



2014

Minturn Council Meeting

Wednesday July 2, 2014

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 2, 2014

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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 – 5:00 pm

- Historical Society Cemetery tour update – Kathy Heicher
- ECSO IGA Ordinance review - Powell
- Water loss presentation by Public Works – Martinez/Volk
- iAnnotate tutorial - Bellm

Regular Session – 6:30pm

- 1. Call to Order**
 - Roll Call
 - Pledge of Allegiance
- 2. Approval of Agenda**
 - Items to be Pulled or Added
- 3. Approval of Minutes and Action Report**
 - June 18, 2014

- Action Item Report
4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
 - Introduction of Sheriff Candidate Daric R. Harvey - Powell
 5. **Special Presentations**

PUBLIC HEARINGS AND ACTION ITEMS

6. **Action Item: Marijuana legislation update and direction – Powell/Sawyer**
7. **Action Item: The Council will consider a motion to approve Ordinance 4, Series 2014, an ordinance authorizing the Mayor to sign an Intergovernmental Agreement with Eagle County for law enforcement services. – Powell**

COUNCIL AND STAFF REPORTS

8. **Town Planner**
 - Planning Commission Appointments
 - 947 Main Street Preliminary Subdivision Plat
 - 1973 Main Street Preliminary Subdivision Plat
 - Design Review for Duplex at 850 Main Street – resubmittal scheduled
 - Design Review for Duplex at 1131 Main Street – resubmittal scheduled
 - Minturn Fitness Sign Approval
9. **Town Attorney**
 - Small Claims Case 14S8
10. **Town Manager**
 - Code Enforcement
 - Town Hall remote access technology and improved presentation capabilities
11. **Town Council Comments**

FUTURE AGENDA ITEMS

12. **Next Meeting – July 16, 2014**
13. **Future Meetings:**
 - County Commissioners

14. Set Future Meeting Dates

a) Council Meetings:

- July 16, 2014
- August 6, 2014
- August 20, 2014

b) Planning & Zoning Commission Meetings:

- July 23, 2014
- August 20, 2014
- September 24, 2014

15. Other Dates:

- July 5, 2014: Independence Day Parade & Celebration
- July 8, 2014: Town Council Retreat
- July 10, 2014: Thursday night Concerts in the Park begin

