



2013

Minturn Council Meeting

Wednesday August 21, 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 August 21, 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
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
- Update on Water Usage/White
- Discussion and update from Eco Animal Control regarding animal control services in Town.
- Review of Ordinance 06 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code by the creation of a new section as it pertains to graffiti – White/Christensen Pg 12
- Review of Ordinance 07 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 10 of the Minturn Municipal Code by the repeal and re-enactment of Section 10-6-70 as it pertains to theft – White/Christensen Pg 14
- Review of Ordinance 08 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code to reconcile the Minturn Municipal Code with Section 16 of Article XVIII of the Colorado Constitution (Amendment 64) – White/Christensen Pg 17

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**
 - August 7, 2013 Pg 4
 - Action Item Report Pg 10
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: Council to discuss and give direction on the potential need for a more strict animal control or leash law – White/Cerimele**
7. **Discussion/Action Item: Ordinance 06 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code by the creation of a new section as it pertains to graffiti – White/Christensen Pg 12**
8. **Discussion/Action Item: Ordinance 07 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 10 of the Minturn Municipal Code by the repeal and re-enactment of Section 10-6-70 as it pertains to theft – White/Christensen Pg 14**
9. **Discussion/Action Item: Ordinance 08 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code to reconcile the Minturn Municipal Code with Section 16 of Article XVIII of the Colorado Constitution (Amendment 64) – White/Christensen Pg 17**
10. **Discussion/Action Item: Update and discussion as relates to the Minturn Fitness Center – White**

OTHER MATTERS

11. **Planning Department Update**

12. Town Manager's Report

Pg 22

- Review of proposed 2014 Budget Calendar – White

Pg 24

13. Town Council Comments

FUTURE AGENDA ITEMS

14. Next Meeting –September 4, 2013

- Work Session – Eagle Street Construction Update – White
- Discussion/Action Item: interview and appointment to vacant council seat - White
- Marijuana Law discussion – White

15. Future Meeting

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

16. Set Future Meeting Dates

a) Council Meetings:

- September 4, 2013
- September 18, 2013
- October 2, 2013

b) Planning & Zoning Commission Meetings:

- September 11, 2013
- October 9, 2013
- November 13, 2013

17. Other Dates:

18. Adjournment



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

**Note: This meeting will be held at
Colorado Mountain College – Edwards Campus
150 Miller Ranch Rd – Room 250
Edwards, CO 81632**

(970) 827-5645

Wednesday August 7, 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

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

- Update on Eagle Street Construction – White
 - This project is now proceeding after some initial redesign. The preliminary driveway bids were excessive and rejected by the Town Manager. Elam will submit new proposals soon.
- Update on Water Rate Study – White
 - Leroy Cruz, Colorado Rural Water Association, presented his findings to the Town Council. Council agreed the rate study was fair as presented for both residential and commercial users.

- Council will review during budget process the base water allotment (base + \$/1,000 gal) Leroy will be provided additional information and return to town Council to discuss his recommendations.
- Council would like to see a five year average on water use for both commercial and residential users.
- Council would like to see a cost proforma based on this water average.
- Council would like to verify our use vs. production over the past years.
- Update from Safebuilt – White
 - Charlie Davis, the Town’s contract Building Official, reported to the Town Council on permit activity since SafeBuilt came on board in March of 2013.

Regular Session – 6:30 pm

1. Call to Order

a. Roll Call

The regular meeting was called to order by Mayor Pro Tem George Brodin at 6:38pm.

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

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

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- i. Add Executive Session at the end to give direction to negotiators regarding the Minturn Fitness Center facility and land purchase.

Motion by Shelley B., second by Aggie M., to approve the agenda as amended. Motion passed 6-0 (Note: Mayor Hawkeye Flaherty was excused absent.)

3. Approval of Minutes and Action Report

- July 17, 2013

Shelley B. requested follow up on the notes for Work Sessions to ensure pertinent information is being recorded and presented more completely.

