



2013

Minturn Council Meeting

Wednesday September 18, 2013

Work Session: **6:00pm**
(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 September 18, 2013

Work Session – 6:00pm
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
Darell Wegert

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 – 6:00pm

- Discussion of dates for 2014 Goal Setting - White
- 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

Regular Session – 6:30 pm

- 1. Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance
- 2. Approval of Agenda**
 - a. Items to be Pulled or Added
- 3. Approval of Minutes and Action Report**

- September 4, 2013 pg 4
 - Action Item Report pg 15
4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations**
- I-70 Coalition – White
 - Eco Transit – White

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. **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 17**
7. **Discussion/Action Item: Appointment of Town Council Members to the Minturn Scholarship Committee – White/Christensen**

OTHER MATTERS

8. **Planning Department Update**
9. **Town Manager’s Report pg 19**
10. **Town Council Comments**
- Sander’s Letter – White pg 24

EXECUTIVE SESSION

11. **Executive Session: Pursuant to Section 24-6-402(4)(e) for the purpose of discussing the Town Attorney’s contract – Christensen**
12. **Action by Council or Direction to Staff as a result of the Executive Session - White**

FUTURE AGENDA ITEMS

13. **Next Meeting – October 2, 2013**
- Work Session – Eagle Street Construction Update – White

- Work Session and Discussion/Action – review and acceptance of the Minturn 2014 Preliminary Budget

14. 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

15. Set Future Meeting Dates

- a) Council Meetings:
 - October 2, 2013
 - October 16, 2013
 - November 6, 2013
- b) Planning & Zoning Commission Meetings:
 - October 9, 2013
 - November 13, 2013
 - December 11, 2013

16. Other Dates:

17. Adjournment



Official Minutes

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

Wednesday September 4, 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

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

- TST Inc update on Eagle Street Construction – White
 - TST has reviewed the minutes and the video of the last meeting
 - Both Pine St and Eagle St projects are a hybrid of engineering and design-build. There is some ambiguity when projects are done this way.
 - Project on Pine St started as maintenance and repaving. Issues regarding a flat section and timely neighbor response were addressed however overall TST felt the project was a success and within budget.
 - Shelley B. stated the Pine Street project was a success but the lack of communication between the property owners and the contractor caused problems and countered the success. This is the same thing occurring on Eagle St this summer. The answers are coming from multiple individuals who don't have the same information. and has caused confusion; this reduces the success of the project. .
 - Aggie M. expressed concern with discrepancy between the amount of the bid compared to what we currently are paying for. Aggie M. also asked if we would have the as-built plans for the project; and Steve told him yes, we will.

- Steve Humann answered that much of the overruns are due to originally not having a survey and then the poor quality of the survey. Don Toronto stated much of the \$50,000 overrun is due to two items, the additional 143ft of roadway on Eagle St and the cost of not having a valid survey.
 - George B. asked why is the Town paying for the mistakes of others? We had a contract for a set amount and now the cost is way over. Don Taranto stated the survey bust cost issue will be segregated out and dealt with. The second cost is due to the design-build process. The contingency overrun could not anticipate everything that was encountered under the ground. Don Taranto stated the alternative would be to engineer the project for all possible contingencies; this is not feasible or advised as the costs would be even higher than what we have experienced.
 - Don Taranto assured everyone the costs of the bad survey will be identified and we will work to reduce any cost overruns that were a result of those errors.
 - Hawkeye asked who was responsible to identify the missed 143ft of road, why it was missed, and how a reasonable cost was determined.
 - Steve Humann stated the site was walked, the end of the existing pavement was located and that is where the bids were developed from. It was later found that, although it was the end of the pavement, it was not the end of the Right of Way and new numbers were developed to include the addition at the same unit costs.
 - Hawkeye stated the project has taken longer than planned; Steve Humann stated tonight he did not have an updated schedule but it would be completed soon. The original schedule was to have the project completed by September 15th.
 - Hawkeye asked about the moving of the phone pole on Eagle (100 Block), this is Xcel and they have stated it will be soon. Hawkeye asked if we needed a second light at that location (a Town fixture and an Xcel light very close to each other); they will look at it and proceed appropriately.
 - Shelley B. asked regarding the stub out for a restroom; yes that has been done in anticipation of two restrooms (men and women). The fire hydrant at Eagle and Main will not be moved at this time due to the web of utilities at that corner that cause it to be cost prohibitive.
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- Review of Ordinance 07 – Series 2013 (Second 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
 - Review of Ordinance 08 – Series 2013 (Second 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
 - Minturn Fitness Center (MFC)
 - John R. has worked on a budget based on what the bidders of the project had included. It is now evident that some of the original cost assumptions are significantly off. John R. stated there are opportunities for value engineering cost

savings. John R. reviewed some of the savings and emphasized that the MFC needs to move on any potential savings now, not wait.

