



Minutes

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

Wednesday June 16, 2010

Regular Session: Executive Session – 5:00 pm
Work Session – 6:15 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

Regular Session – 5:00 pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Pro Tem George Brodin called the meeting to order at 5:07 p.m.

Those present included Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Matt Scherr, and Aggie Martinez. *(Note: Hawkeye Flaherty was excused absent)*

Staff present was Town Administrator Jim White, Town Treasurer/Clerk Jay Brunvand, Chief of Police Lorenzo Martinez, Planner Chris Cerimele and Attorney Allen Christensen.

2. Approval of Agenda

- Items to be Pulled or Added
 - Shelley B. requested time during the Worksession to discuss a meeting held on June 16, 2010 between the Eagle County School Board and the Town of Minturn.
 - George B. requested to pull item 12 regarding the discussion with the River View Cemetery District Board on request of the Cemetery District Board.

Motion by Shelley B., second by Aggie M., to approve the agenda as amended, all voted in favor. *(Note: Hawkeye Flaherty was excused absent)*

EXECUTIVE SESSION

3. Executive Session – Pursuant to CRS 24-6-402(4)(b) to receive legal advice on water rights issues (75min)

Motion by Shelley B., second by Earle B., to convene into Executive Session Pursuant to CRS 24-6-402(4)(b) to receive legal advice on Water Court litigation at 5:10pm; all voted in favor. *(Note: Hawkeye Flaherty was excused absent)*

Council emerged from Executive Session at 6:37pm.

Work Session – 6:15 pm

- 2009 Minturn Financial Audit Discussion – Brunvand (30 min)
 - Please bring your Audit with you to the meeting
- Update on School Board meeting with the Town and Council representatives held on June 16, 2010
- Medical Marijuana Update – Brunvand (15 min)
 - Direction given: move forward with creating a ballot question allowing medicinal marijuana on the Eagle County coordinated election in November.

Regular Session – 7:00 pm

Note: The Council Meeting reconvened following the Worksession at 7:00pm.

George B. updated the audience on the meeting level so far.

4. Executive Session – Direction to Staff as a result of the Executive Session (5min)

As a result of the Executive Session held at 5pm, George B. requested item 13a be added to the agenda as a motion to authorize the Mayor Pro Tem and the Water Attorney to sign such

documents as are reasonably necessary to settle Water Court Cases 05CW262 and 05CW263 with the Town of Avon and Eagle County, CO.

5. Approval of Minutes and Action Report

- June 2, 2010

Motion by Shelley B., second by Aggie M., to approve the Minutes of June 2, 2010 as presented, all voted in favor. (*Note: Hawkeye Flaherty was excused absent*)

- Action Item Report

Jerry B. inquired about the use tax and an update on it; Jim W. stated CML attorney Geoff Wilson will be attending a meeting to update the council. Shelley B. recommended that Vail Finance Director Judy Camp be invited as well.

Earle B. requested an update on a street assessment; Jim W. stated we have done some cursory work and will be asking Vail Public Works to assist.

George B. expressed a good job on the removal of the radio repeater; all thanked the Public Works Dept. on their efforts.

George B asked Jim W. for an updated on the crosswalk painting and the cross walk signs. It was noted the Action Report should read to paint crosswalks and put the signs up. Aggie M. asked if a cross walk sign is at the crosswalk in south Minturn, Jim W. will look into it and make sure one is posted and the crosswalk is painted with the others.

George B, asked about the Town sign; Jim W. stated we have received about 5-6 renderings; they will be reviewed with Council during the July 7 Worksession for 15min

Earle B. requested that when a water outage occurs to give as much notice as possible to the affected businesses and residences be given. Although a general request, much of the discussion revolved around the construction of the replacement line in the rail yard scheduled his summer. Shelley B. noted any remote possibility of a disruption should warrant notice. Staff concurred.

Jim W. stated he had received a call from the USFS asking for an update of our time line for the purchase of the USFS bone yard. This may be given as an update at the next meeting.

