



Official Minutes

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

Wednesday August 4, 2010

Work Session – 5:15pm
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 – 5:15 pm

- Cemetery Board Waterline Easement
- International Building Code review
- November Ballot Language
 - Medical Marijuana

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 7:11 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: were Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Chief of Police Lorenzo Martinez, Administrative Assistant/Deputy Clerk Michelle Metteer, Planner Chris Cerimele and Attorney Allen Christensen.

2. Approval of Agenda

- Items to be Pulled or Added

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

Items to be added to the agenda:

- 10a. Cemetery Board Waterline Easement
- 10b. November Ballot Language - Medical Marijuana

3. Approval of Minutes and Action Report

- July 21, 2010
- Action Item Report

Motion by Shelley B., second by Jerry B., to approve the Minutes of July 21, 2010 as presented; all voted in favor.

4. Liquor License

- Vail Valley Charitable Fund, Inc. Special Events Permit; 801 Cemetery Rd (Event), Penny Bumgarner, event manager; Karen Simon, Fund Director – Brunvand

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. Recommendation by staff that fee be waived due to the circumstances and humanitarian nature of the event. Further recommendation that a condition of the permit be that no spirituous liquor will be served at event, which has been confirmed by applicant.

Motion by Earle B., second by Shelley B., to approve the Special Events Permit; 801 Cemetery Road, Penny Bumgarner, Event Manager as presented with the following conditions; all voted in favor.

- The Notice of Public Hearing was posted on the premises by the Town Treasurer on July 22, 2010, at least 10 days prior to the hearing
- That the selling of liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- The Local Liquor Authority has duly emphasized the requirement of operating an orderly establishment as related to noise and or live entertainment and the well being of the neighborhood.
- The local liquor permit fee shall be waived.

- The selling of liquor will be limited to wine and beer only; no spirituous liquor will be sold or offered.

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

Mr. Frank Lorenti, 1081 Main St, would like to make sure there is no confusion as to what is considered a public benefit under the outline of the Battle Mountain Agreement. The public benefit is the \$11.6 million currently being held in escrow, a land purchase, rather, is a bridge loan. The top two public benefits are a bike path and a recreation center. The scholarship fund was also mentioned.

Ms. Diana Scherr, 511 Main St, was present to secure the Council's blessing in creating a Minturn bike trail committee. From the citizen survey done some time ago, a bike trail was voted as the number two priority. This trail would provide alternative transportation, additional recreation, tourism, and encourage vitality. Support is requested to move forward in creating a citizen-based committee made up of 5-7 citizens, possibly with a Council Member, as well as a staff member and the assistance of some basic town services.

Mr. Floyd Duran, 643 Boulder St, would like to thank the Public Works staff for their help with the water line break at the Cemetery. Also, additional thanks to Chief Lorenzo Martinez for the support he lends each Saturday during the Minturn Market, and to the Town Manager for being available and listening.

6. Special Presentations/Citizen Recognition

7. Town Manager's Report

Department of Local Affairs/Energy Mineral Impact Assistance Grant Application

The Town staff completed its application for a DOLA Energy Grant and submitted it on Friday, July 30, 2010 prior to the official deadline.

School District Update

We received an update from Tom Braun on July 22, 2010. We are still focusing discussion on three primary issues: easements; a secondary access point to the property; and assurances related to water and land uses. Though these sound complicated, both sides have been in agreement conceptually. Each side is working to preserve the interests of the party it represents. We anticipate a progress report by the date of the next Town Council meeting on August 18, 2010.

Meeting to Discuss a Continuum of Care Retirement Center for Seniors

Eagle County has selected a site for a Continuum of Care Retirement Center for Eagle County Seniors. Four finalists, developers and operators for the site, will be interviewed in public on August 11, 2010 8am till 12 noon at the new Battle Mountain High School in Edwards. If interested, please plan to attend.

Radio Tower Contract

The Town Clerk and the Town Manager have previously 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.

Battle Mountain Update

The draft Feasibility Study (FS) has just been completed and is nearly ready for submittal to the EPA.

The small group meetings involving our staff and two Town Council representatives has now met on two occasions with Battle Mountain representatives. We plan weekly meetings on Tuesday afternoons as schedules permit to review the development agreement stipulations. Initial discussion topics have included the scholarship fund, and release of some or all of the escrow funds for infrastructure improvements, potential financial support for grant applications, and other more immediate community investment measures. Protracted conversations about the bridge loan for forest service property have occurred as well.