16. Adjournment

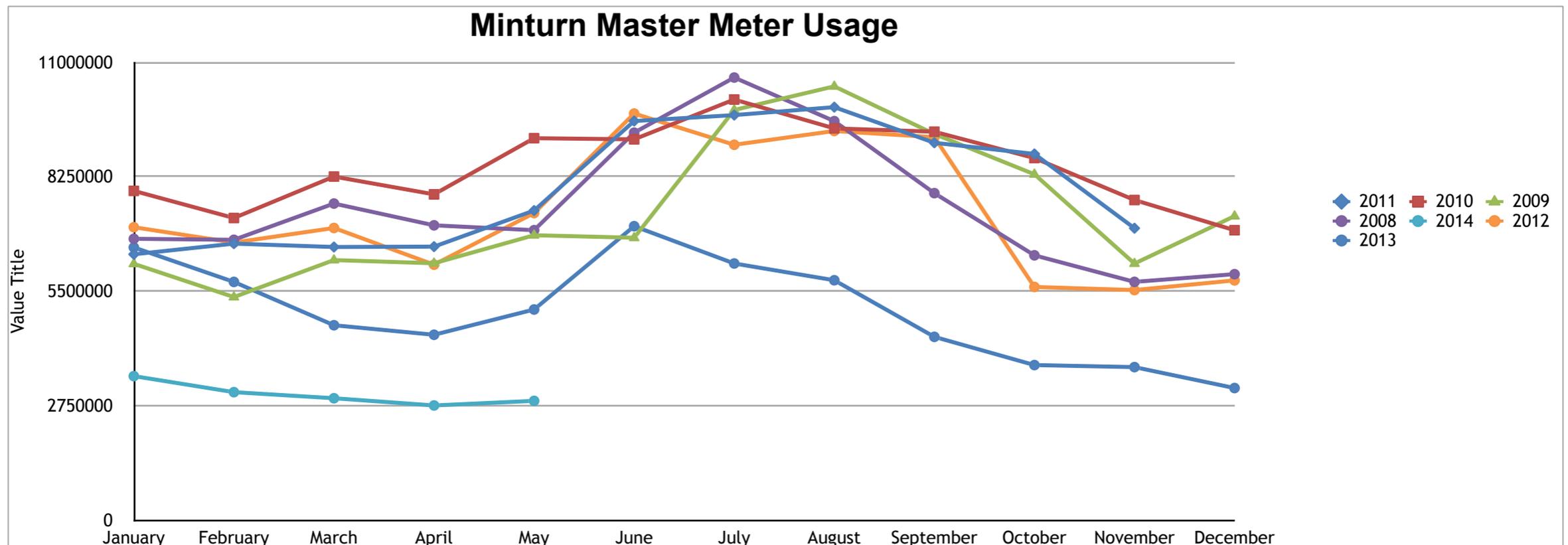


Town of Minturn

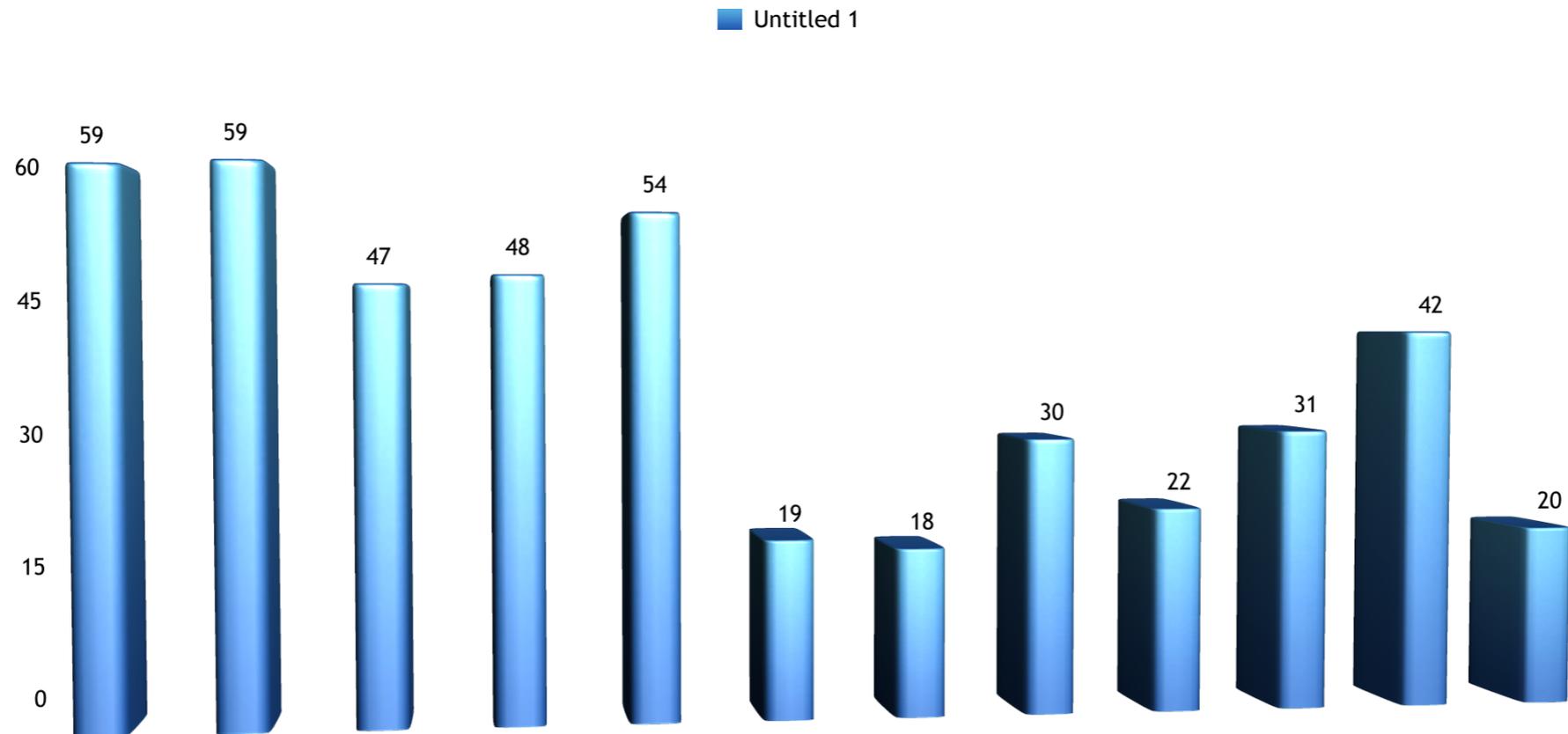
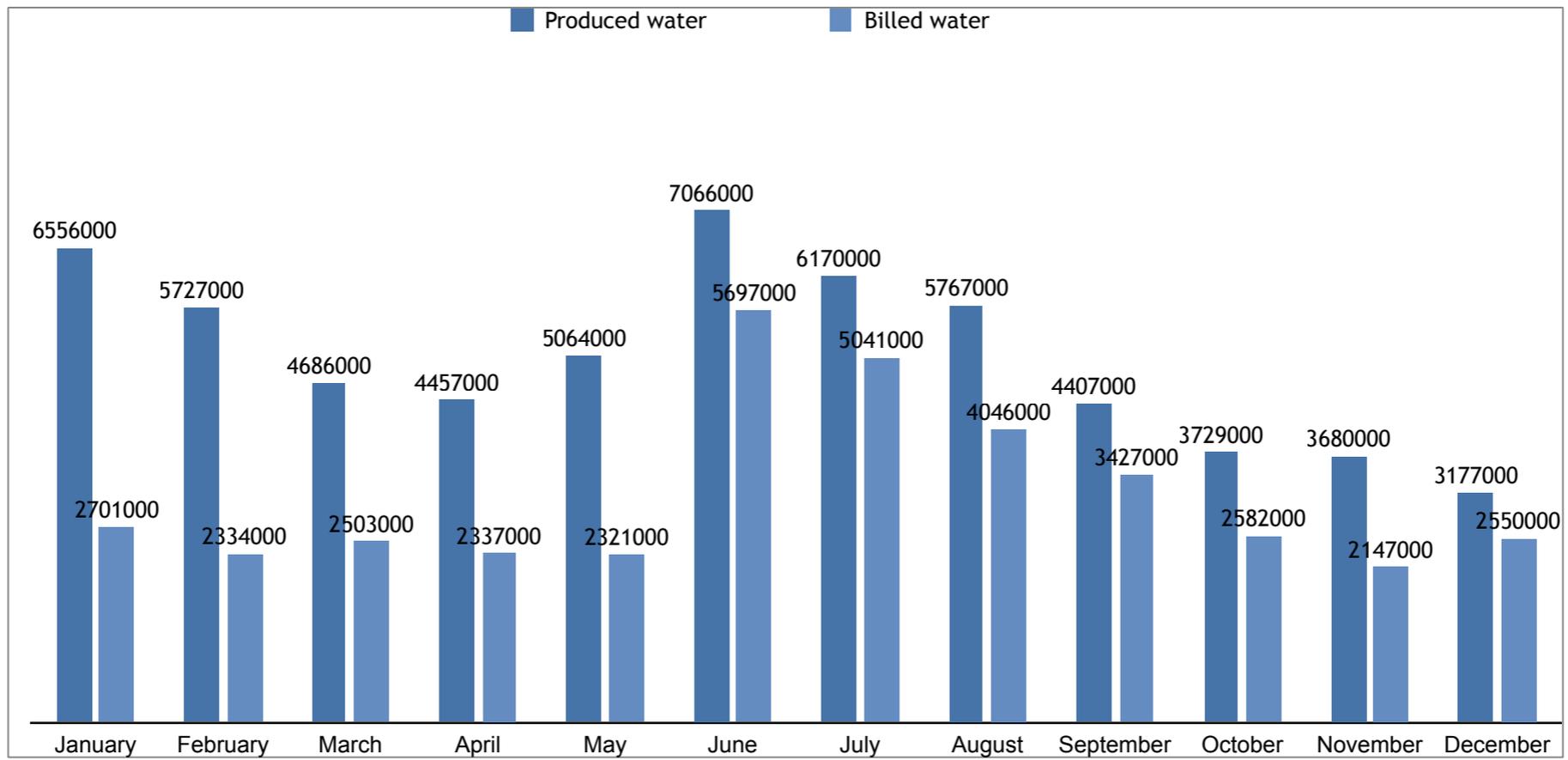
Water loss 2007 to 2014

