



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

Wednesday, November 4, 2009

Work Session – 5:30 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 – 5:30 PM

- Illegal Accessory Unit discussion and direction – White (30min)
- Joint Meeting with Planning & Zoning – Villarreal (45min)

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 7:14p.m.

Those present included Mayor Hawkeye Flaherty, Lorraine Haslee, Shelley Bellm, Jerry Bumgarner, Matt Scherr and Aggie Martinez. *(Note: George Brodin was absent excused.)*

Staff present was Town Administrator Jim White, Town Treasurer/Clerk Town Jay Brunvand, Town Planner Victor Villarreal, Police Chief Lorenzo Martinez and Attorney Allen Christensen

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added

Motion by Jerry B., second by Shelley B., to approve the agenda as presented; all voted in favor. *(Note: George Brodin was absent excused.)*

3. Approval of Minutes and Action Report

- October 21, 2009 Regular Council Meeting
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the Minutes of the October 21, 2009 Regular Council Meeting as presented; all voted in favor. *(Note: George Brodin was absent excused.)*

Action item report:

- Matt S. asked for an update regarding the USFS land appraisal; it should be completed by December.
- Matt S. asked for an update on the water plant land deed; still moving forward with several meetings. The deed is still a priority of the Town and the District

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

- Ms. Darla Goodell, 160 Railroad Ave (The Turntable). Noted her letter regarding the recent main line water break issues her business has endured. Each time the water line breaks in that area it closes her business. She noted the small town character of Minturn, when we do get customers in town we need to treat them well; when the water is shut off the customers don't come back. She was not blaming or complaining about any single department. She asked the Council for comments.

Matt S. asked if the water line break was scheduled; it was a line break and was not scheduled. It did require the first afternoon and the morning of the second day to repair.

Ms. Judy Trujillo, 160 Railroad Ave, stated the communication for the second day was not there. She stated that at 8:30am on the second day they were informed the water would be off at 10am. Lots of food was lost as it was sitting too long and they make their business on breakfast and lunch, not dinner.

Ms. Goodell noted the motel guests also did not know. Ms. Goodell does not expect to be reimbursed but she does want to be informed in advance when this occurs. Jim W. stated he has talked to Ms. Goodell since the water break. The repairs were not completed on the first day as we were unable to get the supplies. Jim W. outlined for Council that we had initiated a reverse 911 to notify those affected on the first day and again that evening that the water would be out the next day. It was learned that this does not go to cell phones; on the morning of the second day we did another reverse 911 and a text message on the EC Alert network, in the future we will contact the Turntable directly as well. We have tried to recognize the issues and resolve them by working with Ms. Goodell's concerns as well as those received from other citizens.

Aggie M. stated there was a valve already on the line in that area and we need to find it. Hawkeye asked where it was? Discussion ensued on the location and how this could alleviate future issues. Hawkeye stated if the break is not bad it should be done on a schedule; it was a major break. Jim W. stated we are working on how these could be scheduled. If we determine to replace it we need to make sure it affects the least amount of residents and businesses for the least amount of time.

- Mr. Frank Lorenti, 1081 Main St., inquired about the Forest Service. He asked Council to request the release of the Battle Mtn money of \$11.6mm. Mr. Lorenti stated the money can be released by mutual agreement of the parties by resolution. If the Council would pass a resolution requesting the money then this would put public pressure on the company to answer. He also asked about a mill levy credit for the Minturn property owners. Mr. Lorenti asked if the resolution can be brought forward by a citizen; Allen C. stated no. Hawkeye asked the Council if they would like to ask Battle Mtn for the funds by resolution: Matt S. no, Aggie M. no; Shelley B. stated the \$11.6mm is slated by agreement of the parties for specific projects and can not be used in the manner outlined by Mr. Lorenti. The pending lawsuit is holding the money up as the agreement allows; no she does not want to do a resolution; Lorraine H. answered no, to ask for a resolution on something held up by a lawsuit is a backwards approach; Jerry B. no.

5. Special Presentations/Citizen Recognition

- Hawkeye noted Ms. Kerry Donovan, who was present in the audience, and congratulated her on her Vail Council win.
- Hawkeye called forward Victor Villarreal, Minturn Planning Director, who is leaving the town and moving on. Hawkeye noted Victor's hard work and professionalism. On behalf of the Town, Hawkeye wished him well.