Motion by John R., second by Shelley B., to approve the minutes of July 17, 2013 as presented. Motion passed (6-0). (Note: Mayor Hawkeye Flaherty was excused absent.)

- Action Item Report

John R. asked about the storage lot next to L&H Auto and if it could be cleaned up and/or put on the action report.

Council would like an update on the rail yard and the requirements for the business being conducted within the yard.

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

Ms. Diana Scherr, 511 Main St., thanked everyone for coming to the CMC and hoped we saw the room named for Minturn, Room 249. Dianna also read and presented a letter regarding Matt Scherr's appointment to the EcoTrails Committee. This letter is included as an attachment to the permanent minutes.

5. Special Presentations

- 1st and Main Advisors – White

Mr. Fraser Horn updated the council on the second quarter investment summary. Mr. Horn emphasized the investment strategy and how they are conservatively investing the money for the best benefit of the Education Fund.

- Farewell to Jerry Bumgarner, Town Councilman – White

Ms. Dianna Scherr read a letter about how much Jerry B., and his wife Penny, have done for the community.

George B. thanked Jerry B. for his years of service and his approach to the subjects that have been before the Council during his tenure.

Jerry B. was given a standing ovation.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: Council to discuss and give direction on the potential need for a more strict animal control or leash law - Cerimele

Jim W. stated this item was brought up initially at the previous Council meeting. The fact is that some owners are not being responsible for picking up after their dog and other dogs are running at large or not on a leash/or in voice control by their respective owners.

Discussion ensued as to the direction Council wanted to go on this subject. The consent was to strongly educate dog owners to the laws and enforce what we have currently in our code. Shelley B. stated we have a contract with the ECO Animal Control and should meet with them to discuss a higher control standard. Council noted the need for the owners to be responsible animal owners.

Council requested this to be brought forward to the next meeting and invite Animal Control.

7. Discussion/Action Item: Council appointment/reappointment to CML's 2013-2014 Policy Committee - White

Motion by Shelley B., second by Earle B. , to appoint Hawkeye as the Minturn representative a to the CML 2013-14 Policy Committee. Motion passed (6-0). (Note: Mayor Hawkeye Flaherty was excused absent.)

OTHER MATTERS

8. Planning Department Update

9. Town Manager's Report

Eagle Street Project

Revisions to the design and realignment of the storm sewer line resulted in delays on the project. Excessive rain also played a part. The project is back on track now. Survey staking has been completed on the Eagle Street Project. Steve Humann, TST Engineering is monitoring this project for the Town.

LaFarge Acquisition

The LaFarge Concrete acquisition by United Companies, a.k.a. Oldcastle was unexpectedly put back on the table the next day following our last Town Council meeting on July 17, 2013. Subsequently, Oldcastle did formally complete the transaction of LaFarge, effective July 19, 2013. We received an official letter verifying the transaction.

Fitness Center

RFPs were issued July 22, 2013 and a site visit was hosted for contractors on July 24, 2013. The fitness center RFPs were due on Friday August 2, 2013. The Town and SSCV planned review of the RFPs on Monday August 5th and Tuesday, August 6th. We will be discussing this issue further at tonight's meeting. Earle Bidez and John Rosenfeld have been representing the Town Council on the subcommittee.

Planning Position Advertised

The Town's Planning position has been advertised and posted on our website. We are working to fill the position prior to the departure of the current Town Planner.

Police Officer Interviews

On Monday, August 5, 2013, we had interviews for two candidates being considered to fill our vacant Police Officer position.

Scholarship Subcommittee

The scholarship committee will be meeting soon to review two more scholarship applications for the 2013 Fall Semester. We will need a new Town Council representative on the committee in

September. I am recommending that Jerry Bumgarner remain on the Committee for the review of the two current applicants.

Council directed for Jerry B. to continue as recommended. George Brodin was selected as the next Town Council representative on the Scholarship Committee following Jerry's departure.

