questions regarding possible road damage for the roads, the hazmat issues of the trucks and helicopters, and requested that brake mufflers be used for the trucks; Mr. McCombs said this would all be reviewed as the operations plan progresses and any issues would be mitigated. The hazmat plan will be forwarded to the Town.

George B. inquired about a post/pole fence for the Boneyard Park; Mr. McCombs stated this could be arranged.

## PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

### **6. Discussion/Action Item: Fiscal Year 2012 Annual Audit presentation and acceptance – White/Brunvand**

This item was discussed at length in the work session. A presentation was given by Auditor Ken LaCrone of Swanhorst and Company. Mr. LaCrone was the lead auditor. As a result of the audit the Town received an unqualified opinion, meaning a clean opinion on the audit.

Motion by Shelley B., second by Earle B., to accept the Fiscal Year 2012 Annual Audit as presented. Motion passed (5-0).

## OTHER MATTERS

### **7. Planning Department Update**

Chris C. reported that notification letters are going out on violations in the code to several businesses and residences. Various sections of the code are used to determine compliance and unsafe lots and in many cases a specific property is identified under multiple sections. Hawkeye requested pictures to be included in the next update.

Chris C. is also working on proper address identification issues of properties. It was noted that many properties do not have an identifiable address that can be seen from the street.

Hawkeye inquired on the open space conservation easement of the Boneyard property; Chris C. stated this is progressing and he will report as needed events develop.

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

#### **LaFarge Acquisition**

LaFarge Concrete is being sought for acquisition by United Companies, a.k.a. Oldcastle. When the deal is completed, we have been informed that Steve Fisk and Jody Bernal, the Town's primary contacts, will remain in the same positions that they have held with LaFarge. Al Martinez is the new local supervisor. He has already helped with both the Town Cleanup and the

Boneyard Cleanup. (This report was amended during the Town Council meeting to indicate that the acquisition plan was cancelled and United Companies would not be completing the deal.)

### **Fitness Center**

The fitness center progress is currently in the hands of the School District's Land Resource Committee and SSCV to continue discussions related to planning, and future construction of Phase 1 of the Human Performance Center/Fitness Center facility. We are all working on parking issues and supporting SSCV in its efforts with the School District. The Land Resources Committee will reconvene in the morning on June 19<sup>th</sup>, 2013 to address parking requirements and any other outstanding issues related to Phase 1 at the Minturn Fitness Center site.

### **Camp Hale Meeting**

The Camp Hale working group meetings were held in Minturn on June 5, 2013 and on June 12, 2013. Two working groups are discussing future plans for Camp Hale by reviewing Camp Hale history, current uses, and future planning efforts. Two committees were formed to discuss water rights issues; and history, culture, land stewardship, and recreational uses. When the committees conclude their efforts, a report will be provided to the USFS to review.

### **Ralph Brodin's Last Day**

Ralph Brodin, Public Works, resigned effective June 14, 2013. He began with the Town of Minturn full time in September, 2011. He completed many projects for the Town, including the construction of a shelter building at Well #4, shelving and much construction at the Town Hall, repair of the decking at Town Hall, and storage shelving at the Public Works facility off Cemetery Road. He learned about water treatment and learned to operate a Bobcat, and Front Loader while here. He completed more FEMA Emergency Management internet classes than any other employee. He plans to move to Montana.

### **Orlando Martinez Retiring**

Orlando Martinez, Public Works, is retiring, effective Friday, June 28, 2013. He began working for the Town of Minturn in May of 2005. He had a career in mining at the Gillman Mine, and then worked at the Eagle River Water and Sanitation District. While here in Minturn, he was responsible for monthly reading of our water meters. Additionally, he mapped all of our valves and curb stops, and replaced our old meter reading system with radio remote readers. He had first bargained with the ERWSD to secure those meters at no cost to the Town. His knowledge and experience has been instrumental during work completed on many water line issues that were found and repaired during his time here. He developed excellent working relationships with Town residents while doing his work. He currently lives in Leadville, CO.

### **Scholarship Subcommittee**

We have secured Room 249 at the college to be named after the Town of Minturn. CMC is requesting some dates we might consider to host a meeting in the new room once it has been formally named in honor of the Town. We are working with the college to find a date to celebrate the naming of the room too! Diana Scherr will be here tonight to take a photo of the Town Council with the plaque for the room to be named after the Town of Minturn.

### **Minturn Boneyard Property**

Following the initial cleanup effort, I contacted the GOCO representatives in Denver to begin conversations about grant opportunities for this project. Arrangements have also been made with Vail Honeywagon to maintain a portable bathroom facility at the site, initially throughout the summer. Mr. Matt Donovan of Vail Honeywagon agreed to do that and maintain it throughout the summer at no cost to the Town!

