



Official Minutes

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

Wednesday March 3, 2010

Work Session – 6:00pm
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 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 – 6:00pm

- Upcoming changes to Chapter 16 – Cerimele
- Town Manager Review – White

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:08 p.m.

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

Staff present were Town Administrator Jim White, Town Treasurer/Clerk Jay Brunvand, Town Planner Chris Cerimele, Police Chief Lorenzo Martinez, Administrative Assistant Michelle Metteer, and Attorney Allen Christensen

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added

- Request for funding for the Minturn-Red Cliff Business Association (MRBA) St. Patrick's Day explosion to be added as Discussion item 9a.

Motion by George B., second by Shelley B., to approve the agenda as amended; all voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused, absent)*

3. Approval of Minutes and Action Report

- February 17, 2010
- Action Item Report
- Planning Commission Action Report

Motion by George B., second by Aggie M., to approve the minutes of the February 17, 2010 regular Council Meeting as presented; all voted in favor. Shelley B. abstained from the vote as she was absent from the February 17, 2010 meeting. *(Note: Matt Scherr & Lorraine Haslee were excused, absent)*

Action Item Report discussion:

Shelley B. asked about the CIP list for items. Work is in motion on this topic and will be brought before Council in May, according to Town Clerk, Jay Brunvand.

Planning Commission Action Report discussion:

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

Michael Boetker, 242 ½ Main St, submitted a formal appeal to Council to review a denied business license for a medicinal marijuana dispensary. Mr. Boetker was referred to Town Manager, Jim White to schedule this appeal on the March 17, 2010 agenda. Mr. Boetker

requested assistance in referencing the Federal Law prohibiting controlled substances; direction given to Jim W. to assist Mr. Boetker in referencing of law.

Mr. Frank Lorenti, 1181 Main Street announced he was running for Minturn Town Council. Mr. Lorenti gave his website: www.minturntimes.com and phone number: 970-390-1460 as references where residents can obtain his views on issues.

4. Special Presentations/Citizen Recognition

5. Town Administrator's report (10 min)

A Candidates forum for the upcoming election will be scheduled for a Tuesday or Thursday night (date and moderator to be determined). All individuals running for Council or Mayor will be notified of the date and time.

Battle Mtn. Development meeting on February 23, 2010 with Dave Kleinkoph regarding billing and the bridge loan to be used for the purchase of the Bone Yard property.

Jim W. was re-elected by statewide ballot to serve as the Vice President/Secretary for the Colorado City and County Managers Association (CCCMA).

"If I were the Mayor" is an essay contest provided by the Colorado Municipal League to the Minturn Middle School, as well as all schools in Eagle County. Information may be obtained at: www.cml.org. All entries are due by Tuesday, April 13, 2010.

Safe Built and Alpine Building Consultants are the two companies that submitted proposals for the Building Official RFP. A decision regarding a Town Building Official needs to be made by March 8, 2010.

Thanks to Father Hugh and St. Patrick's Parish for providing the use of their facilities while the Town Hall facilities were undergoing restoration.

6. Town Council Comments (5 min)

PUBLIC HEARINGS AND ACTION ITEMS

7. Discussion – Eagle County School District update with Superintendent Sandra Smyser and ECSD Administrative Team – White (1 hr)

Hawkeye introduced Superintendent Smyser, who introduced her Administrative Team. Dr. Smyser and her team presented a proposal which includes the closing of Minturn Middle School and the consolidation of other schools on the Meadow Mountain school site.

Shelley B. noted, if combining of schools is a capacity issue, then it may not be a valid argument for losing Minturn Middle School. It was noted that many schools in the District are under capacity, but the financial crunch is when the schools get so small. Shelley B. proposed that if

Middle School and the consolidation of other schools on the present Meadow Mountain school site.

Shelley B. noted, if combining of schools is a capacity issue, then it may not be a valid argument for losing Minturn Middle School. It was noted that many schools in the District are under capacity, but the financial crunch is when the schools get so small. Shelley B. proposed that if this is a budget issue and almost all schools are under capacity that this is not really a solution. It was brought up that the smaller schools actually require overstaffing from the District Office. Boundary changes are a potential discussion for review. It was noted that more quality education is offered by an environment off of the interstate and it's a shame to cut the kids out of that experience. It would be nice to see a plan B that allowed for the continuation of the Minturn Middle School. Re-districting is a potential possibility. Concern expressed regarding the base cost estimates. \$24M to bring Battle Mtn up to a "like new" school, but the district does not have \$24M right now and they need to just get the school to a standard where children can occupy the facility. The economic impact of the Minturn community is substantial to not have a school. The board was placed on the agenda late last week and at least from an appearance level it felt like the decision was already made. The intention of the School Board was to make a decision by the end of this school year. This should not be an issue of "inconvenience". Hopefully the winners in all of this will be the kids.