Total monthly production 2007 - 2014

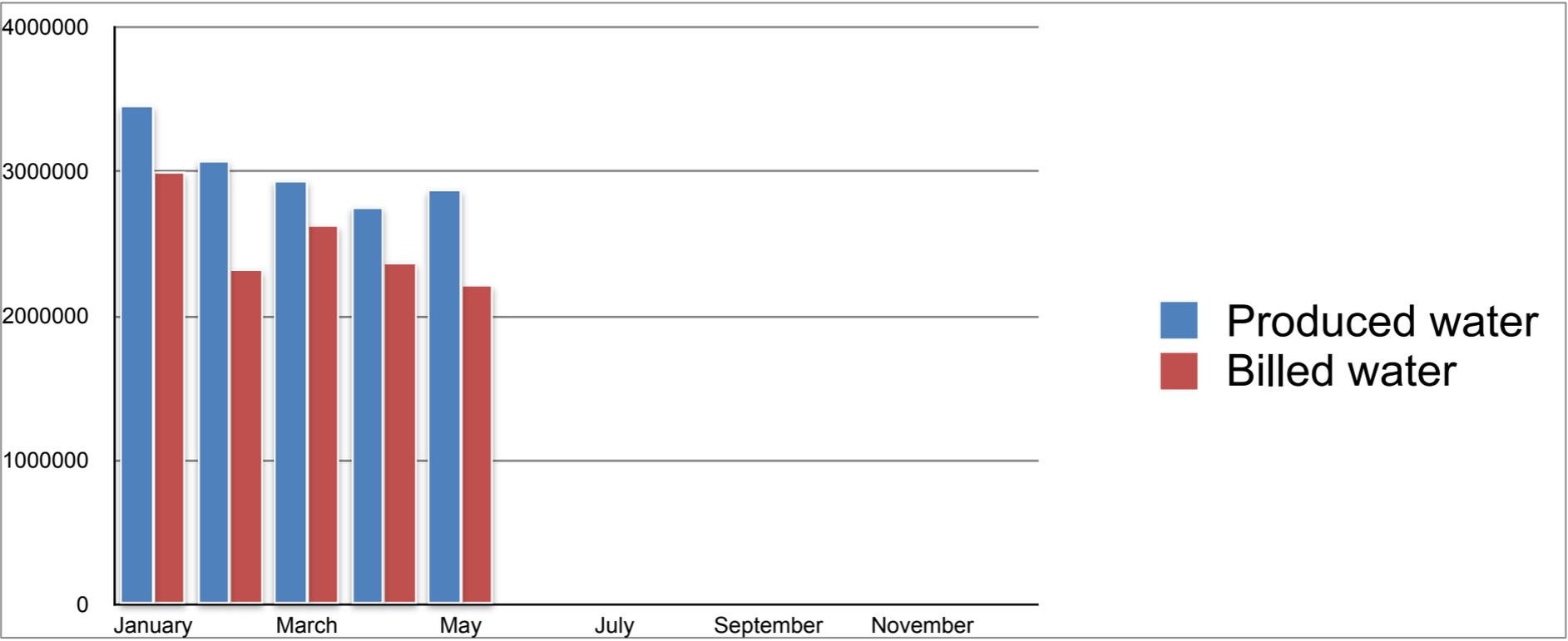
	January	February	March	April	May	June	July	August	September	October	November	December	Total Usage
2013	6556000	5727000	4686000	4457000	5064000	7066000	6170000	5767000	4407000	3729000	3680000	3177000	60486000
2012	7041000	6673000	7023000	6141000	7381000	9772000	9022000	9353000	9204000	5606000	5531000	5764000	88513012
2011	6391000	6647000	6566000	6575000	7442000	9592000	9735000	9926000	9070000	8802000	7017000	8362000	96125000
2010	7915000	7263000	8258000	7831000	9180000	9153000	10109000	9416000	9336000	8703000	7695000	6969000	101828000
2009	6162000	5363000	6252000	6175000	6849000	6788000	9858000	10425000	9281000	8313000	6168000	7308000	88942000
2008	6763000	6739000	7610000	7087000	6970000	9313000	10637000	9590000	7860000	6366000	5728000	5913000	90576000
2014	3463554	3078215	2932071	2758727	2869142								15101709



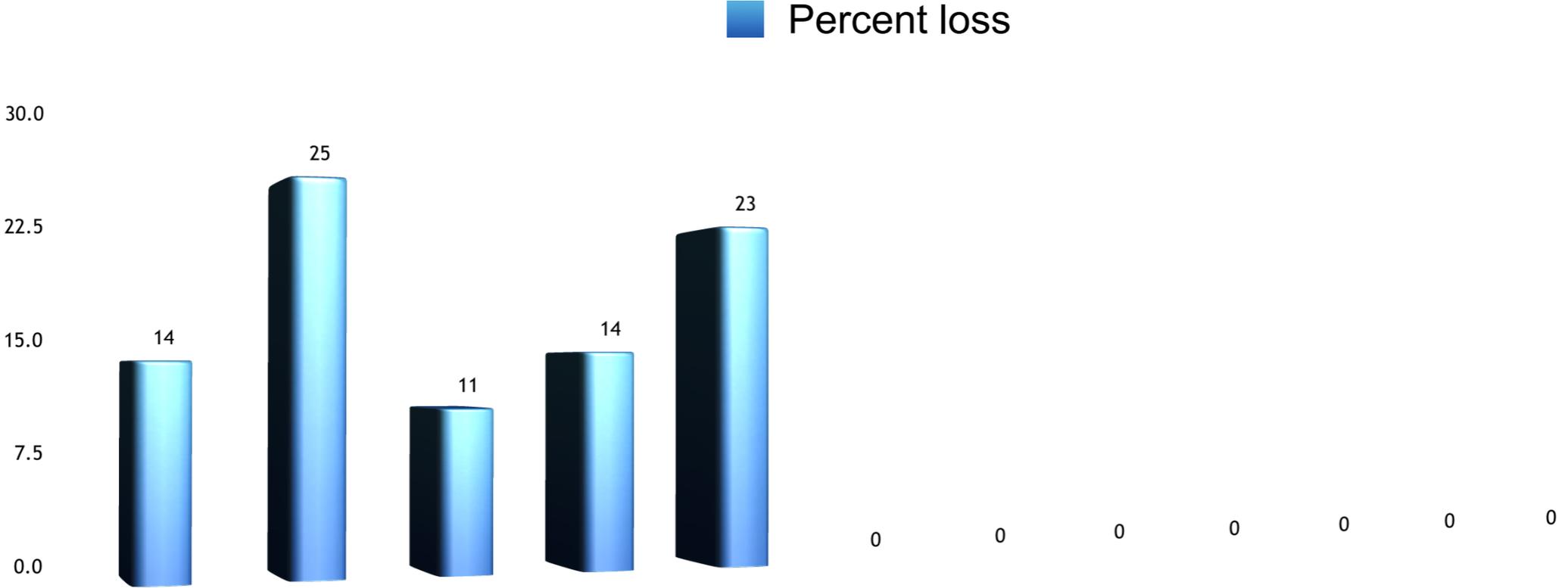
2013



2014



Percent loss

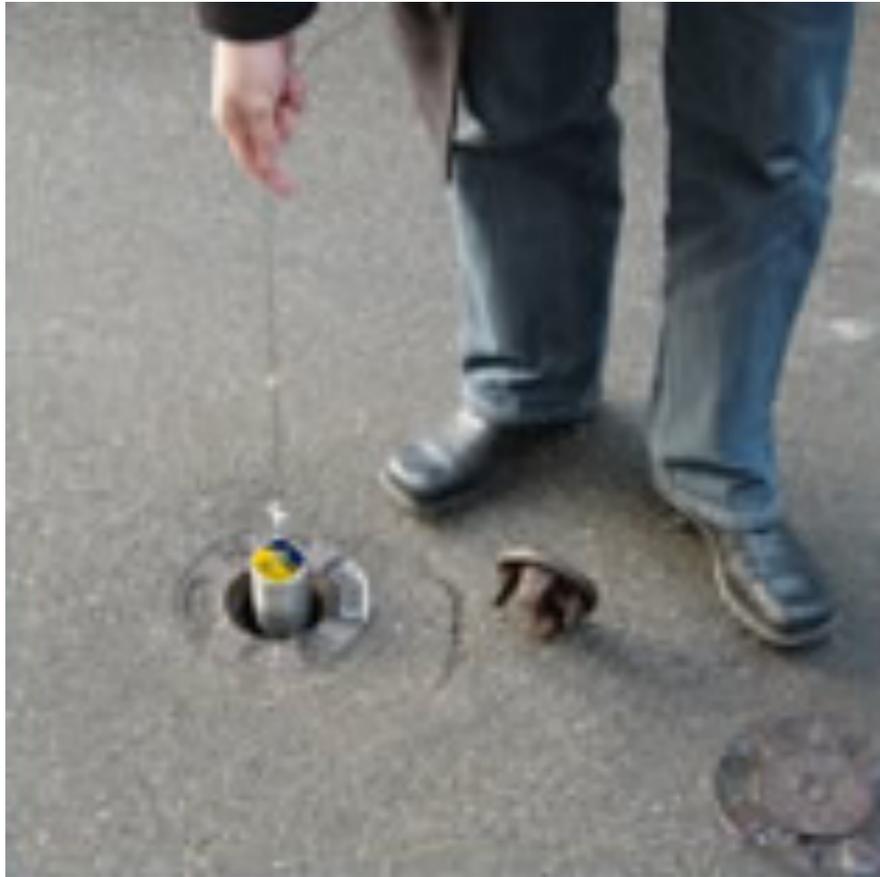


Completed projects 2014

- Installed a new 12" valve at the intersection of Toledo and Main.
- Located and exposed 2 main line valves at the intersection of Toledo and Main.
- Installed a mechanical timer to control well #4 production.
- Completed new master meter pit.
- Completed Harrison water line loop.