- Shelley B. stated she felt we had a maximum agreement of \$1m and no more. At the last MFC board meeting it was discussed that if we had any over runs, those would be set up on a 50/50 share between the school and the Town. All agreed this was not what has been agreed to, but that Minturn would only go up to \$1m total.
- Allen C. stated it might be best to allow our representatives the authority to hold the project for a year to get some of these questions answered. Shelley B. stated that we could at least slow the project down until the costs and questions can be pinned down.
- The Council confirmed that the \$1m is firm and we have no more money to allocate.

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 George Brodin, Earle Bidez, John Rosenfeld, Shelley Bellm and Aggie Martinez.

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

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- i. Michael Cacioppo would like to address the Council prior to the appointment process
- ii. Add a special presentation by Chris Romer of the Vail Valley Partnership

Motion by Shelley B., second by George B., to approve the agenda as amended. Motion passed 6-0.

Mr. Michael Cacioppo addressed the Council regarding residency of the candidates and asked if the appointment was required to be by paper ballot. He stated these questions are just to make sure all is “legitimate”.

(Note for Record:

- Colorado Revised Statute Title 1 Section 1-2-102(1)(a)(1) Rules for Determining Residency defines residency as “A principal or primary home or place of abode is that home or place in which a person’s habitation is fixed and to which that person, whenever

absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence.”

- Minturn Town Charter Chapter 4.6 states “In case of vacancy the remaining council members shall choose by majority vote, within thirty (30) days after such a vacancy occurs, a duly qualified person to fill the unexpired term so vacant.”; however, it does not state it must be a verbal, hand or paper vote.)

3. Interview and Appoint Council Vacancy – White

Hawkeye asked if anyone in the audience currently present wanted to express interest tonight, but had not previously submitted a letter, if they desired to do so?; no one responded.

Hawkeye stated he would proceed with a regular interview process and only one candidate would be present at a time initially. He asked Darell Wegert to go first and asked the other candidates: Matt Scherr and Frank Lorenti to exit the room. (Each of the other candidates was subsequently called).

Darell Wegert,

- Is a qualified electorate. He has a lot of experience on the Minturn Town Council, Planning Commission and other various boards. He has a history of the Town that he feels is important and would be prudent to current issues facing the Town. He has also been on various county and regional boards that would assist the Town to be a team player in the county. Darell stated he is on the ERWSD Board through April 2014 and the Eagle River Fire District Board. He has conferred with both attorneys (ERWSD and Town) and has been told there is no conflict of interest.
- Could you serve on two boards?; yes.
- Biggest challenge Town is facing?: traffic on Main St. Streetscapes as they have been presented would be a big safety improvement. Main St is the first thing you see and it should be a priority. Yes, there are other items, several number 2’s, but that is the number 1.
- Do you support South Minturn sidewalks?; yes, Minturn has a lot of families and we need to have those interests in mind.
- Medical Marijuana was overwhelmingly approved by the citizens and then banned by the Council, did the Council have the authority?; No, we had the voice of the citizens and the Council is here to represent the citizens.
- Three items to spend money on, infrastructure, employees, and economic development, what is most important?;the employees.
- Amendment 64 allows the sale of retail marijuana, would you be in favor of the retail sale of recreational marijuana?: the Town can ban the sale but they would lose the control of how the sales take place.
- Conflict of interest in light of the Battle Mountain Resorts and ERWSD, do you foresee any problems of stepping down in light of a conflict of interest on those issues? No, no issues with recusing himself as a conflict of interest.

Matt Scherr:

- Stated he was out of the country until about a year and a half but had always intended to return. Matt stated that he is a resident based on State Statute. He was on Council but

resigned to serve for the betterment of his family. He does desire to be on the Council and feels he would make a positive addition.