6. Town Administrator's Report

- Battle Mtn Development – Several members of Staff will be attending the EPA meeting tomorrow (November 5, 2009).
- The bike path project is near completion.
- Parking plan for the winter has begun as of November 1st with an education program; no tickets have been issued. Shelley B. asked of last year's concerns of no parking on certain

days and a two hour slot also. This was very confusing and should be cleared up. The signs are conflicting and Lorenzo M. is working on it.

- Jim W. will be at a CML Policy meeting on Friday (November 6).
- Bond refinancing discussion will be on the December 16 Worksession. This will save approximately \$180k over the remaining 10 years of the bonds and we will move forward with this in early 2010.
- Updated the public on the Worksession discussion of unauthorized dwellings. Council has directed staff to move forward with the plan. The plan will begin by creating an inventory of potential violations and a process for notifying the citizens if issues pertain to them. Jim W. outlined the plan for the public. Shelley B. noted there may be a matter of life safety issues on some of the properties whereby buildings were not built to code, The intent of the program is to ensure safety for the citizens and compliance with Town regulations.

7. Town Council Comments

- Shelley B. attended the Eagle County School Board meeting on Wednesday October 28th. The District has decided to table the plan to close schools in the Minturn/Vail area. It was noted the cost to remodel the Eagle-Vail high school is prohibitive at this time.
- The school Calendar will be extended approximately four days at the end of the 2010-11 year but other days will be taken during the year to balance.
- Hawkeye thanked everyone for coming out to celebrate with Minturn on Halloween.
- Hawkeye stated tonight we have the Battle Mtn Development group representatives, including Mr. Dave Klienkopf. The Battle Mtn Group will hold an Open House from 6pm-7pm on November 12 at the Grouse Building of the Minturn Inn (Eagle Street). This will be an opportunity to hear what the company is doing and what to expect in the future on the project.
- Hawkeye has received a letter from the Colorado Division of Wildlife to provide local fishing, motorboat and shooting range grants. He will give the information to Jim W.
- Hawkeye followed up on the unauthorized unit discussion. The Town has received several complaints and the Town has been asked to take action. Hawkeye noted the issues include unapproved units creating a duplex or larger and the rental of one unit to more than 4 unrelated tenants as well as the issues associated with such units on the neighborhoods. The complaints include parking, life safety issues, and over crowding.

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – 2010 Budget: Second Public Hearing and Council Comments including review of outside funding requests – Brunvand

- **Minturn Needs List**
- **Community Funding Request presentations**

Hawkeye opened the Public Hearing for the 2010 Proposed Budget. Jim W. noted the Capital Needs list which includes replacement of a water line on north Rail Road ave, a telemetry system for the water plant, and a loader is included in the packet.

Hawkeye stated he would begin with the Community funding requests

- Minturn Red Cliff Business Association (\$10,000) – Mr. John Rosenfeld
Mr. Rosenfeld, MRBA, outlined their requested money to fund the St Patrick's Day Blow Out. The intent is to get guests to come into town for a celebration. The project will include a laser show. He noted that last year they were very successful.

Hawkeye asked if anything would be done for July 4th; Mr. Rosenfeld stated no the competition from other towns is too great and guests are not staying in town before or after these events. Shelley B. stated the laser show is not as impressive as fireworks. Mr. Rosenfeld stated a fireworks show is 2-3 times the cost of a laser show; this was a major factor. Matt S. asked if the Town had contributed to the MRBA program in the past; last year we gave them our fireworks, are dues paying members of the association, and paid \$2,000 in 2009 for the business directory.

- Minturn Community Fund (\$8,287.50) – Ms. Kerry Donovan
Noted her information in the packet and she was available for questions.

Hawkeye asked where the rest of the funds for their programs come from; she outlined the fund requests, "Live in Minturn", and other community support. Lorraine H. asked how many block parties were done last year; Ms. Donovan stated 4 yet they would like to add more this year. Jerry B. noted the great job this group does and thanked Ms. Donovan for her work.

- Radio free Minturn (\$2,000) – Mr. David Eckholt
Radio Free Minturn did not have a representative present.

- Eagle County Historical Society – Jim W. noted this is a request for \$100-250.

Hawkeye asked if any citizens had questions on any of the requests; none.