Water Subcommittee

The Water Subcommittee met on Friday, July 26, 2013 with Leroy Cruz, Colorado Rural Water Association. Leroy reviewed his preliminary work and made several recommendations for Town Council consideration. Leroy will be at the meeting tonight to discuss his findings and recommendations.

CGRS/Shop &Hop

During the week of July 29- August 2, 2013, Remington Co was working on Main Street in Minturn continuing remediation efforts by injecting chemicals into the test wells recently installed along Main Street.

Recent Events/Upcoming Events:

The Copper Triangle Bike Ride came through Minturn on Saturday, August 3, 2103. This aid station was orchestrated by the Minturn Community Fund. The Town's Public Works Department helped in picking up and delivery supplies for the Minturn Aid station.

Discussion ensued regarding the need for the bicycle participants to adhere to the rules of the road as relates to cross walks and traffic signs.

A Pancake Breakfast event will be held on Sunday August 18th at the Minturn Fire House beginning at 8am.

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

Direction on appointing a council member:

Jim W. outlined the code requirements for Council.

Motion by George B., second by John R., to accept the resignation of Jerry B. effective at the end of the August 7, 2013 meeting and to direct staff to publish a public notice in the newspaper and to post said notice in the official posting boards and on the Town website, as presented.

Motion Passed (6-0) (Note: Mayor Hawkeye Flaherty was excused absent.)

10. Town Council Comments

11. Executive Session

Motion by Shelley B., second by Earle B., to convene in Executive session pursuant to CRS Section 24-6 -402 (4) (a), (b) and (e) to discuss the purchase, acquisition, or acquisition of real

property; to receive legal advice on specific legal questions; and to determine positions and develop a strategy for negotiations and to give instructions to negotiators regarding the Minturn Fitness Center acquisition of the land and to discuss construction bids and responses to the RFP's. Motion Passed (6-0) (Note: Mayor Hawkeye Flaherty was excused absent.)

FUTURE AGENDA ITEMS

12. Next Meeting –August 21, 2013

- Work Session – Eagle Street Construction Update – White
- Discussion/Action – continued discussion on solutions for leash law invite animal control
- Discussion/Action – Graffiti Ordinance
- Work Session – Water review discussion
- Discussion item for the Minturn Fitness Center

13. Future Meeting

- Work Session – Eagle Street Construction Update – White
- Work Session – Continued work on the Town Council Vision Statement - White
- Work Session – Review Main Street Streetscape Concepts – White
- Marijuana Law discussion – White 9/4/13
- Discussion with Xcel Representative – White
- Prepare for Town Council Evaluations of Town Manager and Town Attorney

14. Set Future Meeting Dates

- a) Council Meetings:
 - August 21, 2013
 - September 4, 2013
 - September 18, 2014
- b) Planning & Zoning Commission Meetings:
 - August 14, 2013
 - September 11, 2013
 - October 9, 2013

15. Other Dates:

16. Adjournment

Motion by Jerry B., second by George B., to adjourn the meeting at 8:42pm.