Projects: Summer 2014

- Replace fence around filters #1 and #2.
- Install a Gridbee mixer in Maloit Park tank.
- Rebuild 8" Cla-Val PRV.
- Design an infiltration system for Little Beach Park.
- Clean up PLC programming.
- Apply for a new permit for well #3.
- Correlate system overnight using FCS Soundsens pods.



Phocus 2 noise loggers

Locate leaks faster

Phocus[®]2

Intelligent acoustic leak detection system

Phocus2 is an acoustic data logger system designed for widespread use in detecting and localising leakage on water distribution systems. Large areas may be rapidly assessed.

Phocus2 gives visual, on-site indication of leakage or can be used with sophisticated software to produce graphical and tabular results.

Phocus2 advantages:

- **Rapid, overnight, identification of leaks - without the need for staff night working**
- **Use for survey or permanent operation**
- **Large areas can be covered quickly**
- **Intelligence built into logger for instant, on-site, indication of leakage**
- **Advanced analysis PC software**

Operation

Leak pre-location is carried out by installation of a number of *Phocus2* loggers at available fittings such as hydrants or valves. The loggers record leak noise during the night, when background noise is likely to be lower. Noise amplitude will vary due to random effects, but there will always be a consistent minimum (the critical noise level) due to any constant noise - for example, leakage.

Loggers which are situated closer to a leak will record a higher critical noise level. The leak can then be pinpointed (usually by using the leak noise correlation technique).

The System

The *Phocus2* system consists of a number of acoustic noise loggers. A communications case is required to program and readback loggers. The case has the contact-less communications facility built into the lid. Loggers may be placed in any position and the PC software automatically identifies each logger. The case provides for communication for up to 15 loggers at the same time and the cases may be connected to build a system with any number of loggers.



Phocus2 achieves full statistical analysis overnight - move it everyday for maximum network coverage

Michelle Metteer
Economic Development Coordinator
Deputy Clerk
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www.downtownminturn.com



Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Earl Bidez
Councilman – John Rosenfeld
Councilman – Matt Scherr
Councilman – Jason “Ozzy” Osborne

AGENDA ITEM COVER SHEET

AGENDA TITLE: iPad Training by Shelley Bellm
MEETING DATE: July 2, 2014
PRESENTER: Bellm
BACKGROUND: With the Council now using an electronic format for the packets, the note-taking process at Council meetings is needing to evolve as well. iAnnotate is a productivity and collaboration app that will allow for the end user to take notes directly within the electronic packet. All Council members are asked to purchase and download iAnnotate through the iTunes store BEFORE the Council meeting on July 2 nd . Submit a printed copy of your receipt (iAnnotate costs \$9.99) to Jay for reimbursement. Although a stylus is not necessary it may be useful.
iAnnotate Description: Use iAnnotate to read, mark up, and share PDF, DOC, PPT and image files! Join the over 1 million users worldwide who say iAnnotate is “an indispensable tool to have,” and “the reason I bought an iPad.” iAnnotate’s intuitive interface and customizable set of features make it the "go-to app" for taking notes on lecture slides, annotating important business documents, revising screenplays, grading papers, and much more. Read on to learn about the great capabilities of iAnnotate: ANNOTATE: Choose from the pen, highlighter, typewriter, stamp, straight-line, note, underline, strikeout, photo, voice recording, and date stamp tools. Copy and paste annotations, even from one document to another. CUSTOMIZE: Drag and drop the exact tools you need to create custom toolbars for your specific workflow. Switch between toolbars with a swipe, or open the Toolbar Drawer to edit your toolbars. SCROLL: iAnnotate allows fast, continuous vertical scroll through an entire document. Other apps only let you view one page at a time, but iAnnotate gives you both options. SEARCH: Use keywords to search the full text or filenames of every document downloaded to your Library, or limit your search to unread, annotated, or favorited documents to refine your results. NAVIGATE: Open the Navigation Panel to explore your documents by thumbnails, bookmarks, annotations, or search results, and perform other common actions. MULTITASK: iAnnotate lets you have up to eight documents open at once, and easily navigate between them for tabbed reading. MANAGE: Arrange documents by folders and sort contents by date added, date last opened, or alphabetical order. And more....
STAFF RECOMMENDATION/MOTION: Come prepared with the iAnnotate app already downloaded to your iPad, and stylus, if desired, already purchased.



Official Minutes

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

Wednesday June 18, 2014

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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 – 5:00 pm

- Discussion with Safebuilt Building Inspections/Charlie Davis – Hawkinson
Council directed the Town Manager to pursue certifying and using Safebuilt to handle all electrical inspections. This would cost 15% more but it would allow better and timelier customer service. This would be brought back to the Council for status update and approval. Safebuilt will give quarterly updates to the Council.

- Fiscal Year 2013 Annual Audit presentation and acceptance – Brunvand
- Marijuana legislation update – Powell/Sawyer
Put back on next work session for further discussion. And short presentation during the meeting to outline the laws for the citizens.

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty 6:45pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, John Rosenfeld, Matt Scherr, Earle Bidez, Ozzy Osborne, and Shelley Bellm.

Staff present: Interim Town Manager Willy Powell, Town Attorney Mike Sawyer, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Add:

10a: Give direction on building inspector regarding electrical inspection services

10b: Move discussion of the leasing of the town manager house to an Action Item.

Motion by John R., second by Ozzy O., to approve the agenda as amended. Motion passed 6-1
Note: Shelley B. voted nay.

3. Approval of Minutes and Action Report

- June 4, 2014

Motion by John R., second Earle B., to approve the minutes of June 4, 2014 Council Meeting as amended. Motion passed 7-0.

- Action Item Report

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

Mr. Lou Meskimen, 23698 Hwy 24 Meadow Mtn Business Park, asked the Town to assist in providing single stream recycle as many are using the Business Park's containers and they are filling fast. Additionally, he requested the Town to contact the Rail Road and inquire if they would put a steam engine in the rail yard during the 2015 World Cup.

5. Special Presentations

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: Fiscal Year 2013 Annual Audit presentation and acceptance – Brunvand

Shelley B. stated she felt the Scholarship Fund and the 501(c) (3) had fallen through the cracks. Willy P. updated the Council on the status of the fund and funding. Current applications are due by July 31st, currently they have four applications. Shelley B. stated she felt the meeting she attended was not well organized and she is looking for the bylaws too. She stated she felt an organizational meeting is important at this point.

Motion by Shelley B., second by George B., to accept the Fiscal Year 2013 Audit as presented. Motion passed 7-0.

7. Discussion/Action Item: Marijuana legislation update – Powell/Sawyer

Mike S. updated the Council on the current status under which the Town operates. The Town has a ban on all sales of marijuana in Town. This update included what constitutes open and public for the consumption. It was noted consumption in public areas is not lawful however individuals are allowed to consume within their own private property.