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

7. Special Presentations/Citizen Recognition

8. Town Manager's Report

Department of Local Affairs

On June 9, 2010, we received confirmation that the Department of Local Affairs will have grant and loan funds available again with the cycle in August, 2010. I have already been in touch with Greg Winkler, our regional DOLA representative, to express our intent to apply. We have corresponded back and forth and will begin working on an application (see attachment labeled "Availability of Funds")

School District Update

We met with the School District representatives this morning: Ray Scott and Tom Braun, and the district subcommittee members: Connie Kincaid-Strahan and Brian Nolan, regarding the Maloit Park annexation. Boots Ferguson, Allen Christiansen, Chris Cerimele, and I participated on behalf of the Town. We can provide a brief summary of the discussion at tonight's meeting. Our sub-committee members are: Shelley Bellm and Jerry Bumgarner.

Refinancing of Certificates of Participation

The closing for our Town of Minturn Certificates of Participation documents was Tuesday, June 15, 2010. The refunding generated \$286,000 in gross savings which equals 9.035% present value savings. We will provide any new information at tonight's meeting.

Council thanked both Jim W. and Jay B. for there successful efforts with this endeavor.

RFP/North Main Street Water Line Design

The Request for Proposal (RFP) for design of the waterline project was approved at the end of the Town Council meeting on June 2, 2010. Mark Luna, Project Manager, and Siri Roman, representing Peak Land Consultants, Inc, Vail, Colorado, were selected to do the engineering design work. A Notice to Proceed has been issued.

Demolition of Radio Repeater Building

Public Works continued to work on clearing the road to make it accessible. As soon as the road was opened, the crew began and completed the demolition over several days. The project was done exclusively by the public works crew with equipment rented from Randy Quintana.

Battle Mountain Update

I met with Dave Kleinkopf on Tuesday, June 8, 2010. We reiterated the need for better communication and agreed to schedule quarterly updates during which Dave would attend Town Council meetings to speak directly with the Town Council. Subsequently, I have scheduled him for ninety minutes on the July 7, 2010 meeting to provide a broad overview of the project as it is conceived now. He wants to bring the bubble diagram presented to CDPHE and the EPA so he can represent and explain the changes proposed to the previous plan.

We noted Battle Mountain's request to continue conversation about the Bone Yard bridge loan, reviewing some elements of the existing annexation agreement, and other issues raised in the response letter sent to the Town, dated May 18th, 2010 (see the copy of his letter enclosed).

We also discussed that Battle Mountain is working on the Feasibility Study to share with the Environmental Protection Agency. Further, despite a recent slow down in activity in this area, it is now reactivated and Elizabeth Mitchell, our environmental attorney from Holland and Hart, will be invited to meetings scheduled to occur soon. She has not been here to report to Council as there has been nothing substantial to report recently.

N.B. The next "Marketing Minturn" meeting to be hosted by Battle Mountain will be held on Thursday, June 17, 2010 at noon at the Grouse Building at the Minturn Inn.

Colorado Municipal League (CML) Annual Conference

The Colorado Municipal League will be holding its 88th Annual Conference this year. The conference will be in Breckenridge, CO at the Beaver Run Resort and Grand Divide Lodge from Tuesday, June 22 through Friday, June 25, 2010. This is a great learning and networking opportunity for Colorado municipal officials, state decision makers, and business leaders. Visit www.cml.org for more information about the conference educational offerings and registration.

Your Minturn Town Manager is up for re-election on Thursday, June 24, 2010 to the CML Executive Board in the smaller jurisdiction category (less than 8000 population). There are ten individuals running for five seats in that category. If re-elected, am in line to become president of the Executive Board through next year's conference in June 2011. I want to personally thank the Minturn Town Council for its endorsement.

Town Signage

We met on May 26th with Zane Znamenacek, CDOT Traffic Operations Engineer for Region 3. We visited several sites for entryway signage locations and shared several conceptual sign graphics. We indicated that more may be forthcoming through a local sign contest with the deadline of June 16, 2010. Entries will be brought to the meeting tonight.

9. Town Council Comments

Matt S. informed the Council that the Eagle Valley alliance has received a grant for a waste diversion coordinator and will be hiring for this position.