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: August 21, 2013
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Minturn Education Fund	White	We are incorporated now as the Minturn Education Fund, having completed the documentation to form the 501(c) 7 corporation. Jerry Bumgarner has announced his resignation from Town Council. <u>He will have one more scholarship meeting on August 15, 2013 to review several scholarship applications.</u> A new <u>Town Council</u> representative to the Scholarship committee <u>was named...Mayor Pro Tem George Brodin</u> is needed. <u>We have had a request to consider another scholarship for one of our past recipients. Three scholarships were awarded on August 15, 2013 to three separate recipients. George Brodin will be the Town Council representative starting August 16, 2013.</u>
Parks and Recreation Master Plan	Cerimele	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 <u>making progress with still in contact with</u> Vail Resorts on the land ownership issue, <u>but have not been able to secure a formal meeting.</u> We have provided Town Council's comments to Vail Resorts.
2012/2013 Goal: Town Street Repairs and Drainage.	White/ Cerimele	The final report was submitted to DOLA by the deadline of June 30, 2013. We have received payment of the DOLA portion of the grant. The Eagle Street Project had issues with the survey and had to be redrawn. <u>The Eagle Street is</u> project is led by TST Engineering and ELAM Construction.
2012/2013 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	We are working with Oldcastle representatives and engineers in planning to repair sidewalks on the east side and west side of the 100 block this year, around Town Hall and the Post Office and we are also working with several residents. We were informed by CDOT that we are due a road replacement, probably by 2015 or 2016.
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 will be placing this item on a future agenda 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. The Education Foundation of Eagle County is planning a Special Event on August 24, 2013 at Little Beach Park. The Special Event Permit was approved on July 17, 2013.
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. A request for a telephone conference with UPRR was made. We were asked to submit our issues in writing and subsequently will be sending a letter soon.
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. I have requested a meeting with Martha Miller, CDOT, on, on site in Minturn to review several issues including rock mitigation, drainage, and crosswalks.
CDOT Hwy 24 Work Project	White	We met with CDOT and were informed that we are due to have an overlay of Highway 24 from Dowd Junction to Maloit Park. This project is slated for 2015 or 2016. We have made arrangements with CDOT to have our crosswalks restriped this summer. This was completed on August 15, 2013 and August 16, 2013.
North Minturn Entrance Area	White	Explore current conditions and develop review process and plan for site improvements.

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 6 – SERIES 2013

**AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 7 OF
THE MINTURN MUNICIPAL CODE BY THE CREATION OF A NEW
SECTION AS IT PERTAINS TO GRAFFITI**

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

Section 1. Amendment. The Municipal Code of the Town of Minturn is amended by the addition of a Chapter 7, Section 7-3-240, as follows:

Section 7-3-240 Graffiti:

The placement of graffiti upon any public or private property within the Town of Minturn is prohibited; and the failure of a registered owner of property, or the responsible agent of such owner, to remove graffiti from affected property within three (3) days after delivery of notice to remove the same has been provided to the owner or agent by the Town Administrator, a Code enforcement officer, or a Town police officer is declared a nuisance. The term “graffiti” is defined to mean the product of intentional painting, scratching or coloring (with any contrast medium whatsoever) of any public or private property except by permission of the owner of such property, including the Town Administrator in the case of Town or public property.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. Penalty. It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one year, or by both such fine and imprisonment; provided; no person under the age of eighteen years shall be punished by imprisonment.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced

under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

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 21ST DAY OF AUGUST, 2013. THE 4TH DAY OF SEPTEMBER AT 6:30 P.M. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

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 4TH DAY OF SEPTEMBER, 2013.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 7 – SERIES 2013

**AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 10
OF THE MINTURN MUNICIPAL CODE BY THE REPEAL AND RE-
ENACTMENT OF SECTION 10-6-70 AS IT PERTAINS TO THEFT**

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

Section 1. Amendment Section 10-6-70 of the Minturn Municipal Code is repealed and re-enacted, as follows:

Section 10-6-70. Theft :

(A) It shall be unlawful to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, where the value of the thing involved is less than two thousand dollars (\$2,000), and:

(1) Intends to deprive the other person permanently of the use or benefit of the thing of value; or

(2) Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or

(3) Uses, conceals, or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or

(4) Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person.

(B) For the purposes of this Section, a thing of value is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.

(C) Every person who obtains control over any stolen thing of value, where the value of the thing involved is less than two thousand dollars (\$2,000), knowing the thing of value to have been stolen by another, may be tried, convicted and punished, whether or not the principal is charged, tried or convicted.

(D) **QUESTIONING OF PERSON SUSPECTED OF SHOPLIFTING WITHOUT LIABILITY:** If any person conceals upon his person or otherwise carries away any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any police officer, acting in good

faith and upon probable cause based upon reasonable ground therefore, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of theft. Such questioning of a person by a merchant, merchant's employee or police officer does not render the merchant, merchant's employee or police officer civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention.