A short recess was called, Council reconvened at 8:40 pm

8. Discussion/Action – Resolution 5 - 2010 a Resolution designating or appointing CIRSA Insurance as the Town's property and casualty insurance provider.

Motion by Jerry B., second by Aggie M., to approve Resolution 5 - Resolution designating or appointing CIRSA Insurance as the Town's Property and Casualty insurance provider as presented; all voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused absent)*

It was noted that Page 29 of the agreement states to designate a voting representative (page 29 paragraph B) for meetings or conferences that offer premium reductions for attending such meetings. It is recommended that this representative be selected after the next election so the Council has the opportunity to designate.

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

Motion by George B., second by Shelley B., to approve Ordinance 1 (first 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. *(Note: Matt Scherr & Lorraine Haslee were excused, absent)*

9a. Discussion/Action - Funding request for the MRBA's St. Patrick's Day Explosion.

The MRBA has requested \$1,000 for use by the MRBA in order to assist in costs to cover a proposed St. Patrick's Day event.

It was recommended that Jay Raiola be billed directly for the advertising and then the MRBA can bill the Town of Minturn. Another option would be for the Town to make a direct contribution to the MRBA.

Motion by Shelley B., second by George B., to authorize \$1000.00 to the MRBA for the use of advertising for the St. Patrick's Day event; All voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused, absent)*

Direction given for the \$1000.00 to be donated directly to the MRBA, so that the MRBA can pay advertising and promotion expenses.

Jim W. noted that the Forest Service hopes that the removal of beetle-infested trees will move forward with the aid of helicopters in an attempt to expedite their removal. Testimony or written comments may be submitted to the District Ranger at the Dowd Junction intersection until Monday, March 15, 2010.

GENERAL IMPROVEMENT DISTRICT

10. Convene as GID Board

Mayor Hawkeye convened the Minturn General Improvement District Board meeting at 8:57 p.m.

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

11. Approval of Agenda

Motion by Shelley B., second by Aggie M., to approve the agenda as amended; all voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused absent)*

12. Review and Approval of minutes

- February 17, 2010 Board Meeting Minutes

Motion by Aggie M., second by George B., to approve the General Improvement District Board meeting minutes of February 17, 2009 as presented; all voted in favor. *Shelley B abstained as she was not present at the February 17, 2010 meeting. (Note: Matt Scherr & Lorraine Haslee were excused absent)*

Discussion/Action: Resolution NO. 2010-03-01, A Resolution approving exemption from audit for the fiscal year 2009 for the Minturn General Improvement District, Eagle County, Colorado.

Hawkeye noted the changes to the Resolution that have been presented to the Board. This revised Resolution would be considered.

Motion by Shelley B., second by Jerry B., to approve the redlined version of Resolution NO. 2010-03-01, A Resolution approving exemption from audit for the fiscal year 2009 for the Minturn General Improvement District, Eagle County, Colorado; all voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused absent)*

13. Financial Matters

- Discuss and consider approval of the 2009 Application for Exemption from Audit

Hawkeye introduced the agenda item for discussion. Ms. Sarah Baker and Jay B. outlined the pertinent information and reason for the Application for Exemption.

Motion by Jerry B., second by George B., to approve the Minturn General Improvement District Application for Exemption from Audit for the Fiscal Year 2009; all voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused absent)*

- Discuss the District's written notification to Ginn Battle North, LLC, Ginn BattleSouth, LLC and Ginn-LA Battle One LLLP of any remaining amounts on deposit with the District under the 2009 Operation Funding Agreement

Hawkeye introduced the agenda item for discussion. Ms. Sarah Baker referred to a letter that was distributed to the Board. Mr. Dave Kleinkopf, Jim W. and Jay B. met in late 2009 to discuss the funding of the GID. It was agreed at that time for Battle Mtn Dev. to forward sufficient funds to cover the existing and anticipated funds to cover the fiscal year 2009 and to further fund the budget for 2010. As this was done in 2009 the letter notes the additional 2010 funds and stipulated those funds for 2010.