Hawkeye stated they would now consider the Capital Needs List.

Shelley B. asked Rod C. if he had an opportunity to look into grants for some of the needs; some have been looked at for impact funds. Grants are pretty shallow and very lengthy. The plan is to apply to those that fit our needs. Rod C. outlined some of the grant work that has been done. Jim W. stated he had talked to others as well and would be reporting back.

Matt S. asked about the telemetry system that was installed by Carter Burgess; Rod C. stated C&B had taken it upon themselves to do this work. It was very piecemeal and not very successful. The satellite link is the part that failed the rest works okay. It is possible that the majority of the parts are useable but the communication system is not. Much of this was warranted for a year, but the warranty has expired.

Lorraine H. asked about the lines in the rail yard and the shutoff; it is very difficult to locate as the parking lot is paved and the rail yard has spikes and other metals underground. The shutoff is just to the west of the Turntable meter pit. Rod C. stated it could be located and exposed but it would be more of a trial and error process.

Aggie M. asked about the shutoff; discussion ensued with Rod C. of the location and options. Rod C. stated it is not well documented which means it was not engineered. Also, vehicles in the Turntable parking lot are in the way and have not been moved for a long period. Rod C. will continue to research this.

Rod C. noted they are looking at another issue at 1003 Main where the main line is pitted due to corrosive soil. It is not leaking yet but they were able to witness the situation of the line due to the construction in the area. The construction is tapping the line meaning it is currently exposed.

Lorraine H. clarified if we dig up the line and find the shutoff what will that get us; it will allow us to shutoff the line without affecting the Turntable. Hawkeye stated if the work is to be done it needs to be done now as the asphalt plants will be shutting down very soon for the season; it needs to be done before Thanksgiving.

Jim W. suggested that another option would be to have a new valve installed further north of the Turntable. The Council was more supportive of funding the existing valve.

Council directed staff to find and expose the existing valve now.

Hawkeye asked if the Council is interested in repairing some of these lines; yes. Shelley B. noted the money is available to fix some of the major issues while we look at future needs. She noted this is not a part of the Battle Mtn process and needs to be addressed. The 8 inch line (number one need) is most important. Rod C. stated the rail yard soil conditions are very hard on lines.

Direction was given to start now on engineering for the railroad line and set aside the money for the telemetry; then in April or May we can evaluate and repair/replace the North main line (railroad property); to spend money on a new shutoff valve if necessary. Rod C. stated the valve would run \$5-8k these three would run about \$460k. This amount is to be budgeted in 2010 for review at the November 18 Worksession.

Jerry B. asked about the Town Center roof; ice overhang, heat tape, etc. Jim will get this bid out. Potential re-roofing too. The other items can wait.

Aggie M. wants to do the re-roof and the water line issues.

Shelley B. feels the re-roof should be done and the roof snow removal should be contracted out earlier so as not to have as much build up before it is addressed. She felt the carpet can wait as can the streetscape and signage.

Lorraine H. agreed with the roof repairs.

Jerry B. stated we should wait on the Community Funding requests until January/February and re-review them at that point.

Hawkeye likes the streets, roof, and water lines in N. Main. He noted a big hole in the street by the firehouse needs to be repaired.

Discussion ensued on how best to meet our needs and cover the cost. An estimate needs to be made before we get the budget. Discussion ensued on the benefits of slurry and chip seal. Shelley B. requested further information on the condition of the three bridges.

Direction was given to get the numbers and budget for the water line, the telemetry, look at the community funding requests in Jan/Feb 2010 but put on hold for now, move forward with the loader, get the street list done, bids on the roof. Use \$450k.

Mr. Frank Lorenti, 1081 Main St., noted \$21M from the Battle Mtn agreements for the waste water plant. Mr. Lorenti asked the Council to have the waste water plant money used to pay for the repairs of the main trunk of the water line and sidewalks then when the lawsuit is done, use the other money agreed to do the future repairs to back fill the waste water plant once the lawsuit is settled. Mr. Lorenti asked about the mill levy credit proposal. Hawkeye explained he has discussed this with the Council and the impact on the budget is too large.

Aggie M. thanked Rod C. for his work on the water line and water budget numbers.

Hawkeye closed the Public Hearing stating this is the second and final Public Hearing on the budget. Any further comments may be made directly to the Town Manager or the Town Treasurer at 302 Pine St or at 970/827-5645 during regular business hours.

