



Official Minutes

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

Wednesday August 18, 2010

**Work Session – 5:00pm
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

- USFS Property Discussion – White (60min)
- Joint Work Session – Town Council & Planning Commission – Cerimele/White (60min)

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 7:09 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 Shelley B., second by George B., to approve the agenda as amended, all voted in favor.

3. Approval of Minutes and Action Report

- Aug 4, 2010
- Action Item Report

Motion by George B., second by Aggie M., to approve the Minutes of August 4, 2010 as presented; all voted in favor.

4. Liquor Authority

- Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners – Brunvand (10min)

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. and no issues were presented. It was noted for the record this consideration was for a renewal of an existing liquor license and the store manager was present if Council had questions or comments.

Motion by Earle B., second by Shelley B., to approve the Shop N Hop #12 3.2 beer Liquor License Annual Renewal; 401 Main St., Terry Marcum and James Marcum, Owner, as presented; all voted in favor.

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

Ms. Jay Raiola, President Minturn Red Cliff Business Association, read a letter aloud in support of creating an Events Coordinator position for the Town of Minturn. Many Minturn Citizens and Business Owners had signed this letter in support. The next Events Committee meeting will be held at 5:00pm on September 2, 2010 at the Battle Mountain property. Direction was given to staff to place this issue on the September 1, 2010 agenda.

Mr. Stephen Porter, PO Box 2841 Vail, introduced himself and announced he will be starting Nicky's Quickie in Minturn located at Ali's kitchen's previous location in the 100 block of Main St. Lunch and dinner will be served along with family meals and possibly delivery service. Hot,

fresh, quality ingredients will be served. Projected opening will be approximately mid September.

Mr. Frank Lorenti, 1081 Main St, would like to see holiday lights on Main St and he is willing to volunteer to hang lights on Main Street for the winter season.

6. Special Presentations/Citizen Recognition

- Swearing in of appointed Planning Commissioners
- Swearing in of new Police Officer Edward Moran

7. Town Manager's Report

School District Update

We participated in a meeting with school district consultant, Tom Braun on August 10, 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. I attended the school board meeting on August 11, 2010, spoke briefly, and witnessed 6-0 unanimous support of the board to direct school district staff to proceed with preparation of the formal annexation submittal (one board member was absent).

CML Policy Committee

It is time again to name the Town of Minturn's representatives the Colorado Municipal League's Policy Committee. The Town Manager has served in the role of representative during the past year (see attachment).

Radio Tower Contract

The Town Clerk and the Town Manager contacted 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. The Town Clerk has recently talked to one of the partners and will provide new information at tonight's meeting.

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 three occasions with Battle Mountain representatives. We plan weekly afternoon meetings, usually on Tuesday afternoons as schedules permit to review the development agreement stipulations. We have established a list of seven priority topics to discuss. 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 will have representatives available during the tour of the water treatment plant on Saturday, August 28, 2010.

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 water storage tanks.

RFP/North Main Street Water Line Design

The design of the waterline project is done at the 100% level to date led by Mark Luna, Project Manager, representing Peak Land Consultants, Inc, Vail, Colorado. We have advertised for contractors for Phase one construction. The first ad went out on Wednesday, August 11, 2010. We will advertise August 18th and August 25th as well. Phase 1 construction is anticipated in mid to late September 2010 and expected to be completed by late October.

Minturn Market

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

Downtown Colorado, Inc.

The final report is expected to be delivered electronically on Monday, August 16, 2010. The Town will be receiving seven original copies in the mail soon after. I am hoping to have one printed copy by tonight's meeting.

Letters of support for the county-sustainability grant and community challenge grant Earl McFarland insurance agency award for (CESA award) perfect record of no workers comp claims or injuries.

Mr. Michael Cacciopa stated he had contracted with Dr. Hood of the radio tower and new he and the radio business well. Mr. Cacciopa recommended to include advertising spots in the lease contract; this will be pursued in the current negotiations.

8. Town Council Comments

Matt S. announced he will be retiring from Town Council October 6, 2010 unless an earlier date is deemed more appropriate.

ECO Transit is holding a retreat in October and it may be beneficial for a representative from the Town to take part in those meetings.

Jeff Wetzel, with ECO Transit, has worked hard to have a feeder bus available to Minturn for the winter season. The feeder bus will have a fair included, however the feeder route will honor all ECO Transit bus passes. Direction to Staff to organize another transit committee meeting. Council direction for George B. to represent Minturn on the ECO Transit Board.

Motion by Shelley B., second by Jerry B, to appoint George B. to the Transit Committee; all voted in favor.

Minturn Town Council will take a tour of the water plant on Saturday August 28th from 9am to Noon. Interested citizens may attend although must provided their own transportation.