Minturn Rocks!

Minturn has a free Thursday evening concert series at Little Beach Park and Amphitheater. Local bands will be performing at the amphitheater from 5:30-7:30 throughout the end of August. This is a great opportunity to promote our community and enjoy the park with your friends, family and neighbors.

Water Treatment Plant

John Volk of Southwest Water, has been maintaining our water plant on an interim basis. We have also installed a chlorine analyzer to enable us to have constant monitoring of chlorine levels for our required reports to the state. TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met.

TST Engineering has been working with Timberline Electric and Controls to access problems and to update our telemetry system at the water treatment plant. Kelly Lytle, electrician with Timberline, did a site visit to the water treatment plant and to the two storage tanks.

RFP/North Main Street Water Line Design

The design of the waterline project is done at the 80% level to date led by Mark Luna, Project Manager, representing Peak Land Consultants, Inc, Vail, Colorado. Survey work and potholing to test soil conditions have also been completed. We hope to go out to bid in mid to late August for Phase 1 repairs with construction anticipated in September 2010.

Minturn Market

The Minturn Market is scheduled every Saturday, June 26 for eleven weeks through Saturday, September 4, 2010.

Colorado Municipal League (CML) Executive Board Retreat

The Town of Minturn hosted the Colorado Municipal League Executive Board Retreat on July 23 and July 24, 2010. Our elected and appointed guests from throughout Colorado enjoyed their

visit and the accommodations at the Eagle River Inn and the Minturn inn. Local restaurants and catering services provided wonderful meals. Michael Gallagher offered a delightful historic presentation to our visitors on Saturday morning during breakfast.

Medical Marijuana

Staff continues to work on further research on this topic and it is also being discussed through out Eagle County. Examples of sample ordinances, both those in favor and those against have been provided. More discussion will be part of tonight's agenda.

8. Town Council Comments

Reminder, the Missoula Children's Theater will be held this Saturday at Little Beach Park at 1:00 and 3:30, all are encouraged to attend.

The next movie night is August 28, 2010 at Little Beach Park around 8:30pm. Votes for your favorite movie can be taken at www.minturn.org

Special thanks to the Minturn Community Fund (MCF) and especially Maren Lantzy, Director, (MCF) for all the effort and support being given to the Town of Minturn. Both above mentioned events are in part sponsored by the Minturn Community Fund and more events are to come.

PUBLIC HEARINGS AND ACTION ITEMS

9. Discussion/Action – Resolution 8 – Series 2010 a Resolution adopting the 2010 Minturn 3-Mile Plan for annexation

Motion by George B., second by Jerry B., to approve Resolution 8 – Series 2010 a Resolution adopting the 2010 Minturn 3-Mile Plan for annexation; all voted in favor.

10. Discussion/Action – Resolution 13 – Series 2010 a Resolution appointing Town Planning Commissioners

Mr. Stuart Brummet, 401 Main St, Unit R2, current Chairman of the Planning Commission. His background as an architect provides a benefit of background knowledge and would appreciate consideration of an appointment. Concerning any conflict of interest, he feels his expertise and other benefits provided to the Commission are able to outweigh any drawbacks incurred.

Mr. Frank Lorenti, 1081 Main St. He stated that he has a determination to enforce the Town Code fairly, he reads the code, and would like to further contribute to the Town of Minturn. He believes the input from the Citizens and responsible growth are the two biggest opportunities facing the Planning Commission.

Ms. Lynn Teach, 253 Pine St, has been on Planning and Zoning for the last four years, and enjoys the role she has had on the Planning Commission. She would like to continue her work on the Commission and further the improvements of our Town. She believes the rearranging of the Battle Mountain plan and the process of the project is one of the biggest opportunities facing the

Planning Commission. She believes clarification of certain sections of the code will assist in clearing any confusion with the code.

Mr. Michael Gallagher was not in attendance at the meeting. (His letter of interest was included in the Council packet).

The Mayor distributed ballots for the Council to vote on three candidates. After collecting and counting the votes, the Mayor announced that all candidates received a vote. He then noted the top three candidates were Mr.'s Stewart Brummet, Michael Gallagher, and Ms. Lynn Teach.

Motion by Shelley B., second by Aggie M., to approve Resolution 13 – Series 2010 a Resolution appointing Town Planning Commissioners Stuart B, Lynn T and Michael G; all voted in favor.

10a. Discussion/Action – Cemetery Easement Agreement.