Motion by Shelley B., second by George B., to approve the Minturn General Improvement District funding for fiscal year 2010; all voted in favor. *(Note: Matt Scherr & Lorraine Haslee were excused absent)*

14. Other GID Business

15. Future Meetings

- November 3, 2010

16. Adjourn as GID Board; convene as Minturn Town Council

Motion by Aggie M., second by Shelley B., to adjourn as the GID Board and reconvene as Minturn Town Council.

Jim W. noted during his Manager's Report that he had requested to discuss the pending building official services contract in Executive Session. Upon consideration, Town Attorney Allen C.

determined this was not a valid discussion for Executive Session. Accordingly, Jim W. proceeded with his building officials' report in public session.. Jim W. noted he had prepared an RFP for building inspection services for the Town, had received two proposals (one from the Town's existing building official, Alpine Consulting and the other from Safe Built) and recommend to continue for at least another year with a contract between the Town and Chuck Lanci/Alpine Consulting Building Inspection Services. This recommendation was supported by four of the five Town Council members present and the Town manager was instructed to prepare a contract for Alpine Consulting to be ratified by the Town Council at the March 17, 2010 meeting. Shelley B. noted that Safe Built has never had a problem getting to jobs at the Town of Vail and availability should not be a concern in the decision making progress.

It was requested that a contract be brought before council for approval at the next meeting. Further direction was given to offer Chuck L. the annual building official contract. All agreed less Shelley B. who noted she does not support the renewal of the contract for Chuck L.

Mayor Hawkeye announced that petitions to run for Town Council or Mayor must be submitted by 5:00 p.m. Friday, March 5, 2010 to the Town Clerk's office. Three petitions for Council have been submitted thus far: Councilman Martinez, Mr. Johnnie Rosenthal, and Mr. Frank Lorenti; Councilwoman Shelley B. has pulled a petition and is anticipated to submit a petition for Council as well. Councilman Jerry B. and Mayor Hawkeye have submitted petitions to run for Mayor.

Mayor Hawkeye would like to publicly acknowledge and thank Shelley B. for her extensive efforts in representing and fighting for the continued operation of the Town's school, Minturn Middle School.

EXECUTIVE SESSION

17. Executive Session: Pursuant to CRS Section 24-6-402(4)(b) to consult with Town Attorneys for the purpose of receiving legal advice and to provide instructions to negotiators concerning appraisal of USFS land and an update on Water Court information.

Motion by Jerry B., second by George B. to convene in Executive Session at 9:40 p.m. pursuant to C.R.S. §24-6-402(4)(b) to consult with the Town Attorney for the purpose of receiving legal advice and to provide instructions to negotiators concerning appraisal of USFS land and an update on Water Court litigation and information; all voted in favor. (*Note: Matt Scherr & Lorraine Haslee were excused absent*)

The Council emerged from Executive Session at 10:30 p.m. Hawkeye outlined what had transpired thus far in the meeting regarding the Exec Session and stated instructions to Staff and the Attorneys were to continue with negotiations as directed.

FUTURE AGENDA ITEMS

18. Next Meeting

- Bond Refinancing Update – March 17
- Appeal hearing for denial of a Business License for a medical marijuana dispensary – March 17
- Executive Session to discuss a 6 month review of Town Manager Jim White – March 17
- Building Official Contract

19. Future Meeting

- Use Tax discussion – Brunvand/White (15 min) May 5, 2010
- Capital Improvement Plan/Sidewalk discussion – Brunvand/White
- CIRSA representative designation – White

20. Set Future Meeting Dates

a) Council Meetings

- March 17, 2010
- April 7, 2010
- April 21, 2010 (*Jim W. will be absent*)

b) Planning & Zoning Commission Meetings

- March 10, 2010
- March 24, 2010
- April 14, 2010

c) Other

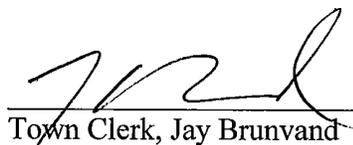
21. Adjournment

Motion by George B., second by Shelley B., to adjourn at 10:30 p.m.



Mayor, Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