9. Discussion/Action – Ordinance 8 – Series 2009 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2009 Town of Minturn Budget – Brunvand

The Ordinance was introduced and read by Hawkeye.

Motion by Jerry B., second by Lorraine H., to approve Ordinance 8 – Series 2009 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2009 Town of Minturn Budget as presented; all voted in favor. (*Note: Mayor Pro Tem George Brodin was absent excused.*)

10. Discussion/Action – Ordinance 9 – Series 2009 (First Reading) An Ordinance Setting the 2010 General Property Tax Mill Levy for the Town of Minturn – Brunvand

The Ordinance was introduced and read by Hawkeye.

Motion by Shelley B., second by Aggie M., to approve Ordinance 9 – Series 2009 (First Reading) An Ordinance Setting the 2010 General Property Tax Mill Levy for the Town of

Minturn as presented; all voted in favor. *(Note: Mayor Pro Tem George Brodin was absent excused.)*

11. Discussion/Action – Ordinance 10 – Series 2009 (First Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2010 Revenues and Expenses by Fund – Brunvand

The Ordinance was introduced and read by Hawkeye.

Motion by Jerry B., second by Lorraine H., to approve Ordinance 10 – Series 2009 (First Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2010 Revenues and Expenses by Fund as presented; all voted in favor. *(Note: Mayor Pro Tem George Brodin was absent excused.)*

GENERAL IMPROVEMENT DISTRICT

Hawkeye convened the Minturn General Improvement District Board meeting at 9:20pm

Those present included Hawkeye Flaherty, Lorraine Haslee, Shelley Bellm, Jerry Bumgarner, Matt Scherr and Aggie Martinez, and Ex-Officio Member Sarah Baker. *(Note: George Brodin, and Donn Wolfertz were absent excused.)*

Staff present were Town Administrator Jim White, Town Treasurer/Clerk Town Jay Brunvand, Town Planner Victor Villarreal, Police Chief Lorenzo Martinez and Attorney Allen Christensen

Also present were Battle Mountain Project Manager David Kleinkopf and Cliff Thompson.

12. Approval of Agenda

Motion by Shelley B., second by Jerry B., to approve the agenda as presented; all voted in favor. *(Note: George Brodin was absent excused and Donn Wolfertz has resigned his position.)*

13. Consider appointment of Non-Voting Ex-Officio Board Member to replace Donn Wolfertz on GID Board

Introduced by Hawkeye. Hawkeye noted a letter from Sarah B. requesting David Kleinkopf to be appointed a Non-Voting Ex-Officio Board Member to replace Mr. Donn Wolfertz who has resigned.

Motion by Jerry B., second by Shelley B., to appoint Mr. David Kleinkopf as a Non-Voting Ex-officio Board Member to replace Donn Wolfertz on the GID Board as presented; all voted in favor. *(Note: George Brodin was excused absent.)*

14. Review and approve minutes from the August 19, 2009 Regular GID Board Meeting

Motion by Shelley B., second by Lorraine H., to approve the Minutes from the August 19, 2009 Regular GID Board as presented; all voted in favor. (*Note: George Brodin was excused absent.*)

15. Discuss and set meeting dates for 2010. Meetings to be scheduled for February/March for audit exemption and a meeting in November for 2011 budget approval

Motion by Shelley B., second by Jerry B., to set the 2010 GID meeting schedule as February 3, 2010 for review of the 2009 Audit Exemption and the November 3, 2010 for a Public Hearing and Approval of the 2011 Minturn General Improvement District Budget as presented; all voted in favor. (*Note: George Brodin was excused absent.*)

16. Discuss and consider ratifying appointment of Town Staff to prepare 2010 GID Budget

Motion by Lorraine H., second by Jerry B., to direct Staff to prepare the 2010 GID Budget; all voted in favor. (*Note: George Brodin was excused absent.*)

17. Discussion/Action – 2010 Minturn General Improvement District Budget: Public Hearing and Council Comments

Hawkeye introduced the agenda item and called to order the Public Hearing for the purpose of discussion and comment on the fiscal year 2010 proposed General Improvement District budget and to gather input, pro or con on the Proposed Minturn GID Budget for the fiscal year January 1 through December 31, 2010 at 9:27pm.

