



Official Minutes

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

Wednesday March 17, 2010

Work Session – 6:30pm
Regular Session – 7:00pm

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 Bungarner
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 – 6:30pm

- Eagle Vail Master Plan, Scot Hunn
- Town Council Photo

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:10 p.m.

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

Staff present was Town Administrator Jim White, Town Treasurer/Clerk Jay Brunvand, Administrative Assistant/Deputy Clerk Michelle Metteer, Planner, Chris Cerimele and Attorney Allen Christensen.

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added

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

3. Approval of Minutes and Action Report

- March 3, 2010
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the Minutes of March 3, 2010 as presented, all voted in favor. Lorraine H. and Matt S. abstain, as they were not present at the March 3, 2010 meeting.

4. Liquor License

- Minturn Country Club Inc. Hotel/Restaurant Liquor License Annual Renewal; 131 Main St., Tom Ricci Owner/Manager – Brunvand (10min)

Introduced by Hawkeye and referred to Staff. Jay B. stated that information was in the packet; it had been reviewed at Staff level by Attorney Allen C., Chief Martinez, and Jay B. and no issues were presented. It was noted for the record this consideration was for a renewal of an existing liquor license and the owner/manager Tom Ricci was present if Council had any questions or comments. He was asked if he wanted to comment and declined.

Motion by Lorraine H., second by Aggie M., to approve the Minturn Country Club Inc. Hotel/Restaurant Liquor License Annual Renewal; 131 Main St., Tom Ricci Owner/Manager as presented; all voted in favor.

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

Frank Lorenti, 1081 Main St, is running for Town Council. A Candidates Forum will be held March 23, 2010 at 6:00 p.m. at the Town Center for all residents to attend. Please feel free to contact Mr. Lorenti with any questions regarding where he stands on current issues. 970-390-1460.

Mr. Fred Haslee, 221 Pine St, the streetlight across Pine Street (the Pine Street streetlight near 221) is out and needs to be addressed.

4. Special Presentations/Citizen Recognition

The Mayor, Town Council and Staff gave their thanks and appreciation to Lorraine Haslee for her dedication and service while on the Minturn Town Council for the last two years. Lorraine H. commends everyone running for the Town Council positions and Mayor and it is commendable to serve your community.

5. Town Manager's Report

Candidates Forum, March 23 from 6-8 pm here at Town Center, all are invited to attend. Potential questions for the candidates may be submitted to: info@minturn.org.

The US Census is taking place and is using the "short" form, which takes approximately 10 minutes. Folks are distributing those forms now and it helps the Town of Minturn in order to be eligible for Federal dollars. By Federal law, all residents are required to complete the Federal Census. -Shelley B. asked what Residents do if nobody comes to your homes with the forms. Jim W. will seek to provide information from Census representatives for folks who do not receive packets from the Census.

Eagle County Transit Action Group first met on March 11, 2010. This group is trying to get input from the area for different transportation needs.

Chief Lorenzo Martinez is to be commended for his work in receiving a DUI grant for the officers. Thank you for the hard work by Chief Martinez and the entire Police staff.

A CDOT Project Leadership Team, has been assembled to plan for future renovations. Minturn has particular interest in the Dowd Junction project. CSS (Contact Sensitive Solution) is the process in which we will follow. The tentative plan (80% completion) is to be prepared by spring 2011.

I-70 Coalition had a meeting regarding a summary of their projects and future strategic planning.

Eagle Holy Cross Ranger District is asking for support in the removal of beetle-infested trees. Minturn gave approval to move forward, the basic issues for Minturn remain safety and fire threat issues.

Attachment #7 is from the Town Clerk, and regards the upcoming election on April 6, 2010 as well as the Candidates Forum March 23, 2010. Absentee voting will begin Friday March 26,

2010. A ballot can either be provided in person or mailed to them. Voting on Election Day will take place at the Town Center from 7:00 a.m. to 7:00 p.m.

Lael Engstrom has resigned from the Planning Commission and the process of advertising for a new Planning Commissioner will begin.

6. Town Council Comments

Shelley B. stated the School Board has voted to close Minturn Middle School. The community has not been very happy about this decision. The School Board is committed to working with the Town of Minturn to "re-purpose" the middle school facility and Shelley B. encourages discussions on this topic move forward soon. The representative on the School Board from Minturn has resigned and April 9, 2010 is the deadline for submitting a resume if anyone is interested in filling the position. Minturn needs a strong voice and she recommends residents get involved.

Lorraine also requests that the School Board reconsider their decision and operate under their goal of maintaining community schools.

It should be noted that the School District made this decision only if they are able to get funding for the remodel of the old Battle Mountain High School.

Matt S. thanked Chief Lorenzo Martinez and Officer Ryan Ware for their service related to providing extra coverage to enforce DUI violations. Regarding the Census, he also reminds folks that the Census is required by law. The folks who have stepped up to serve the Census are to be commended. He also reminded everyone that it is extremely important to vote at the election on April 6, 2010.

The Mayor also encourages everyone to take part in the Census. Services such as health care, education and roads depend on everyone taking part in filling out their Census information. Please call the Town Center at 970-827-5645 if you have not received your census packet. Remember, this is just a count and can greatly benefit the Town of Minturn.

The Mayor also wants to make sure we are clear that at this point in time we are not attempting to purchase the Martin Creek property, but rather the Bone Yard property. The appraisal came in at about \$3.5M and the annexation agreement provides that bridge loan funding will be provided at no interest, therefore, no increased taxes. This was all accounted for in the annexation agreement. There are a few other properties that the Town may consider purchasing as well. At this point in time, the Town is attempting to purchase the Forest Service property commonly know as the Bone Yard.

