



Official Minutes

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

Wednesday July 7, 2010

Regular Session: Executive Session – 5:00 pm
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
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 5:01 p.m.

Those present included Mayor Pro Tem George Brodin, Council Members, Shelley Bellm, Earle Bidez, Matt Scherr, and Aggie Martinez. *(Note: Hawkeye Flaherty & Jerry Bumgarner were excused, not present)*

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

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Shelley B., second by Aggie M., to approve the agenda as presented, all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner were excused not present)*

Amend agenda to add to Worksession items following Discussion/Action Item 10.

- 10a. Review of Town sign submittals – White (15min)
- 10b. Battle Mountain Resorts Dave Kleinkopf – White (10min)

Motion by Earle B., second by George B. to amend the agenda as presented to include items 10a and 10b, all voted in favor.

EXECUTIVE SESSION

3. Executive Session – Pursuant to CRS 24-6-402(4)(a) for the purpose of discussing the acquisition of the USFS land commonly known as the bone yard and pursuant to CRS 24-6-402(4)(a) to receive update and to discuss pending water court cases and court schedule for 2010 – White/Christensen (30min)

Motion by Shelley B., second by Aggie M., to convene into Executive Session for the purpose of discussing the acquisition of the USFS land commonly known as the bone yard and pursuant to CRS 24-6-402(4)(a) to receive update and to discuss pending water court cases and court schedule for 2010 *(Note: Hawkeye Flaherty was excused absent)*

Council emerged from Executive Session at 6:15 pm. The Council meeting was recessed to allow the conduct of the Work Session. *(Note: Hawkeye Flaherty and Jerry Bumgarner joined the meeting during the Executive Session.)*

Work Session – 5:30 pm

- Battle Mountain Resorts Dave Kleinkopf – White (60min)
- Review of Town sign submittals – White (15min)
- Discussion/Action – Ordinance 8 – 2010 (First Reading) an Ordinance approving a land lease contract with Lafarge West Inc. – Brunvand (15min)

Note: The Council Meeting reconvened following the Worksession at 6:15 pm.

Regular Session – 7:00 pm

4. Executive Session – Direction to Staff as a result of the Executive Session

No direction was given to staff as a result of the Executive session. The Mayor stated the Council would resume the Executive Session at the end of the business meeting.

5. Approval of Minutes and Action Report

- June 16, 2010
- Action Item Report

Motion by Aggie M., second by George B., to approve the Minutes of June 16, 2010 as presented, all voted in favor.

Action Item report to include the review of nonconforming use of commercial/industrial business operations in commercial zones. Review minutes from the meetings just prior to the public hearing regarding the 800 block to site-specific inquiries from residents. This action item to be moved to the top of the priority list on the Action Item Report.

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

Ms. Susana Miranda, 552 Main St thanked all the volunteers, participants and spectators who attended the Minturn Independence Day Celebration. The parade began at 2:05 pm and ended at Little Beach Park at 2:27 pm. Thank you to all who attended and participated.

7. Special Presentations/Citizen Recognition

8. Town Manager's Report

School District Update

On June 16th, 2010, regarding the Maloit Park annexation, the Town met with Eagle School District representatives: Superintendent, Sandra Smyser, Ray Scott, Phil Onofrio, Elizabeth Koontz, and Tom Braun and with the school district subcommittee members Connie Kincaid-Strahan, and Brian Nolan. Boots Ferguson, Allen Christiansen, Chris Cerimele, and I participated on behalf of the Town along with our Town Council members Shelley Bellm and Jerry Bumgarner. The School District has this topic scheduled on its next meeting, July 14, 2010 as a discussion item with the entire board. A formal annexation petition is anticipated later this summer.

Radio Tower Contract

The Town Clerk and the Town Manager have been in discussion with Dr. Hood regarding a longer term contract for the radio tower when the lease becomes due later this summer. This lease will require the replacement of a vertical tower. Previous direction from the Town Council was to have staff continue to pursue this lease and other leases as stable, long term revenue sources.

Battle Mountain Update

Dave Kleinkopf will be at tonight's meeting to review revised plans proposed to the EPA late last year. The Feasibility Study (FS) draft has just been completed and is nearly ready for submittal to the EPA.