Motion by George B., second by Jerry B., to move forward with approval to accept the Cemetery Easement as presented; all voted in favor.

10b. Action/Discussion- Discussion ensued as to shall the Council pass an Ordinance passing medical marijuana dispensaries in the Town of Minturn.

Motion by Jerry B., second by Aggie M., to instruct the staff to write an ordinance banning medical marijuana dispensaries in the Town of Minturn. Motion failed 4-3 (Matt S. nay, Aggie M. yea, Shelley B. nay, Earle B nay, Jerry B. yea, George B. yea, Hawkeye F nay.)

Discussion ensued as to shall the Council refer a ballot question to the voters in November in support or rejection of medical marijuana dispensaries in the Town of Minturn.

Motion by George B., second by Shelley B., to place a ballot question in the November election banning the allowance of medical marijuana dispensaries in the Town of Minturn; motion carried 5-2. (Matt S. yea, Aggie M. nay, Shelley B. yea, Earle B yea, Jerry B. nay, George B. yea, Hawkeye F. yea.)

EXECUTIVE SESSION

11. Executive Session – Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Attorney – White/Christensen (30min)

Motion by Shelley B., second by George B., to convene in Executive Session Pursuant to CRS24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction to the negotiations regarding the Battle Mountain Resort property, the USFS Bone Yard property, an update on the Water Court status and the school district property and pursuant to CRS 24-6-402 (4)(f) to discuss personnel matters concerning the Town Attorney; all voted in favor.

Town Council reconvened into the regular meeting at 11:25 p.m.

Direction to staff :

The existing sub-committee was instructed to continue negotiating with Battle Mountain on issues related to the development agreement and annexation agreement.

Bone Yard Purchase. The Town Manager was directed to set up a meeting with USFS representatives and Town Council. Tentatively it was suggested this meeting occur 08-18-2010 during the next Town Council meeting worksession at approximately 5:00p.m.

Water case settlement proposals. Motion by Shelley B., and second by George B., to authorize the Town's water attorney, Boots Ferguson, to accept the stipulation from Eagle County on cases # O5CW262 & 263 and authorize Boots F. to sign. Motion passed 6-1 with all in favor less Hawkeye F., with a no vote.

Motion by Shelley B., second by George B., to approve the stipulation with the city of Aurora related to cases O7CW225 and O6CW264 involving the Columbine Ditch. The Council further authorized Town water attorney, Boots F., to sign the stipulation. Motion passed 6-1 with all in favor less Hawkeye F., with a no vote.

Town Council directed the Town Manager to request a meeting with the Town Council representatives and the School Board representatives who serve on the sub-committee for Maloit Park land property.

Town Council directed the Town Manager to add an Executive Session to the next Town Council meeting agenda on August 18, 2010 to discuss personnel issues and a citizen initiated petition related to the Town Attorney.

FUTURE AGENDA ITEMS

12. Next Meeting

- Discussion/Action – Resolution ____ – Series 2010 a Resolution setting ballot language for a Medical Marijuana question on the November 2, 2010 Eagle County coordinated election and providing other details relating thereto – White (10min)
- Joint Work Session – Town Council & Planning Commission – Cerimele (75min)
 - 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 (Joint Worksession with the Planning Commission August 18, 2010.)
 - Establish goals for Planning Commission-update
- Swearing in of appointed Planning Commissioners

- Direction to Town Manager for communications between the Town and the bike path committee.

13. Future Meeting

- EPA Update – Mitchell
- Cemetery Board – Duran (September 2010)
- 2009 IBC review including fire pits (September 1, 2010)

14. Set Future Meeting Dates

a) Council Meetings

- August 18, 2010 – Joint Worksession with Planning Commission
- September 1, 2010
- September 15, 2010

b) Planning & Zoning Commission Meetings

- August 11, 2010 Canceled
- August 25, 2010
- September 8, 2010
- September 22, 2010

c) Other

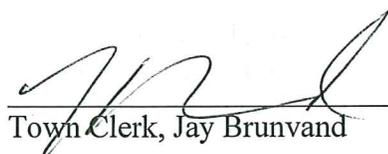
- Minturn Market: June 26 – September 4 – 9am-2pm
- Minturn Water Plant Tour for Council – Worksession August 28, 2010 (Saturday) 9-12am (meet at Town Hall)-This is open to the public as well.

15. Adjournment

In that there was no further business, the meeting stood adjourned at 11:30pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

