



## **Official Minutes**

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

**Wednesday September 1, 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

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

### **Regular Session – 5:00 pm**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:07 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 Jerry B., second by Aggie M., to approve the agenda as presented, all voted in favor.

## EXECUTIVE SESSION

### 3. Executive Session – Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager's annual review – White (60min)

Motion by Jerry B., second by George B., to convene in Executive session Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager's annual review.

### Work Session – 6:00 pm

- Discussion with Cemetery Board regarding infrastructure issues – White (45min)

### Regular Session – 7:00 pm

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

*Note: the Council reconvened from Executive Session at 7:03pm*

Jim W., to submit a response to the evaluation and return to Council for review.

### 5. Approval of Minutes and Action Report

- Aug 18, 2010
- Action Item Report

Motion by Aggie M., second by Earle B., to approve the Minutes of August 18, 2010 as amended; all voted in favor.

Amendments:

- Vote to appoint George B., to the ECO Transit Board
- Page 8 bullet point one-direction out of Executive Session modification

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

Mr. Lynn Kanakis, 248 Main St, requested the Seniors Group have access to the Middle School facility for use as a lunch facility as well as senior activities. Currently the Seniors use the Council room of the Minturn Town Hall and activity and storage space is limited.

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

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

### **School District Update**

August 10 - meeting with Eagle County School District consultant, Tom Braun.  
August 11 - school board meeting, unanimous support to proceed with annexation  
September 1 -Town Council discussion with Minturn residents re: Maloit Park annexation

### **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. Payment for 2010 expected by end of August as well as proposal of new contract terms.

### **Battle Mountain Update**

The draft Feasibility Study (FS) has been submitted to the EPA. The small group meetings involving our staff and two Town Council representatives are temporarily on hold as we prepare for October water court cases.

### **Minturn Rocks!**

Minturn celebrated the final show of a successful first year free Thursday evening concert series at Little Beach Park and Amphitheater. This was a great opportunity to promote our community and enjoy the park with friends, visitors, family and neighbors.

### **Water Treatment Plant Tour**

TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met. TST will have a representative, Don Taranto, 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 in anticipation of solar and electric power being established at the respective tank sites.

### **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 fulfilled advertising requirements for contractors for Phase One construction. The pre-bid meeting was held on Thursday, August 26<sup>th</sup> at 2pm. Phase 1 construction is anticipated to begin 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. This upcoming Saturday will be the last 2010 market day!

### **Downtown Colorado, Inc.**

The final draft report was delivered electronically on Wednesday, August 25, 2010. Final comments are due quickly so the Final Report can be printed and distributed.

### **USFS Decision Notice**

On August 25, 2010, the Town received a letter from Scott Fitzwilliams, White River National Forest Supervisor, regarding several amendments to the September 9, 2009 Decision Notice for Forest-wide Hazardous Tree Removal and Fuels Reduction project (see attachment).

### **2011 Budget Planning**

The proposed schedule for our budget process and meeting schedule has been prepared by the Town Clerk/Treasure and reviewed by the Town Manager. This process has been underway at the staff level since early summer and will accelerate in the next few months following the prescribed calendar requirements articulated in the Colorado Revised Statutes for annual budget approval.

Additional item discussed:

Direction was given by the Council for Staff to meet with the Cemetery District to negotiate a schedule for the repayment of \$16,675. The Town Council has stipulated its agreement with the District that this is Minturn's portion of the cost to stub to the Minturn Public Works building the water and sewer infrastructure recently installed by the Cemetery District. It was noted this repayment schedule may be extended over several years as necessary.

## **9. Town Council Comments**

Council Member Jerry B. stated that by passing Resolution 14 – Series 2010 at the August 18<sup>th</sup> Council Meeting, setting the ballot question for the November 2010 election, the Council went against their oath of office and he requested the Resolution be rescinded. Discussion ensued. No direction was given.

Shelley B., Aggie M., and the entire Minturn Town Council would like to thank Arnold Martinez and the entire Public Works staff for the tour of the water plant facility on Saturday August 28<sup>th</sup> and the clean-up of the entire area.

Mayor Hawkeye Flaherty noted that there is a zero tolerance policy with school bus traffic violations and to please remember that school is back in session so be cautious of the students trying to get to and from the school bus stop everyday.

## **PUBLIC HEARINGS AND ACTION ITEMS**

- 10. Discussion/Action – Discussion with the Public regarding the Eagle County School District Board of Education Maloit Park annexation – White (30min)**

Hawkeye introduced the agenda item. Others present included Eagle County School District Superintendent Dr. Sandra Smyser with several members of her staff.

Potential uses of land include residential, educational, community oriented and recreational.

Eagle County Seniors group would like to request that twice a week they have the use of the school facility for their weekly lunches and activities.

A consideration may be to have a dedication to the efforts Bill Burnett made in obtaining portions of this land for the Town of Minturn.

