



## **Official Minutes**

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

**Wednesday, September 16, 2009**

**Work Session – 5:00 PM**  
**Regular Session – 7:00 PM**

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

**Town Administrator – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

### **COUNCIL MEMBERS:**

Shelley Bellm  
Lorraine Haslee  
Jerry Bumgarner  
Aggie Martinez  
Matt Scherr

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 – 4:30pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645.

### **Work Session – 5:00 PM**

- Presentation of the Water System Infrastructure Report – Cordova (30min)
- Medical Marijuana Ordinance Discussion-Christensen (20min)
- Budget Items Discussion for 2010 – Brunvand (30min)
- Discussion of Ordinance supporting the Eagle County Green Vote –White/Scherr(5min)
- Discussion with Dave Kleinkopf regarding Ginn Staffing Changes-White (10min)

### **Regular Session – 7:00 PM**

#### **1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:18 p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Lorraine Haslee, Shelley Bellm, Jerry Bumgarner, Matt Scherr and Aggie Martinez.

Staff present was Town Administrator Jim White, Town Planner Victor Villarreal, Town Treasurer/Clerk Town Jay Brunvand, Deputy Clerk Carrie Kendall, and Attorney Allen Christensen

## STANDING ITEMS

### **2. Approval of Agenda**

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

Motion by George B., second by Shelley B., to approve the agenda as presented; all voted in favor.

### **3. Approval of Minutes and Action Report (5min)**

- September 2, 2009 Regular Council Meeting
- Action Item Report

Shelley B. wished to add to the Minutes a previous statement regarding the open house and the ribbon cutting ceremony at the new Battle Mountain High School on Sept 17, 2009 as well as the Wild West Days on Sept 27, 2009.

Motion by Jerry B., second by Aggie M., to approve the Minutes as amended, all voted in favor.

Matt S. questioned the meeting with Eagle County School District Superintendent Sandra Smyser. Jim W. replied the meeting is to be held on Sept 29, 2009.

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

Mr. Mark Tamberino, 2344 Drawspur Ln., Avon, CO., was at Council in order to represent the MRBA. He wanted to announce the \$5 Thursday night specials in Town and encouraged Townspeople to support their local restaurants. Participating businesses: Kirby Cosmos, Gourmet Cowboy, The Saloon, Chilly Willy's.

Mr. Frank Lorenti, 1081 Main St., Minturn, CO., stated he was against the possible support of the Eagle County Green Vote – it was clarified that if the items come to an Ordinance that there will be a Public Hearing. He wanted to reiterate once again that the Council should jump on the opportunity to get \$11.6 in Ginn escrow. Mr. Lorenti wants the money for the Town to make the developer become committed to the project. Mr. Lorenti iterated his previous comments that we are staffed too heavy and the Town should restructure if we are not going to decrease the mill levy.

## **5. Special Presentations/Citizen Recognition**

Mayor Hawkeye Flaherty commended Deputy Clerk Carrie Kendall for her service to the Town and for the citizens. Hawkeye wished her luck as she moves to California.

## **6. Town Administrator's Report**

Eco Trail Construction Project: The low bidder was Stan Miller Construction. They plan to start construction on the project on Sept 21, 2009.

Battle Mountain Development: It was noted that Dave Kleinkopf from Crave Real Estate was here during the Work Session representing the new management group for the Battle Mountain Development. Mr. Kleinkopf noted that they are still on track. Jim W. stated that two hurdles existing would be water and water storage and they are dealing with the EPA regarding the water storage. The reported layoffs recently were made to cutback due to the lowered level of activity. Mr. Cliff Thompson is still involved as a consultant. The Scholarship Fund, security, and infrastructure needs are being discussed. A future meeting with Jim W. and attorney Allen C., Crave, EPA, and Dept of Wildlife is planned. It was clarified that the only change has been management and that the annexation agreement is still in effect. The project is moving forward but more slowly. The next scheduled hearing for water court is Jan 2010.

Medical Marijuana discussion: The direction from Council from the work session is to suspend all further activity regarding the issue due to the existing Federal laws banning the substance.

River Clean Up: 10 staff volunteers collected over 12 bags of trash on the September 11, 2009. The volunteers worked from Mile Marker 146-148 on the Eagle River.

Jim W. also attended his first Senior's Lunch last week and greatly enjoyed the food and company.

The Minturn Red Cliff Business Association invited him to a breakfast on Sept 22 to discuss Town business issues.

Jim W. noted that he has met several times recently with USFS officials regarding the "Bone Yard" appraisal and other potential purchase sites. An appraisal is due in October. Jim W. noted there have been some discrepancies about which sites are still being considered for sale to the Town.

Jim W. recently met with NWCCOG representatives. Minturn's position on that board is open and could be filled by a Council member but also could be filled by a Staff member. The Staff member would need to be appointed by Resolution.