- Do you have enough time to devote the time to Town Council? yes, he has less commitments then when he was previously on the Council and he has his current schedule well managed so it would not interfere with the work.
- What do you feel is the biggest challenge the Town has? currently we are in a transition or waiting stage with BMR. We need to move forward with projects and our future to manage what we have and what we “may” have.
- Medical Marijuana was overwhelmingly approved by the citizens and then banned by the Council; did the Council have the authority? Statutorily yes they had the authority. However, from his perspective, Council should have passed the ordinance and he would have voted for it. The question is if the citizens desired this we are there to represent them.
- Three items to spend money on, infrastructure, employees, and economic development, what is most important? it is important to give the employees something they value. A consultant could assist in the identification of those values; however, at a cost.
- Amendment 64 allows for the retail sale of marijuana and to ban the sale within the town, do you feel it is in the best interest of the Town to ban or allow? the people of state approved it, as did the citizens. The state wide current dynamics are such that it is now not going to be an even distribution across the state. His desire would be to ban and let the state and larger entities handle it.

Frank Lorenti:

- Stated we need someone on council that can read contracts and be looking out for the best interests of the Town and that makes him qualified. He noted the Eagle St contract and that the contract was not final and it is costing lots of money. Change orders need to be addressed, what does the Town need in the future. He has the experience to read contracts and then enforce them. He asked who is overseeing the projects? The Town Manager? The Council? Communication is very lacking, something is missing somewhere. The Council needs new blood.
- Can you admit to making a mistake and reverse a decision if you made a mistake? yes. What is minturntimes.com?, Would you use Minturn.com and the letter's to the editor as a forum or would you accept the majority rule and keep your ire and antagonism in check?: yes when those things are not public but once those items go out to the public they are fair game. There is a majority vote but you can still have and voice your own opinion. If an issue does not go your way in a vote, would you feel compelled to make your case as a public outcry, would you feel compelled to make your point in other venues, would you want to explain your side? sure, it is public and when other facts come forward that prove (his) point that is important for the citizens that one not be quiet. Would you air your point of view on the paper and on your website or would you go with the majority of the council and not disrespect your fellow council members in the paper and on your website?; everyone has the option to do that but if he needs to point out facts then he will continue to do that. It was noted opinions are not necessarily facts.
- What is the biggest challenge the Town faces and how would you address that?; money, ski lift, anything to get money, even as Red Cliff has done by approving the retail sale of marijuana. Infrastructure, new water plant, more money. The Town has tried to do it the

slow way and that is not working, a ski lift is a good option and I am 110% for it, the railroad land could be a money maker, let the old grudges go and move to the future. Offer to have the Gold Peak training over here with one central location for everything, a school, a mountain, training facilities, everything. Have a vision where building codes are addressed but we encourage growth.

- Medical Marijuana was overwhelmingly approved by the citizens and then banned by the Council, did the Council have the authority?; this is Minturn. Council gave the decision to the citizens; they voted yes, the Council said no. Don't ask the citizens and then go the opposite direction when you get the answer.
- Three items to spend money on, infrastructure, employees, and economic development, what is most important?; it is chicken and egg, you want the money first to pay for the infrastructure and good employees. You need them all.
- Amendment 64 allows for retail sale or to ban it, should the Town allow the retail sale?; the citizens voted for it, it should be allowed. Like animal control, it isn't rocket science.
- Council vote by paper ballot

Hawkeye noted all ballots had each of the three candidate names on them and passed them down.

Hawkeye collected all ballots and tallied; the person with the lowest vote would be eliminated and a second balloting would be held if it resulted in a tie. Vote was 4-1-1 Darell Wegert was elected with 4 votes.

Hawkeye outlined how this seat will be up for election in April 2014.

- **Discussion/Action Item:** Resolution 7 – Series 2013 a Resolution appointing Town Council Members – White

Hawkeye read Resolution 7 – Series 2013

Motion by George B., second by Shelley B., to approve Resolution 7 – Series 2013 appointing Darell Wegert as Town Council Member as amended to correct the date. Motion passed 6-0.

- Swearing in of Council Member by Municipal Judge Terry Quinn – White

Municipal Judge Terry Quinn swore in Darell Wegert to his appointed seat as Town Council Member.