I met with Dave Kleinkopf on Thursday, July 1, 2010. During our conversation, we again discussed 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.

Dave reiterated that he is asking for a small group discussion, perhaps one or two staff members and one or two Town Council members to meet with him and his team to review the development agreement stipulations.

He mentioned the scholarship fund, and release of some or all of the escrow funds as examples of discussion topics. We included the forest service property bridge loan as well.

Dave highlighted his planned presentation and we confirmed he is scheduled for sixty minutes on tonight's agenda to provide a broad overview of the project as it is conceived now. He will have the bubble diagram presented to CDPHE and the EPA so he can represent and explain the changes proposed to the previous plan.

Dave and I also discussed the water cases and the annexation cases scheduled for trial in July and October this year.

Town Signage

Sign graphics will be on display this evening during the Town Council meeting. Discussion and direction from Council will be requested.

Staff Resignation

Rod Cordova, former public works director, submitted his resignation on Friday, June 18, 2010, effective Friday, July 2, 2010. His actual last day of work in the office was Wednesday, June 30, 2010. Interim coverage in public works has already been secured.

Water Treatment Plant

The turbidity meter has been put back in service as of July 1, 2010 by John Volk of Southwest Water, Georgetown, CO with whom I have contracted to cover the water plant on an interim basis. We have also ordered a chlorine analyzer to enable us to have constant monitoring of chlorine levels for our required reports to the state. Each of these devices will enable us to complete our required monitoring responsibilities without our staff having to do manual physical checks every four hours.

I have also secured backup support from the Eagle River Water and Sanitation District if we have any major problems develop that need more immediate attention.

RFP/North Main Street Water Line Design

The design of the waterline project has been underway, led by Mark Luna, Project Manager, and Siri Roman, representing Peak Land Consultants, Inc, Vail, Colorado. Survey work and potholing to test soil conditions have also been completed thus far.

Minturn Market

The Minturn Market is underway having started on Saturday, June 26 and scheduled for eleven weeks through Saturday, September 4, 2010. The Town thanks Marka Brenner for her cooperation in contracting with the Town in providing her land to accommodate the market.

Colorado Municipal League (CML) Annual Conference

The Colorado Municipal League held its 88th Annual Conference this year. The conference was in Breckenridge, CO at the Beaver Run Resort and Grand Divide Lodge from Tuesday, June 22 through Friday, June 25, 2010. Mayor pro tem attended along with the Town Manager.

Your Minturn Town Manager won re-election to the CML Executive Board in the smaller jurisdiction category (less than 8000 population). Subsequently, he was named president by unanimous acclimation of the Executive Board. The term will run through next year's CML conference in June 2011 in Vail, CO. I want to personally thank the Minturn Town Council for its endorsement and support.

Medical Marijuana

Staff continues to work on further research and will be bringing this item forward with several scenarios at the next Town Council meeting on July 21, 2010. Examples of sample ordinances, both those in favor and those against will be brought forth. Stipulations in current legislation will be reviewed related to local opt-out provisions, local licenses, fees and taxes, background checks, enforcement, and key implementation dates among the topics.

9. Town Council Comments

CDOT priorities list is being led by the County and any input regarding the road needs in the Minturn area should be emailed to manager@minturn.org.

Congratulations to Jim W., Town Manager, for his election to the Colorado Municipal League Executive Board, and for his subsequent selection as President.

Best of luck to Al Brown who after 27 years is closing the doors to Chili Willy's Restaurant.

Shelley B. and Earle M. thanked all the participants and spectators of the Minturn Independence Day Celebration.

George B. estimated approximately 130 people attended the Town Party at the Independence Day Celebration. Special thanks to the sponsors of the event including Dave Kleinkopf and Battle Mountain Development, Shop and Hop, The Minturn Community Fund, Lead Foot Linda's, the US Forest Service and the following volunteers: Susana Miranda, Dianna Scherr,

Aimee LaFerrier, Maren Lantzy, Stuart Brummet, Ralph Brodin, Frank Lorenti, Cliff Thompson, Matt Scherr, Pete Vance, Linn Kannakis, Aggie Martinez, Darrel Weigert, Brian Weigert, Danny Bellm, George Brodin, Jim White, and anyone who volunteered but was not included in the above list.