A mandatory Staff meeting had been held last week. Jim W. noted that these Staff meetings will be held monthly through the end of 2009 and then regularly on a quarterly basis beginning in 2010. Future meetings will discuss training, teamwork, activities, and public relations.

Jay B. and Jim W. attended a tax workshop on Sept 11, 2009 and Jim W. attended a meeting at Club 20 on Sept 12, 2009 in Grand Junction.

## 7. Town Council Comments

Matt S. had worked to get an AIA grant for communities called Sustainable Design Assessment Team. They are coming to Town and will be meeting with people next week regarding water, land use, sustainable design. The Sustainable Design Assessment Team will be at Battle Mountain high school as 7 pm. on Sept 21 and 23, 2009. All of the community is invited and input is needed. On the 23<sup>rd</sup> they will release a report. The University of Colorado will be following up the study. Check [Eaglevalleyalliance.org](http://Eaglevalleyalliance.org) for the link for more information.

Aggie M. wished to congratulate Minturn Resident Mr. Lynn Kanakis for his contributions to and was named "Senior Citizen of the Year".

Shelley B. stated that there will be an open house on Sept 17, 2009 at the new Battle Mountain High School.

Hawkeye wanted to remind the residents that the school bus traffic will be picking up and wanted to remind resident that there is a zero tolerance policy for passing school buses or not stopping at stop walks.

## PUBLIC HEARINGS AND ACTION ITEMS

8. **Discussion/Action** – Resolution 21 – Series 2009 a Resolution to formally extinguish the October 3, 2001 approval of the 'RBLA' Subdivision at 721 Main St, Minturn, CO – Villarreal

Victor V. presented the continuation from the Sept 2, 2009 meeting to give the applicant additional time review options. Staff reviewed with the applicant the following day.

Greg Perkins, 30 Bunker Way, Eagle, CO., Counsel for the property owner, Dick Berridge. Mr. Perkins wanted to let Council know if the applicant has not yet decided to preserve his right to challenge the decision via District Court. He offered to answer any questions. There were none.

Motion by George B., second by Jerry B., to approve Resolution 21 – Series 2009 a Resolution to formally extinguish the October 3, 2001 approval of the 'RBLA' Subdivision at 721 Main St, Minturn, CO. Council votes: Lorraine H., no; Shelly B., no; Jerry B., yes; George B., yes; Hawkeye, yes; Matt S., yes; Aggie M., yes; Item passed 5-2.

9. **Discussion/Action** – Discussion regarding possible Ordinance concerning the sale and distribution of Medical Marijuana – Christensen

Matt S. reiterated the position that the MMC code says this item is illegal by Federal Law and is not allowed. Direction from Worksession was to keep the current law and ordinances as is. Until Federal Law changes the Town will continue to follow Federal Laws.

Hawkeye proposed a retreat to discuss items prior to budget. Jay B. noted that there is time between the first presentation of the budget in October and the final reading in December. It was noted the NWCOG could provide a moderator for the retreat. Various items such as the mill levy or water rates could be discussed. Lorraine H. suggested Tuesday, October 13...other dates could be proposed.

Shelley B. questioned the work relations between the Planning Commission and Council and stated there were some misconceptions. Hawkeye will be meeting with the chair of the Planning Commissioner, Stewart Brummett to discuss.

## FUTURE AGENDA ITEMS

### 10. Items to be added to future agendas / work session

#### Next Meeting

- 2010 Budget Presentation and acceptance – Brunvand Work Session and Council Meeting (30min each) October 7, 2009
- Discuss improvement of working relations between Planning Commission and Council – White (45min) Work Session
- Mill Levy Credit discussion – White/Brunvand (30min)
- Resolution in support of the Energy Smart Local Improvement District Vote-White/Scherr (30min)-work session and (10 min) regular session

#### Future meetings

- Sandra Smyser-Eagle County School District – (30min) – Date tentative
- Joint Meeting with Planning & Zoning- October 21, 2009 and November 4, 2009
- GID Budget hearing – November 4, 2009
- Use tax discussion – work session – December 2, 2009
- Sidewalk discussion – work session – December 2, 2009

### 11. Set Future Meeting Dates

#### a) Council Meetings

- October 7, 2009
- October 21, 2009
- November 4, 2009

#### b) Planning & Zoning Commission Meetings

- October 14, 2009
- October 28, 2009

- November 11, 2009 (Veteran's Day)

c) Other

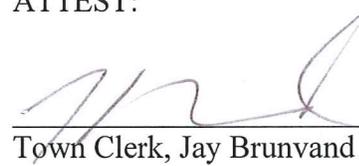
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## 12. Adjournment

Motion by George B., second by Lorraine H., to adjourn the regular session of the Minturn Town Council at 8:18 p.m.

  
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Mayor, Hawkeye Flaherty

ATTEST:

  
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Town Clerk, Jay Brunvand