4. Approval of Minutes and Action Report

- August 21, 2013

Motion by John R., second by Aggie M., to approve the minutes of August 21, 2013 as presented/amended. Motion passed (6-0). Note: Darell W. abstained as he was not present.

- Action Item Report

Earle B. inquired regarding the status of the Park and Rec Master Plan. Jerry B. was on the committee and Council needs to appoint a replacement. Earle B. also requested a meeting be set up soon.

Hawkeye stated he would be willing to serve on that committee.

Jim W. stated Oldcastle, United Companies, is now owner of Lafarge, the Town will now be moving forward on some sidewalk projects as issues with new management have been worked out.

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

6. Special Presentations

Mr. Chris Romer, Vail Valley Partnership, gave a presentation on the process the organization is undergoing on their regional economic development plan and updated the Council of the current events in the Partnership.

Mr. Romer opened the floor to questions and answers at the end of his presentation.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

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

Shelley B. stated Animal Control would be changing their patrol, police dept would be more attentive, and neighborhood watch would be used. No further discussion needed at this time.

8. Discussion/Action Item: Discussion and request for direction on the status of the Town wide ban on the medical and retail marijuana - Brunvand

Hawkeye stated this was to be brought back at the end of the summer, after consideration Council directed that no action be taken at this time and we wait until after the April 2014 election.

9. 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

Motion by Hawkeye, second by George B., to table 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 to the September 18th meeting. Motion passed 7-0

10. Discussion/Action Item: Ordinance 07 – Series 2013 (Second 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

Allen C. stated no changes had been made since first reading.

Hawkeye stated he was still not in support as he felt it was too broad and would allow merchants and or police to act inappropriately. Others disagreed.

Motion by Shelley B., second by Darell W., to approve Ordinance 07 – Series 2013 (Second 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 as presented. Motion passed 6-1 (Hawkeye voted Nay)

11. Discussion/Action Item: Appointment of a Town Council Member to the Minturn Scholarship Committee and to appoint a Council Member to the Little Beach Park Committee – White

It was requested that the Scholarship appointment be brought back once it is determined how many council members can be on that committee as both George B. and Shelley B. would like to serve.

Motion by George B., second by Shelley B., to appoint Darell W. as Little Beach Park Committee representative. Motion passed 7-0.

12. Discussion/Action Item: Ordinance 08 – Series 2013 (Second 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

Motion by Shelley B., second by John R., to approve Ordinance 08 – Series 2013 (Second 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) as presented. Motion passed 7-0.

OTHER MATTERS

13. Planning Department Update

Jim W. reported the Planning Commission has not had a meeting last month and will not have a meeting this month. Jim W. indicated a new Town Planner will be hired before the end of September.

John R. asked if we could enforce the noxious weeds.

14. Town Manager's Report

Eagle Street Project

Steve Humann, TST Engineering, is monitoring this project for the Town. Both he and Don Taranto will be here on Wednesday September 4th to provide a more complete update on the project and associated costs for the Eagle Street project. While here, they can also report on the Master Meter and the Isolation Valve Projects, both of which are part of this year's DOLA grant which are to be completed this fall.

Fitness Center

The Groundbreaking Ceremony was well attended on August 19, 2013. Ever since, work has been underway in earnest. Soil testing was completed; grubbing of the site has been started; work on utility easements is in progress; contract elements have been completed. Viele Construction has Scott Ashburn assigned to the project as the primary contact with the Minturn Fitness Center Board. Jack Snow is the architect on the project. Alpine Engineering has replaced Peak Land Consultants.

Water Subcommittee

The Water Subcommittee applauded the work done by Leroy Cruz, Colorado Rural Water Association. Leroy reviewed his preliminary work at the Town Council meeting held recently at Colorado Mountain College 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 to the October 16, 2013 meeting with new recommendations.

Gas Line Leak

A gas leak occurred on August 22, 2013 on a single service while construction was in progress on the Eagle Street project. A 911 call was made and Town of Minturn Police Department (Officer Belt) and the Eagle River Fire District were quickly on scene. A safety perimeter was immediately established, and XCEL was notified of the leak and inherent dangers. Subsequently, the gas leak also resulted in a traffic delay during the duration of the repair. Great cooperation by the Town of Minturn, the Eagle River Fire District and XCEL in maintaining public safety and completing the repair in a timely manner was reinforced when Town representatives met with the Eagle County Fire District on Wednesday, August 28, 2013 to debrief on the situation.