### **Upcoming Events:**

- Locals Week in Minturn, June 17 through June 22, 2013
- Colorado Municipal League Annual Conference, June 19-21, 2013/Vail, CO
- Minturn Market starts Saturday, June 29, 2013 through September 14, 2013

### **9. Town Council Comments**

Hawkeye thanked everyone that came to the Boneyard clean up.

The meeting for July 2 has been canceled. Our next meeting is July 17, 2013

## **EXECUTIVE SESSION**

- 9a Executive Session – To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) to confer with the Town Attorney and discuss the issue of citizen complaints to the Town concerning potential legal action against the town with respect to the Jeffries property (AKA 64 Harrison Ave). – Christensen/White**

Motion by Shelley B., second by George B., To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) to confer with the Town Attorney and discuss the issue of citizen complaints to the Town concerning potential legal action against the town with respect to the Jeffries property (AKA 64 Harrison Ave). Those to be included in the Executive Session are the Council present, Jim W., Allen C., and Chris C. Motion passed (5-0). Note: John Rosenfeld and Aggie Martinez were excused absent. Executive Session ended at 8:35pm. No action was taken.

## **FUTURE AGENDA ITEMS**

### **10. Next Meeting – July 17, 2013**

- Work Session – Eagle Street Construction Update
- Update on Railroad Conditional Use Process – Cerimele

### **11. Future Meeting**

- Work Session – Eagle Street Construction Update
- Work Session – Continued work on the Town Council Vision Statement
- Discussion with Xcel Representative

## **12. Set Future Meeting Dates**

- a) Council Meetings:
  - July 3, 2013 (Canceled)
  - July 17, 2013
  - August 7, 2013
  
- b) Planning & Zoning Commission Meetings:
  - June 12, 2013
  - July 10, 2013
  - August 14, 2013

## **13. Other Dates:**

- Locals' Week – June 17-21, 2013

## **14. Adjournment**

Direction given to staff to review the municipal code as it relates to the concerns raised by a citizen.

Motion by Jerry B., second by George B., to adjourn the meeting at 8:36pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Council Members/Staff Members  
**FROM:** Jim White/Town Manager  
**DATE:** July 17, 2013  
**SUBJECT:** Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Minturn Education Fund	White	We are <u>incorporated now as the Minturn Education Fund, having completed nearing completion of the documentation to form the 501(c) 7 corporation.</u> - <u>Bylaws are circulated to subcommittee members and a meeting will be set in the next two weeks.. In May, Eagle County sent a letter declining financial participation, yet supporting the program itself.</u>
Parks and Recreation Master Plan	Cerimele	<del>Staff continues its work on a Park Master Plan for Planning Commission review.</del> The Town has curtailed work by Zehren and Associates to complete the design features for Little Beach Park improvements while we are working on land ownership issues. We are making <u>some</u> progress with Vail Resorts on the land ownership issue. <u>We have provided Town Council's comments to Vail Resorts.</u>
2012/2013 Goal: Town Street Repairs and Drainage.	White/ Cerimele	<del>We have requested and received a short extension of the contract to allow review with Town Council and to complete the scope of services. A final report will then be sent to the Department of Local Affairs. The deadline is June 30, 2013.</del> <u>The final report was submitted to DOLA by the deadline of June 30, 2013. We are awaiting payment of the DOLA portion of the grant.</u> <u>The Eagle Street Project preparation is underway is planned to start on July 15, 2013, led by TST Engineering and ELAM Construction.-</u>
2012/2013 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	We are working with LaFarge representatives and engineers in planning to repair sidewalks on the east side and west side of the 100 block this year, <u>around Town Hall and the Post Office and we are also working with several residents.-</u> We were informed by CDOT that we are due a road replacement, probably by 2015 or 2016. <u>LaFarge is being acquired by United Companies/Oldcastle...they will be maintaining the current lease with the Town.</u>
2012/2013 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 the primary local property owner on design ideas for a mall/pedestrian area. Staff would like to further address this project with Town Council in a work session.