Hawkeye asked if any member of the audience had any comments pro or con on the proposed 2010 GID Budget; no comments were received.

Ms. Baker outlined the budget for the Board.

Hawkeye closed the Public Hearing at 9:35pm

18. Discussion/Action – Resolution No. 2009-11-1 a Resolution adopting a budget for the Town of Minturn's General Improvement District for 2010 and summarizing Revenues and Expenses – Brunvand

Motion by Lorraine H., second by Shelley B., to approve Resolution No. 2009-11-1 a Resolution adopting a budget for the Town of Minturn's General Improvement District for 2010 and summarizing Revenues and Expenses as presented; all voted in favor. (*Note: George Brodin was excused absent.*)

19. Discussion/Action – Resolution No. 2009-11-2 a Resolution appropriating sums of money for the Town of Minturn's General Improvement District for 2010 – Brunvand (10min

Motion by Shelley B., second Lorraine H., to approve Resolution No. 2009-11-2 a Resolution appropriating sums of money for the Town of Minturn's General Improvement District for 2010 as presented; all voted in favor. *(Note: George Brodin was excused absent.)*

20. Discussion/Action – Discuss and consider appointment of Clifton Gunderson, LLP to prepare and file 2009 Application for Audit Exemption

Motion by Shelley B., second by Hawkeye to appoint Clifton Gunderson, LLP to prepare and file 2009 Application for Audit Exemption as presented; all voted in favor. *(Note: George Brodin was excused absent.)*

21. Discussion/Action – Review and consider approval of the proposed 2010 Operation Funding Agreement by and among the Minturn General Improvement District, Ginn Battle North, LLC, Ginn Battle South, LLC, and Ginn-LA Battle One, LTD, LLLP.

Ms. Baker outlined and defined the agreement for the Board stating this agreement is in lieu of other funding options. In this case the developer covers all expenses incurred.

Motion by Lorraine H., second by Shelley B., to approve the proposed 2010 Operation Funding Agreement by and among the Minturn General Improvement District, Ginn Battle North, LLC, Ginn Battle South, LLC, and Ginn-LA Battle One, LTD, LLLP as presented; all voted in favor. *(Note: George Brodin was excused absent.)*

22. Other Business

No other matters.

The Board adjourned as the GID Board and convened as the Minturn Town Council.

FUTURE AGENDA ITEMS

Hawkeye noted he would not be at the November 18 meeting. In the event George B. is not present, Jerry will run the meeting.

23. Items to be added to future agendas / work session

Next Meeting

- November 18, 2009 Joint Council/P&Z Community Plan Public Hearing
- Budget Funding Review – Worksession – Brunvand (45min)

Future meetings

- Discussion/Action – Ordinance 8 – Series 2009 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2009 Town of Minturn Budget – Brunvand (10min) – December 2, 2009

- Discussion/Action – Ordinance 9 – Series 2009 (Second Reading) An Ordinance Setting the 2010 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10min) – December 2, 2009
- Discussion/Action – Ordinance 10 – Series 2009 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn's 2010 Revenues and Expenses by Fund – Brunvand (10min) – December 2, 2009
- Consideration of Resolution setting Town Fees – December 2, 2009
- Use tax discussion – Work Session – December 2, 2009
- Sidewalk discussion – Work Session – December 2, 2009

24. Set Future Meeting Dates

a) Council Meetings

- November 18, 2009 (P&Z to attend Public Hearing)
- December 2, 2009
- December 16, 2009

b) Planning & Zoning Commission Meetings

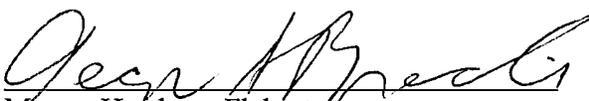
- November 4, 2009 Joint Council/P&Z Community Plan Public Hearing
- November 11, 2009 CANCELLED (Veteran's Day)
- November 18, 2009 Joint Council/P&Z Community Plan Public Hearing
- December 9, 2009
- December 23, 2009

c) Other

- Minturn Halloween – October 30, 2009

25. Adjournment

Motion by Shelley B., second by Jerry B., to adjourn the meeting at 10:15pm.


Mayor, Hawkeye Flaherty
Mayor Protege George Brodin

ATTEST:


Town Clerk, Jay Brunvand