Mayor Hawkeye Flaherty made note that the Flowers on Main Street are currently on Main St and will be moved to more visible locations as they are very difficult to see in their current locations.

PUBLIC HEARINGS AND ACTION ITEMS

10. Discussion/Action – Ordinance 8 – 2010 (First Reading) an Ordinance approving a land lease contract with Lafarge West Inc. – Brunvand

The LaFarge concrete batch plant land lease contract expires in November 2010. Lafarge has requested a new contract similar to contracts in the past. The dollar value starts at the leave-off the contract proposal is currently a 10 year contract with two five year contracts after that.

Mayor Hawkeye would like to ensure the contract provides for an “out” for the Town. Language to entail an exit strategy if the need to vacate the land presents itself.

An example to modify the contract to a 5-year contract with (3) five year extensions was offered by Shelley B. as an alternate contract solution. The Council collectively agreed an initial (5) year contract with (3) five year extensions would be preferable to the original (10) year arrangement presented.

Direction to staff to rewrite the contract with the above revision in terms and to include an exit strategy to allow an alternate location of 3 to 5 acres to be agreed on by both parties in the event the Town should require the use of the land.

Motion by Jerry B., second by George B., to approve Ordinance 8 – 2010 (First Reading) an Ordinance approving a land lease contract with Lafarge West Inc. as amended; All voted in favor.

10a. Discussion/Action – Review of Town sign submittals – White

Sign concepts to come across with the history of the Town and the brand of the Town. Railroad, elk, culture, eclectic, river, mining. Ms. Susan Mitchell, 501 Pine St, recommended narrowing down the ideas to a few main concepts with minimal wording to avoid driver safety issues.

First place entries were discussed with their specific elements. The structure of one entry was specifically interesting and as Matt S. described, it evokes a mining Town concept without having to say anything.

Direction to Staff to refine entries and resubmit to Council.

10b. Discussion/Action – Continuation of Worksession presentation and discussion with Battle Mountain

Mr. Dave Kleinkopf, Battle Mountain, 400 Eagle St, resumed the question and answer portion of the Battle Mountain update from the Worksession.

Shelley B. asked about numbers Battle Mountain is looking at for units. 1700 is a cap, however, Battle Mountain is looking at a rough estimate closer to 1500 or 1600 units. The real limitation is water, but anything under 1500 is not economically feasible.

The mix of use is substantially different on the new plans from the original plans provided.

George B. asked about the fixed cost for investment of project completion.

Mr. Kleinkopf said that a return of the capital will be modest but that the project hopes to provide the Town a number of the benefits that were there before, but that this will need to be discussed with the Town in order to maintain a reasonable return on the project.

Essentially fewer units at a lower price would mean a smaller return for everyone. The absorption rate will be less than originally anticipated. The timing of the project is important to the cash flow of the project. Operations of a recreation center and tax revenue of unit sales are an example of timing for cash flow and topics that will need to be revisited.

Bolts lake original acre foot consideration was proposed at 2200 and 1500. The project is now at considering 1210 acre feet.

Recreational opportunities will be numerous with the new project outline. An example will be a shelf in the lake for kids to play, fishing, and then a skating rink in the winter time. Evergreen Lake is cited as an example of a functional recreational area for families.

The Council thanked Mr. Kleinkopf for coming to the meeting, keeping the lines of communication open between Battle Mountain Development and the Council, and staying late to finish the question and answer session.

Resubmission of the next phase of the annexation will take place after issues with Red Cliff have been resolved as Red Cliff claims to own the property where their water tower sits.

Mr. Frank Lorenti, 1081 Main St, Minturn, would like to see the Council get some money out of the Battle Mountain investors while the approval process continues. He is encouraged with the direction the project is moving and would like to see some Town infrastructure projects move forward with Battle Mountain funding.

Mr. Kleinkopf recommended appointing a smaller committee of Council, Jim W., Town Attorneys and himself to start discussing some of the changes being made to the project and reviewing provisions and guidelines.