August 27th from 5-8 the Vail Valley Charitable Fund will be holding a fundraiser at Little Beach Park and all are invited to attend.

PUBLIC HEARINGS AND ACTION ITEMS

9. Discussion/Action – Resolution 14 – 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/Brunvand (10min)

Hawkeye introduced the discussion stating this was a Resolution to ask the citizens in a general election to ban medical marijuana. This Resolution is presented per direction from the last Council meeting.

Motion by George B., second by Shelley B., to approve Resolution 14 – 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; Motion passed 6-1, Jerry B., voted no.

10. Discussion/Action – Resolution 15 – Series 2010 a Resolution supporting the formation of a Citizens Trails Committee – Cerimele (30min)

Motion by Shelley B., second by Jerry B., to approve Resolution 15 – Series 2010 a Resolution supporting the formation of a Citizens Trails Committee; all voted in favor.

Ms. Lynn Feiger, 494 Eagle St, stated she would like to volunteer for the Citizen Trails Committee.

Mr. Frank Lorenti, 1081 Main St, would also like to volunteer for the Citizen Trails Committee.

EXECUTIVE SESSION

11. Executive Session – Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues and pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Attorney – White/Christensen

Motion by Earle B., second by Shelley B., to convene in Executive session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the

negotiations of the Battle Mountain Resort property annexation and water right issues and pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Attorney.

The Council convened in Executive Session at 8:25pm. (*Note: Jerry B. had excused himself part way through the Executive Session and was not present when the Council reconvened in Regular Session.*) When the Council emerged from Executive Session the following direction was given:

- Direction from Council to place Town Attorney citizen petition discussion onto the September 1, 2010 Town Council Agenda.
- Motion by George B., second by Shelley B., to authorize the Town's Water Attorney to sign the stipulation to remove Avon from the Water Case regarding junior water rights for the Town of Minturn; motion passed 5-1, Mayor Hawkeye Flaherty voted no. (*Note: Jerry B. was excused absent*).
- Motion by Hawkeye F., second by Aggie M., to authorize the Town Water Attorney to sign a stipulation withdrawing the school District as an objector; motion passed 5-1, Mayor Hawkeye Flaherty voted no. (*Note: Jerry B. was excused absent*).
- Motion by George B., second by Shelley B., to direct The Town's Water Attorney to sign a stipulation with the USFS to move the point of diversion out of the wilderness during the diligence period, unless Presidential authority was granted, or unless the wilderness classification is modified and rendered obsolete, or unless the facility is grandfathered in; motion passed 5-1, Mayor Hawkeye Flaherty voted no. (*Note: Jerry B. was excused absent*).
- Motion by Shelley B., second by George B., to authorize the Town's Water Attorney to sign the stipulation with the Town of Gypsum, approving limits to 100 acre/feet annually, and removing Gypsum from opposition. ; motion passed 5-1, Mayor Hawkeye Flaherty voted no. (*Note: Jerry B. was excused absent*).
- The Mayor handed out several forms for the Town Manager's review which is to occur in Executive Session before the September 1, 2010 Council meeting.

FUTURE AGENDA ITEMS

12. Next Meeting

- Minturn Water Plant Tour – White (90min) Worksession (August 28, 2010 9am – 12pm)
- Part time position discussion regarding the Events Coordinator position for the September 1, 2010 agenda
- Town Manager evaluation to be conducted September 1, 2010. Exec session to be conducted early on Sept 1.

13. Future Meeting

- Budget Review and formal acceptance – October 6 Worksession (45min) Council Action Item (10min) Brunvand/White
- Budget Review and question/answer – October 20 Worksession (45min)
- Discussion/Action – November 3rd Council Action Item 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White (45min)
- Discussion/Action – November 17th Council Action Item 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances – Brunvand/White (45min)
- Discussion/Action – December 1st Council Action Item 2nd and Final Reading of proposed 2011 Budget Ordinances – Brunvand/White (15min)

14. Set Future Meeting Dates

a) Council Meetings

- September 1, 2010
- September 15, 2010
- October 6, 2010

b) Planning & Zoning Commission Meetings

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

c) Other

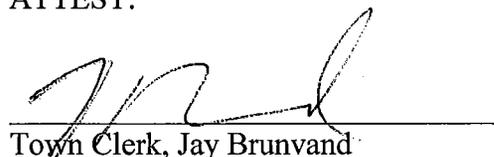
- Minturn Market: June 26 – September 4 – 9am-2pm
- Town Hall closed for Labor Day – September 6

15. Adjournment

Motion to adjourn by Shelley B., second by Aggie M., to adjourn at 10:45am. All voted in favor.
(Note: Jerry B. was excused absent)


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