Shelley B. stated a reverse 911 would have been beneficial as well.

Scholarship Subcommittee

The Scholarship Committee met on Thursday, August 15, 2013 to review three more scholarship applications for the Fall Semester. Outgoing Town Councilman, Jerry Bumgarner, remained on

the committee to review these applications. We awarded three scholarships to each of the applicants. Award letters have now been sent to all of the colleges and to the scholarship recipients. A new Town Council representative to the Scholarship Committee is scheduled for discussion and selection at the September 4, 2013 Town Council meeting.

Planning Position

The Town's Planner position interviews took place in late August. The position is intended to be filled by the end of September. Chris Cerimele, Town Planner since 2007, finished his last day on the job on Friday, August 30, 2013.

Police Officer Hired

We have made an offer to one of the candidates interviewed earlier this month. Our new officer will be Jason Donfris. He currently resides in Chetopa, KS; is married with two young children. He is scheduled to begin employment on September 16, 2013.

Recent Events/Upcoming Events:

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

Labor Day/ Holiday, Monday, September 2, 2013

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

The Minturn Winter markets are planned for December 7 and December 14, 2013 from 10am until 2pm.

15. Town Council Comments

Aggie M. noted that an area in the 800 block of south Minturn has some rocks and issues, this should be brought forward with CDOT at Jim W's meeting tomorrow; Jim W. stated he will.

Hawkeye asked Jim W. to look at some dates in October to set up a retreat to schedule a Council Retreat for setting goals for 2014.

EXECUTIVE SESSION

16. Executive Session: Pursuant to Section 24-6-402(4)(f) for the purpose of discussing the Town Manager's annual review and pursuant to Section 24-6-402(4)(e) for the purpose of discussing the Town Attorney's contract – White/Christensen

Hawkeye requested that, due to the late hour, the council handle only one review tonight. Council requested that the Town Attorney's review be moved to the September 18 agenda.

Motion by Shelley B. second by George B. to convene in Executive Session pursuant to CRS section 24-6-402(4)(f) for the purpose of discussing the Town Manager's annual review as presented. Motion passed 7-0.

17. Action by Council or Direction to Staff as a result of the Executive Session - White

FUTURE AGENDA ITEMS

18. Next Meeting –September 18, 2013

- Work Session – Eagle Street Construction Update – White
- Ordinance 6-2017
- Scholarship appointment

19. 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

20. Set Future Meeting Dates

- a) Council Meetings:
- September 18, 2013
 - October 2, 2013
 - October 16, 2013
- b) Planning & Zoning Commission Meetings:
- September 11, 2013
 - October 9, 2013
 - November 13, 2013

21. Other Dates:

22. Adjournment

Motion by George B., second by John R., to adjourn the meeting at 11:50pm.

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: September 18, 2013
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Minturn Education Fund	White	<p>We are incorporated now as the Minturn Education Fund, having completed the documentation to form the 501(c) 7 corporation. Award letters have been sent to the colleges and to the scholarship recipients.</p> <p>Discussion to appoint (a) new Town Council representative(s) to the Scholarship Committee has been added to the September 418, 2013 agenda.</p>
Parks and Recreation Master Plan	Town Planner	<p>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 still in contact with Vail Resorts on the land ownership issue, but have not been able to secure a formal meeting. We have provided Town Council’s comments to Vail Resorts representatives.</p>
2013 Goal: Town Street Repairs and Drainage.	White/ Town Planner	<p>. The Eagle Street project is led by TST Engineering and ELAM Construction. A report and update will be given by TST at the September 4, 2013 meeting. Greg Winkler, DOLA rep, visited on Thursday, August 29, 2013 to review the current DOLA grant for infrastructure improvements.</p>
2013 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	<p>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. Steve Fisk, former LaFarge and current Oldcastle manager, reports progress in working with new management to secure our working relationship in Minturn following the change in management.</p>
2013 Goal: Implement Streetscape Plan	White /Town Planner	<p>Staff has reviewed previously submitted plans from OZ, and DCI. We have secured info on streetlights; and worked with the primary local property owner on design ideas for a mall/pedestrian area. Staff will be placing this item on a future agenda to further address this project with Town Council in a work session.</p>