Willy P. updated the Council on where we are with the position of the Code Enforcement Officer. He did not ask for a decision at the meeting, merely he requested discussion and possible direction. Discussion ensued as to how the Town has not managed to enforce our nuisance laws on a fair and equitable basis. It was noted that to find someone with background in Code Enforcement, Police, and Court Clerk would be difficult and that it might be fruitful to have two part time positions. The desire was to not fall back and to move beyond enforcement by complaint.

It was noted that because the staff is shrinking in the Town Hall it would be reasonable to have one full time position that offers the police clerk side and the code enforcement side.

8. Discussion/Action Item: Discussion and Direction regarding phone votes and operational procedures of Town Boards and Commissions – Powell/Sawyer

Michael S. updated the Council with the information provided in the packet. Currently, the Town does not have any regulations on allowing or prohibiting phone votes. He noted a number of reasons why it is not advisable to allow non-present voting. Michael S. advised that existing rules be reviewed, written down, and codified. These rules then would be adopted for all Town Boards and Commissions by ordinance.

Direction was given to investigate costs and capabilities and report back to the Council.

9. Discussion/Action Item: Discussion and direction regarding Intergovernmental agreement for Police coverage by the Eagle County Sheriff's Office within the Town of Minturn – Powell

Willy P. updated the Council on where we are in the process of an intergovernmental agreement for police coverage by the Eagle County Sheriff's Office. Currently we are awaiting the agreement with the discussed changes from the County.

10a Discussion/Action Item: Staff direction on building inspector regarding electrical inspection services

Direction was given for the Town to pursue an agreement using Safebuilt to perform electrical inspections and to utilize a three year agreement rather than the current year to year.

10b Discussion/Action Item: Staff direction regarding the leasing of the town manager house to an action item.

Hawkeye stated he was approached by Jim White and asked to remain in the Manager's House past his current agreement. The current agreement allows the White's to remain in the house until August 31, 2014 rent free. Discussion ensued as to the request.

Direction to Staff is to proceed with:

- A month to month lease
- A 30 day termination notice
- A fair market rent.

Council also discussed the estimated start date for the permanent Town Manager. It was noted the start date will determine the schedule of the hire process which is estimated to take 5-7 months.

Direction was given for approximately February, 2015.

Shelley B. recommended the Council members begin to consider what they personally want in a new Town Manager.

COUNCIL AND STAFF REPORTS

10. Town Planner

- 2 Subdivision Applications have been submitted. The pre-application meeting was held with Planning Commission June 11, 2014.

Janet H. outlined the projects at the Planning Commission and answered questions. Discussion ensued as to the impact of down zoning our commercial zones to residential.

- The Public Restrooms construction drawings have been put out to bid. Please see attachments.

Design has been approved and final drawings are being developed.

Shelley B. requested a review of which Planning Commission member's terms have expired and we appoint or reappoint commissioners as needed.

11. Town Attorney

12. Town Manager

- Taylor St Parking

Willy P. updated the Council on the parking status along Taylor St. Concern was expressed as to if Ordinance 2-2014 was ever passed on Second Reading as several members felt it was tabled.

Discussion ensued as to the availability and effectiveness of parking on Taylor St. There is a clear need to establish the right of way, stripe the road, etc.

Direction was given to sign the parking to be flexible with the needs of the area.

- Leasing Town Manager House to Jim White
- Start date for next full time Town Manager

- Set dates for Retreat

Willy P. reviewed the calendar with the Council. The Retreat was set for July 8 starting at 4pm

- CIRSA training regarding quasi-judicial concerns

Direction was given to bring Tami up to hold a training for the Council.

- Code Compliance Update
- 494 Eagle St

Firm up legally the approval by granting a variance for the property and waive the fee. This process would clean up the property file for the future.

13. Town Council Comments

FUTURE AGENDA ITEMS

14. Next Meeting – July 2, 2014

- Work session and Action Item: ECO SO police coverage contract
- Work session – Shelley iPad instructions
- Work session – Marijuana discussion get information on the revenue on the retail sales.

15. Future Meetings:

- County Commissioners

16. Set Future Meeting Dates

a) Council Meetings:

- July 2, 2014
- July 16, 2014
- August 6, 2014

b) Planning & Zoning Commission Meetings:

- June 25, 2014
- July 23, 2014
- August 20, 2014

17. Other Dates:

- July 4, 2014 Office Closed
- July 5, 2014 Minturn 4th

18. Adjournment

Motion by John R., second by Matt S., to adjourn at 9:02pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

ACTION ITEMS REPORT

From: Town Manager
2-Jul-14

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	Plans for bathroom close to bidding. Design for educational portion beginning
Rec Property Clean-up	Martinez Hawkinson	berm constructed. Continue grading, cleanup and beautification
Little Beach Park perfect ownership	Powell	Property report ordered from title company
ECSO law enforcement IGA	Powell	Ordinance for IGA approval at July 2 meeting
Isolation valves and street work	Hawkinson Martinez	work complete final draw from DOLA being submitted
TAP grant--South Minturn sidewalks	Hawkinson	August 1 submittal date, high priority Meetings with CDOT continuing
2014 Community Master Plan		need to discuss this project in relation to other priorities
Memorialization Guidelines		who is to be in charge of this project--staff or Cliff Thompson

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
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – John Rosenfeld
Councilmember – Jason Osborne
Councilmember – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Council Direction for Retail Marijuana
MEETING DATE: July 2, 2014
PRESENTER: Brunvand
BACKGROUND: Two years ago the Town studied the prospect of allowing the retail sale of medicinal marijuana. At the time the Council ultimately imposed a ban on all such establishments within the Town limits. At the June 18 Council meeting Council requested time to take a straw poll to determine the Council’s desire to reconsider the sale of medicinal and retail marijuana or to continue with the ban currently in place. Colorado tax regulations preclude us from knowing the sales taxes collected on individual stores. Because of the conditions in Eagle and adjoining counties knowing the sales within a town or county would ultimately allow us to calculate a specific store which would be illegal. However, I can state conservatively that a store in the Town of Minturn would bring in sales taxes (4%) of \$3,000-5,000 per month.
CORE ISSUES: N/A
STAFF RECOMMENDATION/MOTION: Staff is not requesting a motion, rather staff is requesting clear direction to continue with the ban currently in place or to bring forward an ordinance that would responsibly appeal the current ban and allow the retail or medicinal sale of marijuana within the Town of Minturn.

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 4 – SERIES 2014

AN ORDINANCE AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN AN INTERGOVERNMENTAL SERVICE AGREEMENT BETWEEN THE EAGLE COUNTY SHERIFF'S OFFICE AND THE TOWN OF MINTURN CONTRACTING FOR COOPERATIVE LAW ENFORCEMENT SERVICES IN THE TOWN OF MINTURN, COLORADO.

WHEREAS, the Town of Minturn and the County desire to enter into, and be bound by, an Intergovernmental Agreement for Cooperative Law Enforcement Services dated as of August 1, 2014 whereby the Town contracts with the County for provision of law enforcement services; and

WHEREAS, the Town and County now desire to enter into this agreement and to the terms and conditions associated with the performance of law enforcement protection services within the Town as provided by the County through the Sheriff.

WHEREAS, such intergovernmental agreements are authorized and provided for under Section 29-1-201, *et seq.*, C.R.S.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The Mayor is authorized to sign an agreement, and such other documents as are reasonably necessary, with the Eagle County Government to enter into an agreement to provide Cooperative Law Enforcement Services in the Town of Minturn, Colorado.