Action Item	Responsible Party	Progress Report
2012/2013 Goal: Strengthen Marketing and Events	Metteer	Staff is coordinating scheduled co-op advertising opportunities for Minturn business license holders. Special events permits now required for event planning. <u>The Education Foundation of Eagle County is planning a Special Event on August 24, 2013 at Little Beach Park. Locals' week is June 17 to June 22<sup>nd</sup>. All participating local businesses will offer specials, discounts, sales, etc.</u>
2012/2013 Goal: Clean Up Parking Area on North Taylor Street	White/Cerimele//A. Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking. UPRR wants to lease a larger portion of the north end of Taylor Street and seek help from the Town in removing encroachments. UPRR will send a draft encroachment letter for staff review. We are still awaiting a letter from UPRR.
2012/2013 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	Staff to provide periodic updates to Council. Staff completed a Tier 1 DOLA grant for water system improvements. . We are now working on a GOCO grant application for Little Beach Park improvements (August submittal). We submitted a Weed Mitigation grant proposal in cooperation with Eagle County on February 22, 2013 and were awarded that grant too. Our share is \$6,000 and we will receive \$3,000.
2012 Goal: South Minturn sidewalks	White/Cerimele	We met with CDOT on March 15, 2013 to discuss right of way issues, investigate grant funding opportunities, and begin planning and implementation for future Minturn projects. VSSA may be interested in multi-purpose path between Town and Maloit Park.
CDOT Hwy 24 Work Project	White	We met with CDOT and were informed that we are due to have an overlay <del>of Highway</del> <u>of Highway</u> 24 from Dowd Junction to Maloit Park. This project is slated for 2015 or 2016. <u>We have made arrangements with CDOT to have our crosswalks restriped this summer.</u>
Water Subcommittee	White	The response to the initial request for data has been prepared and provided to the subcommittee. . We reviewed the information with Leroy Cruz from the Colorado Rural Water Association. We <u>are expecting his report within two weeks, await his initial report (mid-July).</u>

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  
Council – John Rosenfeld

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## AGENDA ITEM COVER SHEET

**AGENDA TITLE:** Resolution 6 – Series 2013 a Resolution authorizing the implementation of the Governmental Account Standards Board (GASB) Statement 54 and designating the Town Manager as having oversight authority.

**MEETING DATE:** July 17, 2013

**PRESENTER:** Brunvand

**BACKGROUND:** During the 2012 annual Audit presentation, our auditors recommended that we approve a resolution extending the GASB-54 guidelines to the Market Fund. This resolution sets forth this adoption and definitions and designates the Town Manager or his designee to oversee the implementation on behalf of the Council. The intent of GASB-54 is to establish a fund balance/working capital polity tailored to the needs of the Town to ensure against unanticipated events that would adversely affect the financial condition of the Market fund. This adoption will ensure the Town maintains adequate fund balance/working capital in the Market Fund.

Note: This item has been previously vetted by the Council. Further opportunity for the Council to further consider during both the Work Session and the Action Item sections of the agenda.

**CORE ISSUES:** N/A

**STAFF RECOMMENDATION/MOTION:** Motion to approve Resolution 6 – Series 2013 a Resolution authorizing the Town Council or its designee to designate the assigned portion of all Market Fund balances for the Town Financial Statements for 2013 and subsequent years.

**TOWN OF MINTURN  
RESOLUTION 6 – SERIES 2013**

**A RESOLUTION AUTHORIZING THE TOWN COUNCIL OR ITS  
DESIGNEE TO DESIGNATE THE ASSIGNED PORTION OF ALL  
MARKET FUND BALANCES FOR THE TOWN FINANCIAL  
STATEMENTS FOR 2013 AND SUBSEQUENT YEARS**

**WHEREAS**, the Town’s financial statements, including its Audited Financial Statements, are structured and prepared in accordance with standards of accounting and financial reporting for U.S. state and local governments established by the Governmental Accounting Standards Board (“GASB”); and,

**WHEREAS**, in February, 2009, GASB issued Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (“Statement 54”), which must be implemented by governmental entities for financial statements issued for fiscal years ending after June 30, 2011; and,

**WHEREAS**, Fund balance is used exclusively for governmental funds such as the General, Enterprise, Conservation Trust, Building, Market, Capital, General Improvement District, Scholarship and any other governmental funds created in the future (Funds). Fund balance is basically the difference between fund assets and liabilities and represents resources available for use; and,

**WHEREAS**, the Town’s financial statements, including Audited Financial Statements, reflect three general categories of “funds” in accordance with GASB standards (collectively, the “Reported Funds”); the Reported Funds include “Governmental Funds” (accounting for activities supported by taxes, grants, and similar governmental resources), “Proprietary Funds” (accounting for business type activities, such as enterprises and internal service activities), and “Agency Funds” (accounting for funds held by the Town as a fiduciary subject to restrictions on use); and,

**WHEREAS**, The objective of GASB Statement 54 is to report governmental fund balances based on a hierarchy that shows, from highest to lowest, the level or form of constraints on fund balance and accordingly, the extent to which governments are bound to honor them. Fund balance classifications (in order of hierarchy are: non-spendable fund balance (supply inventories, prepaid items, etc), restricted fund balance (amounts subject to externally enforceable legal restrictions imposed by creditors, grantors, laws, regulations, elections, etc), committed fund balance (use is constrained by limitations imposed by the Town Council), assigned fund balance (use is constrained by an official who has been delegated the responsibility by the Minturn Town Council) and unassigned fund balance; and,

**WHEREAS**, “Assigned fund balance” is defined by Statement 54 as that portion of each of the Town’s Reported Funds that reflects the Town’s *intended* use of such resources, as determined by the Town Council or the governmental official to whom such authority is delegated; and,

**WHEREAS**, Council desires to grant the Town Manager, or the Town Manager's Designee, authority to designate the Assigned fund balance for each Governmental Fund based on the intended use of such resources.