Action Item	Responsible Party	Progress Report
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 held a Special Event on August 24, 2013 at Little Beach Park.
2013 Goal: Clean Up Parking Area on North Taylor Street	White /Town Planner/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.
2013 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/ Town Planner	Staff to provide periodic updates to Council. Staff completed a Tier 1 DOLA grant for water system improvements. 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. A quarterly report on the DOLA grant is now due for water infrastructure improvements has been completed.
2013 Goal: South Minturn sidewalks	White/Town Planner	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 secured a meeting with Martha Miller, CDOT, on site in Minturn to review several issues including communication, overlays, future repairs on Highway 24, rock mitigation, drainage, and crosswalks. Ellie Caryl and I worked on a GOCO grant proposal for a trail/ pedestrian pathway in south Minturn. Submitted September 12, 2013.
CDOT Hwy 24 Work Project	White	We met with CDOT on September 5, 2013 to discuss right of way issues, investigate grant funding opportunities, and begin planning and implementation for future Minturn projects 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. The Mayor and I met with Martha Miller, CDOT, on site in Minturn to review several issues including communication, overlays, future repairs on Highway 24, rock mitigation, drainage, and crosswalks Our crosswalks were restriped on August 15, 2013 and August 16, 2013.
North Minturn Entrance Area	White/Town Planner	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 4th DAY OF SEPTEMBER, 2013. THE 18th 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 18TH 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 – Darell Wegert
Councilmember – Aggie Martinez
Councilmember – John Rosenfeld

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: September 12, 2013
Re: Manager’s Report for the September 18, 2013 Town Council Meeting

Eagle Street Project

According to ELAM Construction and Steve Humann, TST Engineering, we are heading into the final two weeks of the Eagle Street project. We did complete stub outs for water and sewer in anticipation of a future public restroom.

DOLA Grant

Next month we will have a report on the Master Meter and the Isolation Valve Projects, both of which are part of this year’s DOLA grant which are to be completed this fall.

Fitness Center

Soils testing was completed and the report received. We met with Pam McQuire of XCEL on site on Wednesday , September 11, 2013 to address gas and electric line issues, placement, and costs. Viele Construction has Scott Ashburn assigned to the project as the primary contact with the Minturn Fitness Center Board. Jack Snow is the architect on the project.

Water Subcommittee

The Water Subcommittee has invited Leroy Cruz, Colorado Rural Water Association. Leroy to return to Town Council on Wednesday, October 16, 2013 to review his wqter rate work at the Town Council meeting.

Scholarship Subcommittee

The Scholarship Committee : Town Council will consider the appointment of new Town Council representative(s) to the Scholarship Committee at the September 18, 2013 Town Council meeting. The bylaws allow up to fifteen members on the committee.

Planning Position

The Town’s Planner position interviews took place in late August. The position has been filled by Janet Hawkinson who started work on Thursday, September 12, 2013. She will be at the September 18, 2013 Town Council meeting to be introduced.

Police Officer Our new officer is Jason Donfris. He will be at the September 18, 2013 Town Council meeting to be introduced.

09/18/13

Recent Events/Upcoming Events:

The Minturn Summer Market ended on Saturday, September 14, 2013. Special thanks to Michelle Metteer for her excellent work on the market throughout the summer. It has become an even better Minturn event under her leadership..

The Minturn Winter markets are planned for December 7 and December 14, 2013 from 10am until 2pm.

Respectfully submitted,
Jim White
Town Manager



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

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

MEMORANDUM

TO: Jim White, Town Manager
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Monday September 9, 2013
RE: Town Council Retreat Notes

Areas where money is available for FY2014 Council projects:

GENERAL FUND:

Unreserved Savings: In each fund, as the year ends, any cash surplus is added to the savings. In the General Fund the approximate or anticipate Year End 2012 is as follows:

2013 Beginning Fund Balance	\$1,272,249
2013 Estimated Budget Surplus	101,715
2013 Eagle St Project (Est)	<u>-330,000</u>
Subtotal	1,043,964
Cash held in reserve	<u>-826,262</u>
Maximum estimated surplus	\$ 217,702

Streets and Sidewalks: Each year we budget an amount in the General Fund (01-06-5352). This money is used for projects, repairs and maintenance. In 2014 we are considering \$40,000.