SECTION 2. This Ordinance shall not take effect until the agreement is signed by the representatives of all the necessary parties thereto.

SECTION 3. If any part, section, subsection, sentence, 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 hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

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 reenactment of any provisions of the Minturn Municipal Code as provided in this ordinance shall not affect any right with has accrued, any 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 reenacted. 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 2ND DAY OF JULY, 2014. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 18TH DAY OF JULY, 2014 AT 6:30 p.m. 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 AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 18TH DAY OF JULY, 2014.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**INTERGOVERNMENTAL AGREEMENT
FOR COOPERATIVE LAW ENFORCEMENT SERVICES**

This INTERGOVERNMENTAL AGREEMENT FOR COOPERATIVE LAW ENFORCEMENT SERVICES (the "Agreement"), is made and entered effective the 1st day of August, 2014, between the Town of Minturn, Colorado, a municipal corporation, by and through its Town Council (the "Town"); and the County of Eagle, Colorado, a body corporate and politic, by and through its Board of County Commissioners (the "County"). The Eagle County Sheriff's Office (the "Sheriff") will administer this Agreement on behalf of the County and perform the obligations of the County described herein.

WITNESSETH:

WHEREAS, the Town and the County desire to enter into, and be bound by, an Intergovernmental Agreement for Cooperative Law Enforcement Services dated as of August 1, 2014 whereby the Town contracts with the County for provision of law enforcement services; and

WHEREAS, the Town and County now desire to enter into this agreement and to the terms and conditions associated with the performance of law enforcement protection services within the Town as provided by the County through the Sheriff.

WHEREAS, such intergovernmental agreements are authorized and provided for under Section 29-1-201, *et seq.*, C.R.S.

NOW, THEREFORE, it is agreed as follows:

I. Purpose of the Agreement

This Agreement is made between the Town and County to provide for law enforcement protection services as described herein.

II. Services to be Provided

The County shall provide the following law enforcement protection services within the corporate boundaries of the Town (hereinafter "Services"). Except as otherwise specifically set forth, the services shall be those duties and functions coming within the jurisdiction of the County pursuant to Colorado law. The standards of peace officer performances, the discipline of deputies and other matters incident to the performance of law enforcement services and control of personnel so employed, shall remain in and under the sole control of the County.

- A. Except as otherwise specifically set forth, the Services shall be the same level of services which are provided for unincorporated areas of similar population density in Eagle County. Said Services shall include, but not limited to, the following:
1. From August 1, 2014 through December 31, 2018, the County will provide 300 hours of patrol services per month within the corporate limits of Town. These hours will include court time, up to 32 hours of training per month, and up to 96 benefit hours per month.
 2. On-call response to complaints and services from the Town or the public. On-call availability shall consist of all daily hours not covered by routine or random patrol and responses to request will be authorized by the on-duty supervisor.
 3. The actual time periods during each day spent in providing patrol services shall be dependent upon several factors including, but not limited to, the day of the week, the time of the month, school day versus non-school day, needs of the community, holiday, etc. The normal scheduled hours shall be between 0600 hours and 0300 hours. These times will not include travel time to and from Eagle or briefing time. The County is allowed to use flexible scheduling to prevent the development of patrol hour patterns. Extra hours worked in any month will be applied to any month where the number of hours worked does not total the contracted requirement.
 4. Patrol services shall include, but not limited to, the following: general traffic enforcement, business checks by foot patrol or vehicle, vacation checks of private residences (as requested), development and maintenance of crime prevention programs for commercial and residential use, special events (Minturn Farmer's Market, Fourth of July, etc.), investigation of traffic accidents (excluding Hwy 24 which will be covered by the Colorado State Patrol), investigation of criminal offenses (including the use of criminal investigators and forensic laboratory capabilities), narcotics investigations and VIN checks.
 5. Patrol services shall also include the enforcement of Colorado state statutes and county and municipal ordinances which are of the same type and nature as Colorado laws enforced by the County within unincorporated Eagle County. The County shall enforce Title 10 (Vehicles and Safety) of the Town's Municipal Code. The County will not handle any non-hazardous animal calls under this Agreement. The County shall not act as a Code Enforcement Officer for the Town.

6. The County acknowledges that personnel assigned to the Town have been notified of their duty to cooperate with state and federal officials with regards to enforcement of state and federal laws regarding immigration and their duties to comply with the provisions of C.R.S. § 29-29-103(2).

III. Municipal and County Court

- A. It is agreed the Sheriff's deputies making arrests or issuing summons to violators for appearance in court shall appear at the appointed time and date to give all evidence and testimony required by the court. Sheriff's deputies failing to comply with this requirement may be subject to disciplinary action by the County. The County shall notify the Town if any disciplinary action is taken by the County in the enforcement of this provision in the monthly report submitted pursuant to Section VI(A).
- B. It is agreed that deputies assigned to the Town will not act as court recorders and are not held responsible for scheduling or monitoring of community service sentenced by the court.
- C. It is agreed that deputies working in the town limits of Minturn, and only when issuing traffic citations, will cite such violations into Minturn Municipal Court (as opposed to state tickets). Deputies will maintain discretion on issuing municipal or state citations for other offenses.

IV. Personnel and Equipment

- A. It is agreed that the County shall furnish and supply all labor, supervision, equipment, communication facilities for dispatching, cost of jail detention, and all supplies necessary to maintain services to be rendered.
- B. The Town will provide access to the Town Hall and/or other Town owned facilities and equipment for administrative use by the County in conjunction with this Agreement.

V. Liability of the Parties

- A. Nothing in this Agreement shall constitute a waiver of any of the rights, remedies or obligations of the Colorado Governmental Immunities Act or other Colorado law.
- B. Any person employed by County for the performance of services and functions pursuant to this Agreement shall remain employees of the County on special assignment to the Town for the purposes of this Agreement, and shall not be considered employees of Town. No such County employee shall have any entitlement to compensation, workers' compensation coverage, pension, or civil service benefits from Town. The Town shall not assume any liability for the direct payment of any salaries, wages or other compensation to any County personnel performing services

hereunder for the Town, or any liability other than that provided for in this Agreement. Except as herein otherwise specified, the Town shall not be liable for compensation or indemnity to any County employee providing services to the Town under this Agreement, for such employee's injury or sickness, whether or not such injury or sickness arises out of services provided to the Town. The County shall to the extent of County insurance cover such liability, defend and hold harmless the Town against any such claims and provide any required workers' compensation insurance program and unemployment insurance coverage for the County employee. Any release, hold harmless and indemnity given hereunder shall not constitute a waiver of any rights or immunities afforded to the County under § 24-10-107, *et seq.*, C.R.S.

VI. Monthly Reports Provided to the Town

- A. It is agreed that the Sheriff or designee shall provide a monthly written report to the Town Manager detailing law enforcement and public services activities provided under this Agreement. Said report shall be submitted to the Town prior to the 15th of the following month. The contents of the report, or portions thereof, shall be released to the public only upon the written authorization of the Sheriff or when mandated to be released through any court order or provision of the Colorado Open Records Act. The report may also include suggestions and/or accommodation by the Sheriff's office by way of joint efforts between the Town and the County for pro-active community policing programs where applicable.
- B. Prior to the first of each month, the Sheriff will provide to the Town, through the Town Manager, a schedule of the days and times to be worked in the month. This schedule may be modified during the month to conform to the needs of the community as expressed by the Town. The schedule is confidential and will not be released without the written authorization of the Sheriff.