Shelley B. mentioned that the funding of the preliminary development plan does not hinge on the same requirements as the annexation agreement.

PUBLIC HEARINGS AND ACTION ITEMS

7. Discussion/Action – Public Hearing for the appeal of the Minturn Medicinal business license denial – Christensen

Jay B. informed the Council that a business license was received for the purpose of supplying medicinal marijuana, all staff determined it is not in agreement with the municipal code and thus the license was denied. As also described, the code allows for an appeal.

Mr. Michael Boetker, 242 ½ Main St, presented a letter sent out by the US Attorney General's office to clarify the difference of medical marijuana as well as the guidelines for the Federal Government.

Matt S. asked about paragraph 2 of the letter and asked where in the document it says it is not illegal?

Changes must be made at the regulatory level before the Town of Minturn can address this issue, or until the Town repeals the Ordinance enacting the law.

Michael Gallagher, 475 Pine St, Minturn, thanked the Council for the commitment to follow the Town of Minturn's laws.

Two letters were mailed to Mr. Boetker citing the denial of the license and the applicable sections of the Minturn Municipal Code and that the Town is willing to work with Mr. Boetker once a resolution on the matter is reached by the State Legislature.

Motion by Matt S., second by George B., to uphold the administrative denial of the Minturn Medicinal Business License as presented with the finding listed; all voted in favor.

Finding: Minturn Municipal Code section: 6-1-50(d)

Direction given to Mr. Boetker to continue to work with staff until the State of Colorado has resolved the current lawsuits, upon which time we can revisit this appeal.

The Council session broke for recess at 8:10 p.m. Council called back to order at 8:25 p.m.

8. Discussion/Action – Ordinance 1 – 2010 (Second Reading) an Ordinance authorizing the Mayor to sign an Inter Governmental Agreement between the Eagle County Sheriff's Office and the Town of Minturn

Motion by Jerry B., second by Shelley B., to approve Ordinance 1 – 2010 (Second Reading) an Ordinance authorizing the Mayor to sign an Inter Governmental Agreement between the Eagle County Sheriff's Office and the Town of Minturn as presented; all voted in favor.

9. Discussion/Action – Ordinance 2 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16.17.180 as it pertains to exterior illumination standards in the Town of Minturn

Motion by Jerry B., second by Shelley B., to approve Ordinance 2 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16.17.180 as it pertains to exterior illumination standards in the Town of Minturn as amended; all voted in favor.

Strike the phrase "where the output per bulb..."

Chris C. did make mention that the request for a dark sky came from the community plan

Leave paragraph "C" as is.

Take out the “on a string...” line no definition of holiday ornamental lighting is required.

10. Discussion/Action – Ordinance 3 – 2010 (First Reading) An Ordinance contracting with Alpine Building Consultants, Inc for Town wide Builder Inspection Service and authorizing the Mayor to sign the contract

Motion by Jerry B., second by George B., to approve Ordinance 3 – 2010 (First Reading) An Ordinance contracting with Alpine Building Consultants, Inc for Town wide Builder Inspection Service and authorizing the Mayor to sign the contract as amended; Council vote of 6-1 in favor, Shelley B voted no.

Shelley B. noted page 60 and that she would like to see something regarding the continuation of coverage if the Building Official is unavailable. Verbiage indicating that another certified building inspector be available and how to pay them needs to be included. Use of the word “exclusive” in the contract is a concern, the term “primary” may be more appropriate.

EXECUTIVE SESSION

11. Colorado Revised Statute (C.R.S.) 24-6-402(4)(f) for the purposes of discussing the Town Manager’s 6-month Evaluation and to pursuant to CRS § 24-6-402 (4) (b) to consult with town attorney for purpose of receiving legal advise and to provide instructions to negotiators concerning appraisal of and possible acquisition of USFS land.

Motion by Matt S., second by Shelley B., to convene in Executive Session pursuant to C.R.S. §24-6-402(4)(f) for the purposes of discussing the Town Manager’s six month evaluation and on another matter, pursuant to CRS §24-6-402 (4)(b) to consult with town attorney for purpose of receiving legal advise and to provide instructions to negotiators concerning appraisal of and possible acquisition of USFS land at: 9:52 p.m; all voted in favor.

2. Update and Direction from Council as a result of the Executive Session – Mayor

Council emerged from Executive Session at 10:15 p.m. Direction given as a result of the Executive Session were to modify and forward the discussed letter to Dave Kleinkopf, Battle Mountain project.

Motion by Lorraine H., second by Jerry B. to modify and forward letter to Dave Kleinkopf, Battle Mountain project. All voted in favor.

FUTURE AGENDA ITEMS

11. Next Meeting

- Bond Refinance Update – White/Brunvand (30min)
- New Town Council Photo -- April 7 Work Session
- Swear in new Council Members

12. Future Meeting

- Use Tax discussion – Brunvand/White (15 min) May 5, 2010
- Sidewalk discussion – Brunvand/White

13. Set Future Meeting Dates

a) Council Meetings

- April 7, 2010
- April 21, 2010 (*Jim W. will be absent*)
- May 5, 2010

b) Planning & Zoning Commission Meetings

- March 24, 2010
- April 14, 2010
- April 28, 2010

c) Other

- **March 23, 2010 Town Council Candidate Forum – 6pm**

14. Adjournment

Motion by Matt S., second by Shelley B., to adjourn the regular session of the Minturn Town Council at 10:20 p.m.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