Matt S. believes this should be conducted at the Staff level. It would be imperative that communication between the Council and Staff be consistent. Aggie M. is in agreement. Shelley B. would like to see Council involvement in this process to ensure that the original views and negotiations are maintained. Shelley B recommends a small committee of approximately two Council members. Earle B. stated he agrees with Shelley B. and would like to see a routine implemented where the remainder of the Council, outside of the Committee, is informed of the proceedings regularly to ensure up to date information (possible email blasts were offered as a suggestion of communication). This could be considered a rolling meeting, but will be reviewed as an idea and may be able to be modified to ensure all legal obligations are maintained. Jerry B. suggested that a new perspective may be of value as well as someone who has worked on this project from the beginning. George B. also recommended a small group and encourages that the make-up of the Committee be able to change as topics of the project change. This will allow for flexibility. The Council determined that Earle B. and Shelley B. will be the first two Council members to attend the meeting as the Committee members representing the Council. Council to determine how and when the selected Council representatives for these proceedings will be rotated as the meetings progress.

11. Discussion/Action – Ordinance 9 – 2010 (First Reading) an Ordinance formally notifying the Eagle County Clerk and Recorder of our intention to pose ballot questions and authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Clerk and Records Office for a November 2, 2010 coordinated election – Brunvand (10min)

Motion by Shelley B., second by George B., to approve Ordinance 9– 2010 (First Reading) an Ordinance formally notifying the Eagle County Clerk and Recorder of our intention to pose ballot questions and authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Clerk and Records Office for a November 2, 2010 coordinated election. All voted in favor.

Council reconvened into Executive Session at 9:01 pm.

Council Directed the Town's legal staff, and authorized Arthur, "Boots" Ferguson to sign stipulations with Battle Mountain (Florida) and Ginn entities to settle the water court cases previously scheduled for July 12, 2010.

FUTURE AGENDA ITEMS

12. Next Meeting

- November Ballot Language – Brunvand/Christensen Worksession and Action Item
 - a. Use Tax
 - b. Medicinal Marijuana – concerns to include zoning, enforcement, community and neighborhood impact
- Capital Improvement Plan – Brunvand/White (45min) Worksession and Action Item
- 3-Mile Plan Text Amendments Resolution for July 21, 2010 Town Council – Cerimele (15 min) Action Item

- Discussion/Action – Review of medicinal marijuana issues and concerns to include zoning, enforcement, community and neighborhood impact – White (30min)

13. Future Meeting

- Cemetery Board Waterline Easement August 4, 2010 – Christensen (30min) Worksession
- Discussion/Action – Ordinance ____ – 2010 (First Reading) an Ordinance approving the 2009 Fire Code – Cerimele (15min). (August 18, 2010)
- Joint Work Session – Town Council & Planning Commission – Cerimele (60 min)
 - Council Discussion of working with UPRR to clean up the rail yard to include all rules that apply and tax questions.
 - 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) – (Joint Worksession with the Planning Commission August 18, 2010.)
- Minturn Water Plant Tour – White (90min) Worksession (September 1, 2010)
- EPA Update – Mitchell
- 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) (Waiting on ECO to coordinate there plan)

14. Set Future Meeting Dates

a) Council Meetings

- July 21, 2010
- August 4, 2010
- August 18, 2010

b) Planning & Zoning Commission Meetings

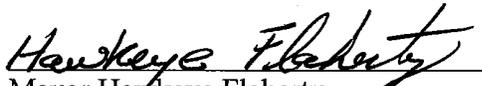
- July 14, 2010
- July 28, 2010
- August 11, 2010

c) Other

- Minturn Market: June 26 – September 4 – 9am-2pm
- Colorado Municipal League Retreat July 23-24
 - CML/Council social dinner July 23

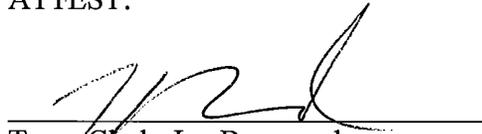
15. Adjournment

In that there were no further items of consideration the meeting stood adjourned at 10:00pm.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