Mr. Michael Gallagher, 475 Pine St, Minturn. The first high school of Minturn was located where the Town Hall building sits now. It is important to remember that the Citizens of the Town of Minturn are in desperate need for a community facility and the school building located on the school district land may be a wonderful opportunity for the Citizens of Minturn to have access to such facilities.

Mr. Tom Braun, Attorney representing the Eagle County School District, stated the School District is looking into options of what may be the best use for the school building (currently Minturn Middle School) that will remain on the Maloit Park land. The School District will be open to comments from the Council as well as the Citizens of Minturn as to what may be a needed or best use of the facility.

Mr. Floyd Duran, 643 Boulder Street, believes that the water structure/water tank, will only suffice for the school itself and the pumps are rated at 80gpm/pump. This is something to keep in mind; however, it remains a good opportunity for the Town of Minturn.

George B., agrees that the school building facility will be an opportunity for the children of Minturn to have a place to hold recreational facilities as well as educational groups or activities.

Mr. Aldo Ramanus, Edwards, Executive Director Ski and Snowboard Club Vail. The Vail Ski and Snowboard Academy is the first of its kind. It is three years old and has almost doubled in size since its inception. An ideal use of the building would ideally include the use of the facility by the Academy, keeping in mind the need to allow space for growth of its student base. As this annexation proceeds, he encourages a joint effort in establishing a facility that can be utilized by everyone (students and public alike).

Mr. Gary Gillman, owner, SteamMaster, has a 13 year old nephew who attends the Ski and Snowboard Academy. There are hopes that this school facility may at some point hold a dormitory facility to allow for out-of-town students who attend the school. He encourages the School Board and the Town of Minturn to consider the Academy's use as part of the facility moving forward.

Matt S., discussed the option of an art center as part of the facility.

George B., noted that a recreation facility may be a consideration of a potential use as well.

Jerry B., noted that a key point of interest in the annexation communications has been to ensure employee housing for teachers, bus drivers, life safety service personnel, etc...and to keep these groups in mind as the annexation moves forward.

Ms. Carrie Bangston, Maloit Park resident, would like to stay updated on the communications and decisions being made in regard to the Maloit Park property.

**11. Discussion/Action – Country Club Tract/Quintana Annexation Proposal referral to Staff for calendar and compliance review – Cerimele/Christensen (10min)**

This is the first step in the annexation process. The next step will be to propose a resolution for annexation. First meeting in November (November 3, 2010) would be the proposed time of proposed approval.

**12. Discussion/Action – Discussion regarding possible part time position funding – White/Brunvand (20min)**

Staff prepared a memo for review by the Town Council outlining some of the concerns and requesting direction.

Mr. Andy Kaufman, Minturn Saloon Owner, supports the concept of a need to continue with the community events work done thus far by all entities. The Town needs to be an important part of this process and budgetary constraints should not hinder the ability of all groups to move forward with a fully thought-out approach to event coordination and operations. The DCI report discusses the need for a Town to have some type of formulated plan in maintaining an organized/unified front from a marketing perspective, events perspective and promotional perspective.

The Minturn Community Fund has some aspects of community events in place, but their mission is somewhat broader than just this funding request. He does foresee this being able to be the joint effort of the Minturn Community Fund, The MRBA, and the Town of Minturn.

Shelley B., asked about the salary savings that have been achieved by not replacing the Planning Director position that has been vacant for almost a year. And then, how can this group be created in order to achieve the goals being addresses.

George B., asked what is the role of government? He recommended bringing all concerned parties together in a facilitated meeting in an effort to unify the interested parties so that a consensus can be reached on the objective of this position before moving forward. This is an opportunity to address the event needs of the Town, and what type of job description this position would require.

Earle B., brings to attention the need for more Economic Development type work. A facilitated meeting, with the appropriate stakeholders involved, should be the next step in order to keep this idea moving forward.

Matt S., would like to see a clear and organized plan of what it is that needs to be accomplished (what type of position created), how much it will cost and how this will be carried out.

Direction to staff to obtain a facilitator and coordinate a meeting with all concerned parties to help iron out a concise direction.

**13. Discussion/Action – Discussion and direction regarding matters concerning the Town Attorney – White/Christensen (10min)**

The Council is to reevaluate the contract the Council has with the Town Attorney. There will now be an initial six month review process, first review to take place by November 1, 2010. Having reviewed the functions of the Town Attorney, it has been determined that the Town Attorney will no longer perform the duties of Prosecutor for the Town of Minturn. It is anticipated that the request for applications for a prosecuting Attorney will move forward immediately and most likely be hired by the end of 2010. This position will work directly for the Town Council and will be under the same scrutiny as the Town Attorney. The Council hopes this will address the concerns of the Citizens and will move forward with a review process as well as beginning the process of hiring for a Town Prosecutor. Please note that this was an executive session matter and Council may not be able to answer all questions asked regarding this subject.

