



## **Official Minutes**

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

**Wednesday May 5, 2010**

**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  
Earle Bidez  
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**

- CML Overview – White/Mamet
- CIRSA training – White/Tanoue

### **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 7:02 p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, 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.

## **2. Approval of Agenda**

- Items to be Pulled or Added
  - Item 10a to be added for discussion of town entry signs.

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

## **3. Approval of Minutes and Action Report**

- April 21, 2010
- Action Item Report

Motion by Aggie M., second by Shelley B., to approve the Minutes of April 21, 2010 as presented, all voted in favor.

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

Dwayne Nelson, 512 Water St, Redcliff, Colorado, representing the Red Cliff Town Council, would like to request a meeting with both Town Councils to address the Battle Mountain Corporation proposal and specifically land annexations. Allen C. addressed the Council to note that the original annexation maps have been withdrawn and are being corrected/amended to properly address the Red Cliff water tower issue and recommended that no meeting be set or committed to until a proper annexation is filed, and legal advice given.

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

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

The Purchase and Sale Agreement of the USFS Boneyard Property has been received from Jon Freeman with the Forest Service to ensure the opportunity of such purchase will not be missed.

Matt S. noted regarding the USFS, for future communications between both parties, that open and immediate communication should be maintained at all times.

Shelley B. also stated that a direct line of communication should be maintained.

Eagle County Commissioners will be joining us for a work session at the May 19, 2010 Council meeting. This is an opportunity to give the commissioners input on key topics affecting the Town of Minturn residents. Council requested transit issues are on the agenda. If other items for discussion are to be considered, they should be sent to Jim W. for agenda topics.

CML annual conference from June 22, 2010 to June 25, 2010 in Breckenridge.

Downtown Colorado Inc will be in Town May 24 and 25. Activities for business groups will take place May 24 and early May 25. The formal agenda will be provided shortly. If individual Council members are available for input or comments please let Jim W. know when such times may fit into the schedule.

A School District meeting is tentatively being scheduled for either late May or early June. Shelley B. will be unavailable June 18-25 and Jerry B. is not available May 21-June 1, 2010..

Highway Clean Up Day is now Saturday May 8, 2010 from 9am to 12:00 pm.

Demolition of the radio tower building is on hold until the condition of the road improves. Public Works is currently working on improving the road and will notify when completed.

Jim W. met with Andy Garcia of CDOT regarding the poor condition of the entry road into Town. This will be ongoing until improvements are made.

St. Tom Koch has resigned from the Town of Minturn Police force. Police Officer candidates are being interviewed at this time.

Town of Minturn Clean Up Day is May 15, 2010. Dumpsters will be available from 8:00 a.m. to noon. Please come to the Municipal lot by 8:00 a.m. (next to the Turntable) if you are interested in volunteering.

## **7. Town Council Comments**

George B. invited everyone to come to Minturn for \$5.00 Thursdays. Local restaurants will have specials. Any interested parties wanting to help with the highway clean up are encouraged to help. Please call for more details: 476-1810.

Jared Polis will be holding a meet and greet sometime in June to discuss residents' views of the Hidden Gems campaign. All residents are encouraged to attend. For more information go to: [www.polis.house.gov](http://www.polis.house.gov)

Party for the Planet in Eagle on Saturday, May 8, 2010 scheduled from approximately 8am till 4:00 p.m. at the Brush Creek Pavilion.

Habitat for Humanity and Recon will be merging. The Recon yard will be holding a sale from 10-3 on May 8, 2010. \$10.00 at the door and all you can carry out.

May 14<sup>th</sup> e-waste recycling scheduled in the Town of Vail.

Pedestrian crossing signs need to be set back out.

**PUBLIC HEARINGS AND ACTION ITEMS**

**8. Discussion/Action – Ordinance 4 – Series 2010 (Second Reading) an Ordinance approving the execution of a Ground Lease, a Lease Purchase Agreement, and related documents pertaining to the refinancing of the Town Hall; delegating to certain authorized officers of the Town the determination of certain financial parameters for the refinancing; approving the form of a Preliminary Official Statement and authorizing the preparation of a Final Official Statement to be used in connection with the sale of certain Certificates of Participation to be issued evidencing proportionate interests in certain revenues under the lease.**

- Cover Memo
- Ordinance 4-2010
- Preliminary Official Statement

Allen Matlosz, George K. Baum, gave a brief summation of the Town Hall, 302 Pine St., refinancing issues. This is a process that will not extend our original bond time frame but will take advantage of the reduced interest rates and save the Town approximately \$180,000 over the remaining term of the bonds. Mr. Matlosz answered questions from the Council.

Motion by Shelley B., second by Jerry B., to approve Ordinance 4 – 2010 (Second Reading) an Ordinance approving the execution of a Ground Lease, a Lease Purchase Agreement, and related documents pertaining to the refinancing of the Town Hall; delegating to certain authorized officers of the Town the determination of certain financial parameters for the refinancing; approving the form of a Preliminary Official Statement and authorizing the preparation of a Final Official Statement to be used in connection with the sale of certain Certificates of Participation to be issued evidencing proportionate interests in certain revenues under the lease. All voted in favor.

**9. Discussion/Action – Motion to authorize the Mayor to sign a letter of endorsement for Town Manager Jim White to serve on the Colorado Municipal League’s Executive Board**

Jim W. briefly explained that he is requesting authorization for the Mayor and Council’s endorsement. This authorization is to support Jim W. in his nomination to run for Colorado Municipal League Executive Board President.