(E) For the purposes of this Section, any reference or mention of stealing, false pretenses, or shoplifting shall be interpreted as if the word "theft" were substituted therefore.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. Penalty. It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one year, or by both such fine and imprisonment; provided, no person under the age of eighteen years shall be punished by imprisonment.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

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 21st DAY OF AUGUST, 2013. The 4th DAY OF SEPTEMBER, 2013 AT 6:30 p.m. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

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 4th DAY OF SEPTEMBER, 2013.**

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 8 – SERIES 2013

AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 10 OF THE MINTURN MUNICIPAL CODE TO RECONCILE THE MINTURN MUNICIPAL CODE WITH SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)

WHEREAS, Colorado voters passes Amendment 64, which amended Article XVIII of the Colorado Constitution by the addition of a new Section 16 regarding the personal use and regulation of marijuana; and

WHEREAS, Amendment 64 permits the possession, use, display, purchase or transportation of marijuana accessories and one ounce or less of marijuana by persons 21 years of age and older; and

WHEREAS, Amendment 64 allows possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale; and

WHEREAS, Amendment 64 allows local governments to prohibit the possession of marijuana and marijuana accessories by persons under the age of 21 years and to prohibit the open and public consumption of marijuana by persons of any age; and

WHEREAS it is the desire of the Minturn Town Council to pass legislation reconciling the Minturn Municipal Code with Amendment 64 and to clarify and codify the Town's prohibition of medical marijuana businesses.

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

Section 1. Amendment. Section 10-11-20 of the Minturn Municipal Code is repealed and re-enacted, as follows:

Section 10-11-20:

- A. Definitions: For the purposes of Section 10-11-20, the following definitions shall apply.

1. Openly and Publicly:

The consumption or growing of marijuana in a place commonly or usually open to or accessible by the general public, or to which members of the general public may resort, including without limitation public ways, streets, sidewalks, alleys, bicycle paths, trails, public buildings, parks, open spaces, parking lots, shopping centers, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places, but excluding the interior or enclosed yard area of private homes, residences, condominiums or apartments. For the purposes of this Section, “openly or publicly” expressly includes the consumption or growing of marijuana in any place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place call itself private or public or charges and admission or membership fee.

2. Marijuana Products:

Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to edible products, ointments and tinctures.

3. Marijuana Accessories:

Equipment, products or materials of any kind which are used, intended for use or designated for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

B. Unlawful Acts: It shall be unlawful:

1. For any person to use, display, purchase, transport, possess or transfer more than one ounce of marijuana in the Town.
2. For any person to possess, grow, process or transport in the Town more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants. A person may possess the marijuana produced by these plants, provided that such possession is limited to the premises where the plants were grown and further provided that the growing takes place in an enclosed locked place and is not conducted openly or publicly or made available for sale.
3. For a person under the age of twenty-one (21) to use, display, purchase, transport, possess or transfer marijuana, marijuana products or marijuana accessories anywhere in the Town.

4. For a person twenty-one years of age or older to use, display, purchase, transport, possess or transfer marijuana, marijuana products or marijuana accessories in the Town for any reason other than personal use.
5. For a person twenty-one (21) years of age or older to purchase on behalf of, transfer to, or otherwise assist a person under the age of twenty-one (21) in obtaining marijuana, marijuana products or marijuana accessories in the Town.
6. For any person to openly or publicly consume or grow marijuana or to consume marijuana in a manner that endangers others in the Town.

C. Summons and complaint issuance and contents.

1. Whenever a person is arrested or detained for a violation of Section 10-11-20, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing, and the Town is able to provide such an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer.