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

**Section 1.** That the Town Manager is hereby authorized to designate the Assigned fund balance for the Market Fund for the specific use of furthering the Minturn Market and other economic functions which further Town of Minturn's marketing and economic growth . The use of such resources to be used for 2013 and subsequent years.

**Section 2.** That the Town Manager is hereby authorized to delegate the foregoing authority to an appropriate Town employee reporting to the Town Manager (the "Town Manager's Designee").

**Section 3.** That this Resolution shall be effective as of the date and time of its adoption.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 17<sup>th</sup> day of July, 2013.**

TOWN OF MINTURN

\_\_\_\_\_  
Hawkeye Flaherty, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Town Clerk

**Jim White**  
**Town Manager**  
P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
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**TOWN COUNCIL**  
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**Councilmember – Jerry Bumgarner**  
**Councilmember – Aggie Martinez**  
**Councilmember – John Rosenfeld**

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**To: Mayor Flaherty and Minturn Town Council**  
**From: Jim White, Town Manager**  
**Date: July 10, 2013**  
**Re: Manager’s Report for the July 17, 2013 Town Council Meeting**

### **Police Car**

The Town of Minturn acquired a 2007 Charger from Avon Fleet maintenance. It’s black and white and driven by Chief Brad Lamb. Brad negotiated the deal with the Avon Fleet manager. The base cost was \$3500; we also paid \$300 to have the car painted.

### **Eagle Street Project**

Finishing touches on planning issues and survey staking have been completed on the Eagle Street Project. Some work is expected to start on Monday, July 15, 2013, including mobilization and staging efforts.

### **LaFarge Acquisition**

The LaFarge Concrete acquisition by United Companies, a.k.a. Oldcastle has been cancelled.

### **Fitness Center**

The fitness center progress went to the Town’s Planning and Zoning Commission following approval at the School District’s Land Resource Committee. Several issues carried over to the P&Z, including enhanced landscaping, roofing reflectivity, and parking. The Town and SSCV continue discussions related to planning, and future construction of Phase 1 of the Human Performance Center/Fitness Center facility.

### **Camp Hale Meeting**

The Camp Hale working group meetings were held in Minturn on July 8, 2013. Two working groups are discussing future plans for Camp Hale by reviewing Camp Hale history, current uses, and future planning efforts. Two committees were formed to discuss water rights issues; and history, culture, land stewardship, and recreational uses. When the committees conclude their efforts, a report will be provided to the USFS to review.

### **Water Line Break**

On Wednesday, July 10, 2013, CGRS, working on Norman Street near Main Street, hit a water line which resulted in water outages for several local properties on Norman Street. A local contractor was called to make the repairs. We are investigating the incident.

7/10/13

### **New Hires in Public Works**

Michael Martinez, from Minturn, has been hired full time and Mike Sellers, from Red Cliff, has been hired part time in Public Works. Both are scheduled to start on July 16, 2013.

### **Chris Cerimele Announces Resignation**

Chris Cerimele, Town Planner, announced his resignation, which will be effective August 30, 2013. He began working for the Town of Minturn in January of 2007. Chris has a list of projects he plans to finish or substantially complete before his departure.

### **Scholarship Subcommittee**

The plaque has been posted on the wall outside classroom #249 at Colorado Mountain College, named in honor of the Town of Minturn' endowment for future scholarships. CMC is requesting some dates we might consider to host a meeting in the new room.. We are working with the college to find a date to celebrate the naming of the room too!

### **Camp Hale Meeting**

The Camp Hale working group meetings were held in Minturn on July 8, 2013. Two working groups are discussing future plans for Camp Hale by reviewing Camp Hale history, current uses, and future planning efforts. Two committees were formed to discuss water rights issues; and history, culture, land stewardship, and recreational uses. When the committees conclude their efforts, a report will be provided to the USFS to review.

### **Upcoming Events:**

**Great job on the Independence Day Celebration and on the first several markets!!!**

**The Minturn Market continues Saturdays, 9am-2pm through September 14, 2013.**

Respectfully submitted,  
Jim White  
Town Manager