Motion by George B., second by Aggie M., to authorize the Mayor to sign a letter of endorsement for Town Manager Jim White to serve on the Colorado Municipal League’s Executive Board. All voted in favor.

**10. Discussion/Action – Resolution 6 – Series 2010 A Resolution appointing a citizen to the Town of Minturn Planning and Zoning Commission.**

Chris C. reported to the Council this resolution is requested to replace an opening on the Minturn Planning Commission Board. After advertising, he has had two citizens submit an application. Each candidate was given an opportunity to speak to the Council and answer questions.

Mr. Burke Harrington, 532 Taylor St. General Contractor for 10 years. He has his offices in Minturn, and is interested in having some input on the direction as the Town moves forward. Has lived in the Valley for approximately 20 years.

Ms. Melissa Decker, 821 Main St, currently owns and operates a law office in Town. She has lived in Minturn for over five years and would like to have input in the Planning and Zoning decisions of the Town of Minturn and how Minturn moves forward in the future.

Vote: Mrs. Decker was selected for the position.

Motion by Jerry B, second by Shelley B., to approve Resolution 6 – Series 2010. A Resolution appointing a citizen, Melissa Decker, to the Town of Minturn Planning and Zoning Commission with a term to expire May 31, 2011; all voted in favor.

**10a. Discussion/Action – George B. requests permission to move forward with permitting for Town entry signs at the north and south ends of Town.**

Motion to move forward on Town signage permitting by George B., second by Earle B., all voted in favor.

**EXECUTIVE SESSION**

**11. Executive Session – Pursuant to CRS 24-6-402(4)(b) to receive legal advice on Battle Mountain Land Use/Annexation matters and Water Court litigation**

Motion by Hawkeye F. second by George B. to convene into Executive Session. 8:18 pm.

Convene from executive session at 10:30 p.m. Mayor re-opened the public meeting at 10:45 p.m. with the purpose of reconvening to discuss the proposed water case Settlement Agreement following the Executive Session. Those present included, Jim White, Town Manager, Allen Christensen, Town Attorney, Boots Ferguson, Attorney Holland and Hart, Joe Tom Wood, Engineer, Martin & Wood water consultants, Mayor, Hawkeye Flaherty and all members of the Town Council.

Motion by Jerry B., second by Earle B., to direct the attorneys to deliver the message from the Town of Minturn to approve the stipulation settling the water court cases, based on the information and presentation provided by the Town's water attorney and Town's water engineer.

Mayor Hawkeye Flaherty commented that "I can not believe we are voting on a motion when we have not read the settlement agreement. I think this is the worst possible deal we could make. I believe we are rushing to meet a deadline when this agreement has so many holes; it doesn't hold water. We are not giving this proper consideration; we are basing this on what the lawyers

presented. The only people winning are the District (Eagle River Water and Sanitation District).”

Shelley B. made note, “I understand we seem to be jumping in, we have had many discussions about the issues included in the settlement agreement. I believe we are providing for the water needs of residents of Minturn for the future. While this may not be the best agreement, overall, it is one that is good (for the Town) and benefits us now and in the future”.

Aggie M. made note; “I do not feel comfortable with this decision being made tonight, without reading this. I tend to agree with Hawkeye.”

Earle B. made note; “I’m just jumping back into this, since I just came back on the board. I’m thinking back on my education about this issue from years past. I believe we had a good presentation tonight, summarizing the settlement issues. It comes down to a settlement or litigation. I believe we are securing water for growth in the Town, and for many years in the future. This is a rational decision based on legal and engineering information and facts, not on emotional elements. We are in a position where we need to decide in a reasonable timeframe. We need to get this behind us and focus on other issues.”

Jerry B. noted: “I support the settlement. I have seen this information numerous times with the legal and water engineers’ review of the facts. My own interpretation is not of greater value, as I have to rely on the expertise of those we have hired. I do not want this to be a long, drawn out process. I am confident we have secured our water for 100 years from now, and I believe the agreement is a decent compromise.”

George B. noted; “I support the agreement. We are in a box. I would have preferred to have read the agreements, yet I have listened to the suggested changes as they were presented to us tonight and I am ready to vote, due to the fact that time is of the essence.”

Mayor Hawkeye requested a voice vote (see motion above). Matt S. yes, Aggie M. no, Shelley B. yes, Earle B. yes, Jerry B. yes, George B. yes, Mayor Hawkeye F. no.

Following the vote, a question was raised regarding the Martinez zoning issue. Jerry B. asked the Town Manager for a status update on the Martinez complaints received at the last Council meeting. Jim W. updated the Council that interested parties are being notified and a discussion will be brought forth at the next meeting with several options and staff recommendations to be made at such time.

## FUTURE AGENDA ITEMS

### 12. Next Meeting

- Waterline easements update – Christensen
- Use tax discussion – Brunvand/White (30min)
- Board of County Commissioners – Joint Meeting (Worksession)
- Ordinance 5 – 2010: Renewable Energy Program - White/Palmer (15min)

- Battle Mountain Annexation Petition
- Martinez Zoning discussion

**13. Future Meeting**

- Capital Improvement and Sidewalk discussion – Brunvand/White
- EPA Update – Mitchell
- 3-Mile Plan text Amendments - Cerimele

**14. Set Future Meeting Dates**

a) Council Meetings

- May 19, 2010
- June 2, 2010
- June 16, 2010

b) Planning & Zoning Commission Meetings

- May 12, 2010
- May 26, 2010

c) Other

**15. Adjournment**

Motion by Jerry B., second by Earle B., to adjourn the regular session of the Minturn Town Council at 11:05 p.m. All voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