D. Penalty:

1. Violations of this Section shall be punishable as set forth in Section 1-4-20 of this Code.
2. It shall be an affirmative defense to a prosecution under this Section that a person is in possession of a valid registry identification card authorizing the medicinal use of marijuana issued by the State of Colorado, so long as consumption does not occur in a public place.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. Penalty. It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one hundred eighty days or by both such fine and imprisonment; provided; no person under the age of eighteen years shall be punished by imprisonment.

Section 4. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 5. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

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 21ST DAY OF AUGUST, 2013. THE 4TH DAY OF SEPTEMBER, 2013 AT 6:30 p.m. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

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 4TH DAY OF SEPTEMBER, 2013.**

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

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: August 16, 2013
Re: Manager’s Report for the August 21, 2013 Town Council Meeting

Eagle Street Project

Steve Humann, TST Engineering is monitoring this project for the Town. He will be here on Wednesday August 21st to provide a more complete update on the project and associated costs. He was last in Minturn on Friday, August 16, 2013 to meet with Public Works, the construction foreman, and others on site. We also discussed the Master meter and the Isolation Valve Projects, both of which are part of this year’s DOLA grant are will be completed this fall.

Fitness Center

RFPs proposals were received by Friday August 2, 2013. Interviews of the four applicants took place on Monday, August 5, 2013. Viele Construction was selected by a majority of the MFC Board representatives who participated in the interviews. On August 14, 2013, MFC Board of Directors elected officers: President, John Rosenfeld; Vice President, John Cole; Secretary, Jim White; and Treasurer, Glenn Davis.

Planning Position Advertised

The Town’s Planning position has been advertised and posted on our website. We are interviewing for the position on Friday, August 23, 2013.

Police Officer Interviews

On Monday, August 5, 2013, we had interviews for two candidates being considered to fill our vacant Police Officer position. We have made a conditional offer to one of the candidates. We are still completing the process to screen the candidate prior to making the offer final. Chief Lamb is conducting a background check this week in the candidate’s home town.

Scholarship Subcommittee

The Scholarship Committee met on Thursday, August 15, 2013 to review three more scholarship applications for the Fall Semester. Jerry Bumgarner remained on the committee to review these applications. We awarded three scholarships to each of the applicants. Mayor Pro Tem, George Brodin, will be the new Town Council representative on the committee.

08/16/13

Water Subcommittee

The Water Subcommittee applauded the work done by Leroy Cruz, Colorado Rural Water Association. Leroy reviewed his preliminary work and made several recommendations for Town Council consideration. Town staff is in the process of gathering some additional information for Leroy so he can revise his numbers and come back at a future meeting with new recommendations as Town Council continues to discuss water rates.

Town Manager's Performance Review

Since the last town Council meeting, I have been preparing some information for Town Council to assist in the Town Manager's performance review. We could schedule the review for September 4th or September 18th at Town Council's discretion.

Recent Events/Upcoming Events:

Minturn Fire Station/Pancake Breakfast/ Sunday, August 18, 2013

Pro Cycling Challenge will be nearby the week of August 19-23, 2013

Eagle County Education Foundation /Special Event Permit for Saturday August 24, 2013 at Little Beach Park.