VII. Payments for Services Delivered

- A. The Town hereby agrees to pay the County an amount, not to exceed \$315,000, for the Services per year. The amount paid for 2014 will be prorated for the months Services are provided. (Note: The Town has already paid Vail Dispatch \$30,805 for calendar year 2014 dispatch services that is not included in this amount). Beginning in calendar year 2015 and each year thereafter, an estimated \$25,000 dispatch fee will be added to the contract amount paid by the Town. Beginning in 2016 and each year thereafter, the contract amount will increase by the lesser of five percent (5%) or the Consumer Price Index for All Urban Consumers (CPI-U) for the Denver-Boulder area. The Town will make equal payments quarterly to the Sheriff's office. Payments are due on the 15th of the month in March, June, September, and December.

- B. The Town may deduct from its final monthly payment the sum of \$50.00 for each hour the Services were less than the amounts set forth in Section II (A)(1) cumulatively throughout the year. Extra hours worked in any month will be applied to any month where the number of hours worked does not total contract requirements.
- C. County also agrees that all vehicles used by Minturn deputies are to be marked as "Eagle County Sheriff's Office." The vehicles and equipment will remain the property of Eagle County Government at all times.

VIII. Termination of the Agreement

Either party shall have the right to terminate this Agreement at any time provided that the party wishing to terminate provides the other party at least one hundred eighty days (180) written notice of its intention to terminate. The Town shall be liable for payment in full to the County for its Services to the date of the termination of the Agreement.

IX. Liaison Between the Parties

- A. It is agreed that the Sheriff shall have full cooperation of the Town, its officers, agents, and employees, so as to facilitate the performance of this Agreement.
- B. It is agreed that for the purpose of maintaining cooperation, local control, and general information on existing complaints and problems in the Town, each party shall appoint a liaison through which written and oral communication between the parties shall be directed. The Town's liaison shall be the Town Manager. The Sheriff will appoint the Undersheriff as the liaison to the Town. It is agreed that the Town shall have full cooperation of the Sheriff and his representatives in response to pre-existing complaints and/or problems and they shall promptly take steps to resolve the situation in a manner mutually agreeable to the Town and the County, understanding that the Sheriff is the final authority on such issues.
- C. The Sheriff will review this Agreement annually to insure that all elements of the Agreement are being met, and will meet with a representative of the Town to review and discuss the performance of the Agreement.

X. Renewal and Modification of the Agreement

- A. This Agreement may be renewed in writing signed by the parties. Renegotiation of the terms, payments, and services provided will be included in any renewal agreement.
- B. Any changes to this Agreement shall be made only by written amendment signed by the parties.

XI. Term of Agreement

This Agreement shall be effective upon the first day of August, 2014 through the thirty-first day of December, 2018. Notwithstanding the foregoing and any other provisions of this Agreement, the terms and obligations of this Agreement are subject to annual appropriations by the parties so as to not create a multiple fiscal year obligation pursuant to Article X, Section 20 of the Colorado Constitution.

XII. Entire Agreement

This written Agreement embodies the whole agreement between the parties hereto and there are no inducements, promises, terms, conditions, or obligations made or entered into either by the County or the Town other than that contained herein.

XIII. Assignment

This Agreement shall be binding upon the respective parties hereto, their successors or assigns, and may not be assigned by anyone without the prior written consent of the respective parties hereto.

XIV. Severability

All agreements and covenants herein are severable, and in the event that any of them shall be held invalid by a Court of competent jurisdiction, this Agreement shall be interpreted as if such invalid agreement or covenant were not contained herein.

XV. Authority

The Town represents to the County and, likewise, the County represents to the Town that it possesses the legal ability to enter into this Agreement. In the event that a Court of competent jurisdiction determines that either of the parties hereto do not possess the legal ability to enter into this Agreement, this Agreement shall be considered null and void as of the date of such Court determination.

IN WITNESS WHEREOF, the Town of Minturn, by and through its Town Council, caused this Agreement to be signed by its Mayor and attested by its Town Clerk, and the County of Eagle, by and through its Board of County Commissioners, caused this Agreement to be signed by its Chairman, attested by its Clerk, and approved by its Sheriff, all on the day and year first above written.

//REMAINDER OF PAGE INTENTIONALLY LEFT BLANK//

COUNTY OF EAGLE, STATE OF COLORADO,
by and through its BOARD OF COUNTY
COMMISSIONERS

By: _____
Jillian H. Ryan, Chairman

Attest:

By: _____
Teak J. Simonton, Clerk to the Board

TOWN OF MINTURN, STATE OF COLORADO
by and through its TOWN COUNCIL

By: _____
Gordon "Hawkeye" Flaherty, Mayor

Attest:

By: _____
Clerk to the Town Council

APPROVED:

By: _____
Joseph D. Hoy, Eagle County Sheriff

Janet Hawkinson
Planner
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
970-827-5645
jhawkinson@minturn.org
www.minturn.org
www.downtownminturn.com



Town Council
Mayor – Hawkeye Flaherty
Mayor Pro Tem – George Brodin
Council Members:
Shelley Bellm
Earle Bidez
Johnie Rosenfeld
Matt Scherr
Jason Osborne

Planning Department Report

Planning Commission Appointments:

1. Melissa Decker – March 2010
 2. Chair – Lynn Teach - March 2005
 3. Tim Osborne – March 2009
 4. Burke Harrington – July 2012
 5. Bobby Head – April 2012
- Recommendation: Have three positions open in the Fall of 2014 and then two positions open in the Spring of 2014 in order to get P&Z back on a proper rotation.

947 Main Street Preliminary Subdivision Plat

An application has been submitted for a subdivision. The public hearing is scheduled for July 9, 2014 at 6:30 pm.

- The potential developer has met with the Planner and the Planning Commission in pre-design meeting as per Appendix B.

1973 Main Street Preliminary Subdivision Plat

An application has been submitted for a subdivision. The public hearing is scheduled for July 9, 2014 at 6:30 pm.

- The potential developer has met with the Planner and the Planning Commission in pre-design meeting as per Appendix B.

850 Main Street Design Review

After review by the Planner and Planning Commission, the design was not approved. The applicant was given needed changes to meet code and will re-submit.

1131 Main Street Design Review

After review by the Planner and Planning Commission, the design was not approved. The applicant was given needed changes to meet code and will re-submit.

Minturn Fitness Center Sign

The Minturn Fitness Centers sign was approved.