Battle Mountain Resort \$180,000: The BMR agreement allows for \$15,000 monthly to supplement the Town's General Fund. It is important to note that this money will not be available in 2015 in its current form. The current 2014 Draft Budget reflects the following:

Monthly installments of BMR funds (at \$15,000/Month)	\$ 180,000
1 FTE in Police Department	-84,500
Increase in Event Funding	<u>-12,600</u>
Maximum estimated surplus	\$ 82,900

ENTERPRISE FUND:

Unreserved Savings: In each fund, as the year ends, any cash surplus is added to the savings. In the Enterprise Fund the approximate or anticipate YE2014 is as follows:

2013 Beginning Cash Balance	\$1,087,925
2013 Estimated Budget Deficit	-18,686
Unanticipated FY2013	
ERWSD Water Rights	<u>-60,000</u>
Subtotal	1,009,239
Cash held in reserve	<u>-780,000</u>
Maximum estimated surplus	\$ 229,239

In 2013, the Town is undergoing a water rate study performed by the Colorado Rural Water Association. The intent of this study is to ensure our water rates are sufficient to cover our current expenses and future growth. During the budget process, it is intended that Council will use this study to set the water rates for 2014.

Water Plant and System R&M: Each year we budget an amount in the Enterprise Fund (02-06-5293). This money is used for projects, repairs and maintenance. In 2014 we are considering \$50,000.

Annual Water Rights Maintenance: Each year we budget an amount in the Enterprise Fund (02-06-5352) to pay for the maintenance of several water rights.

Colorado River District – 20 acre feet	\$26,100
Colorado River District – 5 acre feet	1,628
ERWSD Settlement Agreement	40,000
USGS – River Gage Station	<u>15,020*</u>
2014 Total	82,748

*Under the current agreement the Town pays 1/3 of this, BMR pays 1/3, and CBS/Viacom pays 1/3.

MISCELLANEOUS:

Little Beach Park: As a result of the annexation agreement, BMR provided \$250,000 to complete Little Beach Park. During 2013 the Town spent \$8,382.46 on a Master Plan for the Park. Currently, with interest, this amount stands at approximately \$248,413.27. Although there are restrictions as to how this money can be spent, it is available for possible use or to leverage toward grant(s).

Battle Mountain Resort: As a result of the settlement agreement with the Battle Mountain Escrow Funds the Town received a reserve amount of which the current value is \$2,295,528.28 (as of August 31, 2013). The following is a breakdown of these funds:

Balance as of 08/31/12	\$3,605,250
Land Purchase – Bone Yard	-236,470
Amount Restricted for Legal/Consulting Fees (a)	<u>-913,216</u>
Current Escrow Balance	\$2,455,564

(a) Legal/Consulting Fees:

Original Amount Restricted		\$1,240,000
2012 legal AP	-298,959	
YTD 2013 legal AP	<u>-27,825</u>	
Legal Year to Date	-326,784	
Net Legal Restricted		\$ 913,216

MISCELLANEOUS (CONTINUED):

Battle Mountain Resort funds transferred on 03/28/12:

Escrow transfer transferred on 03/28/12	\$3,762,000
Ernest Reserve for Escrow Funds transferred on 05/22/12	28,000
Scholarship Funds (original without interest)	350,000
Little Beach Park (original without interest)	<u>250,000</u>
Battle Mountain Resort Reserve	\$4,390,000

(read to the people)

Aug 30, 2013

Public record

This letter is a follow up to the letter of July 11, 2013. What the council would find that the property lines all the way to the bone yard was way off, because of the federal pins. Jack Johnson came to my father and said he needed to change a pin on Toledo ave to help straighten out the land as best he could, my father agreed. All the neighbors of the 100 block gave their extra land to Toledo ave in theory. The road, the parking, the houses became grandfathered in on the 100 block, Toledo ave and the two trailers by the river, this was a big adjustment.

Now I will explain the homesteaders. Before Minturn became a town, Bocco and the Nelsons made an adjustment. Nelsons paid Bocco \$90 for homestead land, because the Nelsons was on both sides of main street and also to cover the homesteaders. The Nelsons went to the middle of the Eagle river so they and the homesteaders would have water for their livestock and to set up Minturn water supply. Sig Nelson paid the homesteaders taxes for Leidy, Sanders, Flaherty and for themselves. Any response from the town should be in writing. Frank G Sanders Jr