Aggie M. thanked the Public Works Department for the work they did removing the radio repeater and for the sandbags that they provided to the citizens for flood control during the runoff.

Shelley B. thanked Public Works for the radio repeater removal work and the installation of speed bumps on Boulder St. She asked that speed bumps be placed on Pine Street if possible. Shelley B. encouraged all to slow down when driving through Town for the safety of the citizens. Shelley B. expressed her apology to Mr. Cacioppo for the misunderstanding during the June 2nd meeting.

Earle B. agreed with Shelley B. on the Pine St speeds and to slow down. Thanks to ERFPD for their help when some flooding occurred recently.

George B. updated the Council on the Flowers on Main St program and noted we have received about 15 barrels applications. The applications are available on the Town website at www.minturn.org.

George B. updated the July 3rd celebration. The celebration will include a parade at 2pm beginning in south Minturn and traveling north to the Cemetery Bridge and a potluck will be held at Little Beach Park from 3-6:30pm. For information contact Susana Miranda or Susan Mitchell.

PUBLIC HEARINGS AND ACTION ITEMS

10. Discussion/Action – Motion to accept the 2009 Minturn Financial Audit – Brunvand (10 min)

George B. introduced the agenda item further stating the item had been discussed during the Worksession.

Motion by Jerry B., second by Shelley B., to accept the 2009 Minturn Financial Audit as presented; all voted in favor. (*Note: Hawkeye Flaherty was excused absent*)

11. Discussion/Action – Resolution No 7 – Series 2010 A Resolution Approving Conditional Use Permit Application CUP 2010-01 – A Request for A Conditional Use Permit for a Light Industrial Use in the Union Pacific Rail Yard. Cerimele – (15 min)

The Public Hearing was opened and asked Council if any had had outside contact on the issue; Shelley B., George B., and Jerry B., had but it was very minimal and would not affect their impartiality. George B. referred the issue to Chris C. for Staff presentation.

Chris C. introduced Jenaro Magana as the applicant and stated the CUP is for a custom woodworking shop to be located approximately 900ft north of the intersection of North Main St and Railroad Ave. The use is consistent with the site and lots of clean up has been done to the proposed site already. Chris C. noted the Staff recommendation is for approval to include the discussed findings and conditions.

Discussion ensued as to the difficulty of distinguishing what is actually rented by UPRR to an applicant. Jerry B. expressed concern that UPRR leases was not maintained and monitored by Staff when a CUP is granted. In response to this and other concerns Chris C. stated he would develop a table of existing CUP's with address, conditions, etc and with inspection notes for each CUP and presented at a later date.

Mr. Magana, applicant, outlined the proposal for the benefit of the Council. He stated this is a smaller operation that custom and hand makes the furniture with minimal imposition to the vicinity. He is planning on screening the site with a 6ft fence. Materials will be stored in two tractor trailers but with the screening most of the storage trailers will be unseen. He stressed this was a long term project that will require him to clean up the site and conduct the site in a business like manner.

Discussion ensued as to the desirability of the two storage trailers visible as one enters the Town and that the Town had recently required a storage trailer to be removed. Chris C. stated the recent event involved a large storage trailer in a residential neighborhood. It was agreed that conditions would be set to require specific painting of the trailers to match the existing building and that landscaping be utilized in addition to the screening fence.

Motion by Earle B., second by Jerry B., to approve Resolution 7 – Series 2010 a Resolution approving Conditional Use Permit Application CUP 2010-01 a request for a Conditional Use Permit for a light industrial use in the Union Pacific Rail Yard as presented subject to the findings and conditions as follows; all voted in favor. (*Note: Hawkeye Flaherty was excused absent*)

- Findings:
 - i. That the proposed location of the use is in accordance with the purposes of Chapter 16 of the Minturn Municipal Code, the Community Plan, and the purposes of the zone in which the site is located;
 - ii. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
 - iii. That the proposed use will comply with each of the applicable provisions of Chapter 16 of the Minturn Municipal Code.
- Conditions:
 - i. All activities associated with the business shall be conducted within the leased area;
 - ii. The site shall no be used to store vehicles and machinery that is not associated with the business;
 - iii. The business shall be subject to an annual inspection from the Eagle River Fire Protection District.
 - iv. The applicant will install and maintain two (2) spruce trees and three (3) Aspen trees of approximately 4-6ft for each trailer
 - v. The storage trailers will be painted to match the building and located in such a way as to be most shielded from the highway.