Lettering matches the red on the beams

36" x 48"

Building Permit #



SIGN PERMIT

Building Permit Application

Town of Minturn
302 Pine Street
PO Box 309
Minturn, CO 81645
970-827-5645 (p)
970-827-5545(f)

Project Address: 1000 MAVOIT PARK ROAD, MINTURN CO. 81645		Parcel #	
Owner: MINTURN FITNESS CENTER		Mailing Add. PO BOX 309, MINTURN CO 81645	
		Ph. 970 - 390 - 9267	
Contractor: IMPACT GRAPHICS/SIGNS	Mailing Add. PO BOX 2574, EDWARDS, CO. 81632	Ph. 970 926 9449	Lic.no.
Engineer:	Mailing Add.	Ph.	Lic.no.
Plumbing Contractor:	Mailing Add.	Ph.	Lic.no.
Electrical Contractor:	Mailing Add.	Ph.	Lic.no.
Mechanical Contractor:	Mailing Add.	Ph.	Lic.no.
Use of Building: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Mixed-Use		Type of Work: <input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Remodel <input checked="" type="checkbox"/> Other	
Describe Work: EXTERIOR BUILDING SIGN FOR MINTURN FITNESS CENTER			
Estimated Valuation Including Material, Labor and Profit		Amount: \$ 1810.00	
Square Footage Must be Provided for all Spaces		Finished Area	Unfinished Area
TOTAL Area			
Basement Area			
First Floor Area			
Second Floor Area			
Third Floor Area			
Garage Area			
Sq. Footage of Lot:			
Zoning Approval By:		Date:	

NOTICE!!!! READ BEFORE SIGNING: I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type or work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to or cancel the provisions of any other state or local law regulating construction or the performance of construction. **This permit becomes null and void if work or construction authorized is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.**

6/16/14

 Date

***** Do Not Write Below This Line - Administrative Use Only *****

Application Accepted By:		Date:	
Fee Information (see reverse side for fee schedule)			
Valuation:	Permit Fee: \$200 - Waived	Plan Check Fee:	
Water Meter Size & Configuration: (consult Public Works Director)		Water Tap Fee:	
Street Use Fee:		Clean Up Deposit:	ERFPD Impact fee:
Total Town Fees/Deposit:	Total Building Inspection:	Plan Deposit:	Total Due:
			Date Paid:
Site Plan Accepted By:		Building Plans Checked By:	Approved for Issuance By:



date	06.05.14	to	John Cole	phone	970.390.9267
		from	Minturn Fitness Ctr.	email	jcole@skiclubvail.org
		by	Angelo Veraldi	project	minturn.fitness.ctr/2014/mfc.signage.ai

JC - Here are the revisions you requested:

- size :: as noted
- mat. :: as noted
- colors :: as noted
- qty :: as noted

cost :: \$ 1553.00 + tax & install | sign.1
 \$ 257.00 + tax & install | sign.2
 \$ 93.00 ea + tax & install | sign.3

color.match :: n/a

install :: \$ 85.00 man/hr. | est. 8 - 10 hrs.

design | admin :: \$ 100 hr | to date :: 1.75 hrs.

Please review this and let me know how you'd like to proceed. If you have any questions or concerns, please contact me. If you would like to approve this proof or make any changes, complete the form at the bottom and return via the email button included. (You must have Adobe Acrobat 7.0 or newer installed.)

Thanks -
Angelo

Box
TOP sign
→



sign.1

4'w x 4'h size
 translucent vinyl graphics mat
 opaque background, polycarbonate face
 LED lighted alum. cabinet
 red, metallic silver text color
 matte black background
 1 pc | single sided qty

RAISED LETTERS
 BELOW BOX
 ↓

1000
 MALOIT PARK RD

sign.2

5" h / 2.5" h text size
 3/8" dimensional letters mat
 black color
 1 set qty



sign.3

8" w x 8" h size
 photopolymer face mat
 raised text & braille
 digitally printed logo
 red, metallic silver logo color
 white text, black background
 15 pcs qty

In order to ensure the best service for our customers, we ask that you complete this pre-production checklist. If it is correct mark yes, if it is not mark no. Errors & their correction are the customers responsibility once signed-off on

	YES	NO	N/A		YES	NO	N/A	comments corrections
layout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	colors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
size	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
material	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	installation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
spelling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

Proof, Specifications and Terms & Conditions accepted by ::
 as submitted w/ changes new proof

Sign Here

email completed form

All concepts & designs are the property of IGS and cannot be used without our written consent.

FAX COVER SHEET

945 7336

**Eagle County Court
Division II (El Jebel)
Fifth Judicial District**

Katharine Sullivan, Judge
Janice Duroux, Clerk of the Court
20 Eagle County Dr., Suite B
Carbondale, CO 81623

To: *Atty Sawyer*
Fax number: *945-2261* No. of Pages *2*

From: *J Duroux*
Fax number: 970.704.2782
Phone number: 970.704.2740

Date: *6/26/14*



*Division II 1458
Case closed
Court date vacated
per letter from Chewbite LLC*

Office Hours:
Monday 12 - 4 p.m.
Thursday 8 - 4 p.m.
Friday 8 - 4 p.m.

Closed all major holidays.

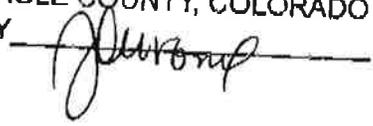
Chewbite, LLC
Post office Box 3757
Basalt, Co 81623

970 618 0731

FILED IN THE DIV II
COUNTY CLERKS OFFICE

JUN 26 2014

EAGLE COUNTY, COLORADO

BY 

June 26, 2014

To:
Small Claims Court
Eagle County, Colorado
20 Eagle County Dr.
Carbondale CO 81623

Reference:
Small Claims Case Number: 14 S 8

Defendant:
Town of Minturn and Michelle Metteer
Post Office Box 309-302 Pine Street
Minturn, CO 81645

Attorney for Defendant:
Michael J. Sawyer, #32313
Karp Neu and Hanlon, PC
201 14th. St. Suite 200
Glenwood Springs, CO 81601
970 945 2261
Fax: 970 945 2261 *WRONG*

Reference:
Chewbite, LLC withdraws its claim against defendant, The Town of
Minturn/Michelle Metter and vacates it's case and small claim of \$7,500
Against the Minturn Farmers Market/Michelle Metteer.

Chewbite, LLC


Helen Sandler, President

Michelle Metteer
Economic Development Coordinator
Deputy Clerk
P.O. Box 309 ♦ 302 Pine St
Minturn, CO 81645
970-827-5645
mmetteer@minturn.org
www.downtownminturn.com



Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Earl Bidez
Councilman – John Rosenfeld
Councilman – Matt Scherr
Councilman – Jason “Ozzy” Osborne

AGENDA ITEM COVER SHEET

AGENDA TITLE: Town Hall remote access technology and improved presentation capabilities.
MEETING DATE: July 2, 2014
PRESENTER: Powell/Metteer
BACKGROUND: Town Hall Wi-Fi access/capabilities, as well as the corresponding routers are past due for upgrading, and are the necessary first steps for additional capabilities such as improved presentations for the public and staff. Council directed staff to research available options for remote access to participation in meetings as well as the improvement of presentations.
Core Issues: Per our contracted technology company, Alexander & Associates, the router within Town Hall is outdated and in need of being replaced. This is regardless to any of the other issues being addressed. Additionally, Wi-Fi access in Town Hall is sporadic throughout the building, creating dropped access, limited download capabilities, and the need for hard-lines when presenting to Council. Options available: Option One (Band-Aid the problem. Approximate Cost: Less than \$100) <ul style="list-style-type: none">• Purchase a small camera for an already existing laptop which will allow for remote participation at meetings. Option Two (Cover the basics. Approximate Cost: \$4855) <ul style="list-style-type: none">• This process must be done in the proper order:<ol style="list-style-type: none">1. Upgrade Wi-Fi access points2. Replace outdated router Option Three (Bring Town Hall into the 21st Century. Approximate Cost: \$6567) <ol style="list-style-type: none">1. Upgrade Wi-Fi access points2. Replace outdated router3. Purchase Skype TV and station for improved presentation capabilities and remote participation at meetings
STAFF RECOMMENDATION/MOTION: If moving forward, Staff recommends option three.