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

Respectfully submitted,
Jim White
Town Manager

FY 2014 BUDGET SCHEDULE

TO DO

NOTES

2013 DATE DESCRIPTION

2013 DATE	DESCRIPTION	NOTES	TO DO
APRIL THROUGH AUGUST 2013	STAFF REVIEW AND PREPARATION OF BUDGET AND FIELD QUESTIONS FROM STAFF AS NECESSARY. STAFF WILL HAVE OPPORTUNITY TO SUPPLY INPUT ON BOTH THEIR BUDGET AND CIP NEEDS		
SEPTEMBER 2013	WORK SESSIONS OR MANAGER'S REPORT AS NEEDED	Discuss Preliminary Budget concerns and receive direction from Council as needed.	
10/2/2013	WORK SESSION	REVIEW BUDGET AND FIELD QUESTIONS FROM COUNCIL AS NECESSARY	Council to receive Preliminary Budget by Sept 27th. AFTER MEETING POST AND PUBLISH IN NEWSPAPER THE "NOTICE OF BUDGET"
	COUNCIL MEETING	COUNCIL WILL FORMALLY ACCEPT THE BUDGET AS REQUIRED BY C.R.S 29-1-106(1) This will be a time for Council comments and Direction as well.	
10/16/2013	WORK SESSION RETREAT	REVIEW BUDGET AND FIELD QUESTIONS FROM COUNCIL AS NECESSARY	
11/6/2013	COUNCIL MEETING	1ST PUBLIC HEARING ON THE PROPOSED BUDGET AS ACCEPTED ON OCTOBER 5th - Review of Community Funding Requests	
11/20/2013	COUNCIL MEETING	2ND PUBLIC HEARING ON THE DRAFT BUDGET - BUDGET ADOPTION ON FIRST READING - MILL LEVY ADOPTION ON FIRST READING - FY 2011 SUPPLEMENTAL APPROPRIATION ON FIRST READING	PUBLISH ORDINANCES BY TITLE ONLY IN NEWSPAPER
12/4/2013	COUNCIL MEETING	- BUDGET ADOPTION ON FINAL READING - MILL LEVY ADOPTION ON FINAL READING - FY 2011 SUPPLEMENTAL APPROPRIATION ON FINAL READING - RESOLUTION OF TOWN FEE SCHEDULE	*PUBLISH ORDINANCES BY TITLE ONLY IN NEWSPAPER *POST RESOLUTION

August 2013 FY2014 Budget Calendar

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 STAFF MEETINGS FOR BUDGET RE- VIEW	20 STAFF MEETINGS FOR BUDGET RE- VIEW	21	22	23	24
25	26	27	28	29	30	31

September 2013

FY 2013 Budget Calendar

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>LABOR DAY OFFICE CLOSED</i>	3	4 <i>COUNCIL MEETING</i>	5	6	7
8	9	10	11 <i>PLANNING COMMISSION</i>	12	13	14
15	16	17	18 <i>COUNCIL MEETING</i>	19	20	21
22	23	24	25	26	27	28
29	30					

October 2013

FY 2013 Budget Calendar

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 <i>COUNCIL MEETING</i> Budget presented at W.S. and Council formally accepts budget during regular meeting	3 Publish "Notice of Budget" in Public Boxes and Newspaper	4	5
6	7	8	9 <i>PLANNING COMMISSION</i>	10	11	12
13	14	15	16 <i>COUNCIL MEETING</i> W.S. Retreat - Goal setting and review of budget	17	18	19
20	21	22	23	24	25	26
27	28	29	30 <i>MINTURN'S HALLOWEEN</i>	31 <i>HALLOWEEN</i>		

November 2013 FY2013 Budget Calendar

Sun	Mon	Tue	Wed	Thu	Fri	Sat
3	4	5	6 <i>COUNCIL MEETING 1st Public Hearing Review of Community Funding Requests</i>	7	8	9
10	11	12	13 <i>PLANNING COMMISSION</i>	14	15	16
17	18	19	20 <i>COUNCIL MEETING 2nd Public Hearing on proposed budget and 1st reading of Budget Ord- nances</i>	21 PUBLISH ORD'S BY TITLE IN NEWSPAPER	22	23
24	25	26	27	28 THANKSGIVING OFFICE CLOSED	29 THANKSGIVING OFFICE CLOSED	30

December 2013

FY2013 Budget Calendar

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 COUNCIL MEETING 2nd reading of Budget Ordinances and LAST meeting to pass Mill Levy	5	6	7
8	9	10	11 PLANNING COMMISSION	12	13	14
15	16	17	18 COUNCIL MEETING	19	20	21
22	23	24	25 CHRISTMAS OFFICE CLOSED	26	27	28
29	30	31 Certified budget must be filed with DOLA by 1/1/14	JANUARY 1, 2014			