Residents can best communicate to the Council regarding matters of contracted positions directly to Council members, write a letter to one or all Council members, or discuss with the Town Manager who can then bring the matter to the attention of the Town Council.

Randy Quintana, 1071 Main Street, discussed that the Citizens did talk to the Town Manager about the purpose of the petition and from the actions of the Town Council tonight, he believes this message was not properly relayed from the Town Manager to the Council. The Council confirmed that all information was relayed and that by implementing a new review process, as well as removing the Town Attorney from his prosecuting duties, the Council has properly addressed the concerns of the Citizens.

**14. Discussion/Action – Request for approval of the Colorado River Conservation District Water supply Contract – White (5min)**

Boots Ferguson, Holland & Hart Law Firm, worked with the Colorado River Conservation District to establish a water supply contract for the Town of Minturn. He recommends approval of this contract. The only settlement agreement that this contract will be in is with the River District.

Motion by George B., second by Shelley B., to approve the signing of the Colorado River District Water Supply Contract, upon review by the Town Attorney. Motion passed 6-1, Mayor Hawkey Flaherty voted nay.

**EXECUTIVE SESSION**

**15. Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the United States Forrest Service Boneyard property annexation and 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. – White/Christensen**

Motion by Aggie M., second by Shelley B., to convene in Executive Session Pursuant to consult with the Town's Attorney(s) and receive direction regarding the United States Forrest Service Boneyard property annexation and 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. All voted in favor.

Direction to staff following Executive Session:

- Motion by Shelley B., second by George B., to authorize the Town's Water Attorney to reaffirm and sign the stipulation with the Town of Gypsum, approving limits to 100 acre/feet annually, and removing Gypsum from opposition. ; motion passed 6-1, Mayor Hawkeye Flaherty voted nay.
- Town Manager will work with the Town Council to create a process designed to replace the role of Minturn Prosecuting Attorney.

**FUTURE AGENDA ITEMS**

**16. Next Meeting**

- Country Club/Quintana Annexation Petition – September 15, 2010 – Cerimele
- Discussion/Action – adoption of 2009 Building Codes – September 15 - Cerimele

**17. Future Meeting**

- Budget Review and formal acceptance – October 6 Worksession (45min) Council Action Item (10min) Brunvand/White
- Budget Review – October 6 Worksession (45min)
- Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White (45min)
- Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances – Brunvand/White (45min)
- Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2011 Budget Ordinances – Brunvand/White (15min)

**18. Set Future Meeting Dates**

a) Council Meetings

- September 15, 2010
- October 6, 2010
- October 20, 2010

b) Planning & Zoning Commission Meetings

- September 8, 2010
- September 22, 2010
- October 13, 2010

c) Other

- Town Hall closed for Labor Day – September 6

**19. Adjournment**

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



\_\_\_\_\_  
Mayor Hawkeye Flaherty  
*Mayor Flaherty*

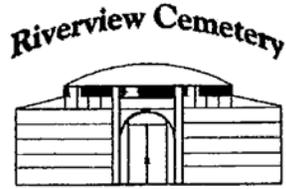
ATTEST:



\_\_\_\_\_  
Town Clerk, Jay Brunvand



Minturn Cemetery District  
820 Cemetery Road  
P.O. Box 297  
Minturn, Co. 81645  
Phone: 970-827-4160  
Fax: 970-827-5244



Cemetery Board  
Floyd Duran, President  
John Sheehan, Secretary  
Ernie Chavez, Member

email: minturncemetery@aol.com

August 4, 2010

Town of Minturn  
P. O. Box 309  
Minturn, Co 81645

Gentlemen:

The Minturn Cemetery District is requesting payment in the amount of \$16,675.00 for the town's share of the water connection for the Public Works Department Building.

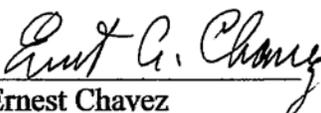
The water system piping was installed in 2006 and awaits connection to the system when water arrives at the site. These underground lines have been installed to supply the Public Works Department Building and the new Cemetery Mausoleum in anticipation of utilities becoming available in the future. The installation consists of an 8" water line, gate valve and fire hydrant.

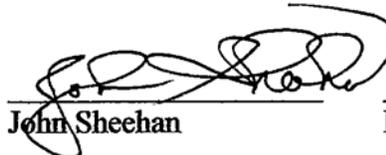
The total cost for the water system was \$33,350.00.

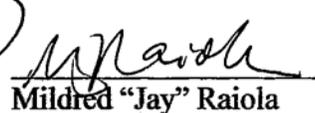
Hawkeye Flaherty and Ann Capela attended our July 10, 2006, board meeting where utilities were discussed. Hawkeye indicated that the Town of Minturn should pay for half this cost, which was estimated at that time to be \$30,000.00.

The Minturn Cemetery District requests the Town of Minturn pay \$16,675.00 for half the cost.

Sincerely,

  
Ernest Chavez

  
John Sheehan

  
Mildred "Jay" Raiola