12. Discussion/Action – Water Line Easement discussion with the River View Cemetery Board – Christensen

This item was pulled from the agenda by the Cemetery Board per Allen Christensen.

13. Discussion/Action – Ordinance 7 – 2010 (Second Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16-17-70 as it pertains to Slope Limitations and Hillside Building Regulations in the Town of Minturn – Cerimele

George B. introduced and referred the agenda item to Chris C. Chris C. noted the only change from first reading was the Council requested modification to read: Land sloping in excess of 40% shall not be considered suitable for development unless a variance permit is issued pursuant to Chapter 16 of the Minturn Municipal Code.

Motion by Jerry B., second by Shelley B., to approve Ordinance 7 – 2010 (Second Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting

section 16-17-70 as it pertains to Slop Limitations and Hillside Building Regulations in the Town of Minturn as presented; all voted in favor. *(Note: Hawkeye Flaherty was excused absent)*

13a. Discussion/Action – a motion to authorize the Mayor Pro Tem and the Water Attorney to sign such documents as are reasonably necessary to settle Water Court Cases 05CW262 and 05CW263 with the Town of Avon and Eagle County, CO

Motion by George B., second by Shelley B. to authorize the Mayor Pro Tem and the Water Attorney to sign such documents as are reasonably necessary to settle Water Court Cases 05CW262 and 05CW263 with the Town of Avon and Eagle County, CO; all voted in favor. *(Note: Hawkeye Flaherty was excused absent)*

FUTURE AGENDA ITEMS

14. Next Meeting

- Battle Mountain Update – Work Session – White/Kleinkopf (60 min)
- Discussion/Action – Ordinance ____ – 2010 (First Reading) an Ordinance approving a land lease contract with Lafarge Corp. – Brunvand Worksession (30min) and Discussion/Action (10min)
- Add the Use Tax election update
- Executive Session for land acquisition discussion
- Review Town Sign design submittals
- Action item for the medical marijuana with zoning election
- Meeting on 7/7 at 5pm
- Discussion/Action – Ordinance ____ – 2010 (First Reading) an Ordinance approving the 2009 Fire Code – Cerimele (15min)

15. Future Meeting

- Capital Improvement Plan – Brunvand/White
- Joint meeting with PC and Council at August 18th meeting
- Water plant tour for Council
- EPA Update – Mitchell
- 3-Mile Plan Text Amendments – Cerimele
- Discussion/Action – Ordinance 5 – Series 2010 (Second Reading) an Ordinance consenting to the improvement for renewable energy and energy efficiency purposes to any residential or commercial property within the Town by the County of Eagle (White/Palmer-10 min)
- Discussion/Action – Ordinance 6 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16-16-130 as it pertains to Snow Storage Requirements in the Town of Minturn – Cerimele (15min)
- Discussion/Action – Ordinance ____ – 2010 (First Reading) an Ordinance approving the 2009 Fire Code – Cerimele (15min)

- Minturn Water Plant Tour – Rod Cordova
- Joint Work Session – Town Council & Planning Commission
- Discussion of working with UPRR to clean up the rail yard to include all rules that apply and tax questions.

16. Set Future Meeting Dates

a) Council Meetings

- July 7, 2010
- July 21, 2010
- August 4, 2010

b) Planning & Zoning Commission Meetings

- June 23, 2010
- July 14, 2010
- July 28, 2010

c) Other

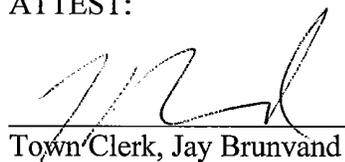
- CML Annual Conference – June 22-25
- Minturn Market: June 26 – September 4

17. Adjournment

Motion by Jerry B., second by Aggie M., to adjourn at 8:20pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

