



Official Minutes

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

Wednesday September 15, 2010

Work Session – 6:00pm
Regular Session – 7:00pm

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 – 6:00pm

- **Oath of Office Discussion**

(Note: this item was moved to the October 6, 2010 meeting)

- **Council Appointment Discussion**

- Support material for this topic will be distributed at the meeting

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Pro Tem George Brodin called the meeting to order at 7:09 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 and Jerry Bumgarner absent, excused).*

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

Add 11a: consideration of the Resignation of Council Member Matt Sherr

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

Approval of Minutes and Action Report

- Aug 25, 2010 (Executive Session)
- September 1, 2010
- September 2, 2010 (Executive Session w/Red Cliff)
- Action Item Report

Motion by Matt S., second by Shelley B., to approve the Minutes of August 25, 2010 as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Motion by Earle B., second by Aggie M., to approve the Minutes of September 1, 2010 as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Motion by Shelley B., second by Earle B., to approve the Minutes of September 2, 2010 as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

3. Liquor Authority

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min)

Introduced by George 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 Aggie M., second by Shelley B., to approve the Minturn Mile Liquors Liquor License Annual Renewal; 341 Main St., Gail Crowder, Owner, as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

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

Ms. Diana Scherr (and her children), thanked the Town Council and specifically Matt Scherr for all of his time and effort devoted to the Council and the Town of Minturn. His work is greatly appreciated.

Mr. Frank Lorenti, 1081 Main St, Minturn, came to ask why the School District is interested in annexing land into the Town of Minturn. No direct answers were given, but recommendation given to ask the School District directly.

5. Special Presentations/Citizen Recognition

6. Town Manager's Report

Potential Position Planning

I have secured the services of Michael Penny, Frisco Town Manager, to facilitate a meeting with all interested parties regarding the options presented to Town Council at the last meeting related to the proposal to fill a position to coordinate events and conduct operations during events. We will schedule a meeting by the end of September.

School District Update

Final conversations about the issues related to the annexation submittal are being discussed by the attorneys of both parties. We anticipate the annexation petition to be submitted in September.

Radio Tower Contract

The Town Clerk and the Town Manager followed up with Dr. Hood regarding a longer term contract for the radio tower when the lease becomes due. This lease will require the replacement of a vertical tower. Payment for 2010 is expected as well as a proposal of new contract terms for the extended contract.

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. Our water trial is set to begin on Monday, October 4, 2010.

Water Treatment Plant Telemetry

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. I have been working with the Forest Service to complete a Special Use permit to allow us to remove trees in anticipation of solar power being established at the Maloit Park tank site. The main tank site will have electric power and our Public Works crew has already readied the site for the installation of the electric power.

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 apparent low bidder was identified (Western Pipeway) and the contract will be presented to Town Council this evening for approval. Phase 1 construction is anticipated to begin in mid to late September 2010 and expected to be completed by late October, and wrapped up by November 5th.

Ballot Issues

The Town of Minturn has placed two issues on the November ballot: consideration of use tax and a question to the voters about whether or not medical marijuana dispensaries should be allowed in Town. Please direct staff if you need any additional information related to these issues.

Additionally, the Town Council recently passed resolutions stating its opposition related to Amendments 60 & 61 and also Proposition 101. If you need any further information, please refer to www.cml.org or to www.donthurtcolorado.com

Minturn Market

The Minturn Market wrapped up on Saturday, September 4, 2010.

Downtown Colorado, Inc.

The final draft report was delivered electronically to the Town Council on Wednesday, August 25, 2010. Final comments are due ASAP so the Final Report can be printed and distributed. The annual conference will be held in Glenwood Springs September 22-24, 2010. Mayor Flaherty will participate in a panel discussion on Friday, September 24th.

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.

CML Fall District Meetings Schedule

Beginning September 15, 2010, CML will be hosting District meetings throughout the state. In my role as president, I am expected to attend as many as I am able. I respectfully request your support for my travels during this time. The meetings are scheduled to end on October 25, 2010. I **do not** plan to attend the meetings that conflict with our own Town Council meetings (see attached schedule).

7. Town Council Comments

Special thanks to Matt Scherr for all his work on the Town Council the last several years. His dedication and focus is greatly appreciated and will be missed.

Matt S. thanked the Council for the teamwork and dedication that has taken place by the Council.

Discussion ensued as to how to fill the vacancy. It was direction that the candidate who finished fourth in the April 2010 election be appointed to the vacant seat. Direction was given for Staff to confirm Mr. John Rosenfeld's interest and, upon confirmation, he would be appointed at the October 6, 2010 Council Meeting to fill the remainder of the term. The seat will be up for election to a four year term in April of 2012

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – Resolution 16 – Series 2010 – A Resolution of the Town Council of the Town of Minturn, CO concerning the petition for Annexation of the Quintana Country Club Parcel

Motion by Shelley B., second by Aggie M., to approve Resolution 16 – Series 2010 – A Resolution of the Town Council of the Town of Minturn, CO concerning the petition for Annexation of the Quintana Country Club Parcel; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused)*

9. Discussion/Action – Eagle River Water Shed

Ms. Melissa MacDonald, 782 E Market St, Avon, CO. gave an overview of the efforts the Eagle River Watershed Council makes on behalf of our community to maintain a clean and healthy living environment.

Mr. Kirby Wynn, Eagle River Watershed Council gave a PowerPoint presentation of the Watershed Council and the value of the program.

10. Discussion/Action – Approval of contract for Western Pipeway

This is for Phase I of the Main St Water Pipeline project.

Ms. Siri Roman, Peak Land Consultants, 1000 Lionshead Vail, commented that the chosen low bid is qualified and has an office in Breckenridge, CO. He and his company have been doing this for over 27 years and he sees no problems with the project. Western Pipeway will be starting the project next week. Communication to the Public will take place through the Town Staff and Western Pipeway will give 48 hours notice before any water shut-offs (that effect the Public) occur.

Mr. Albert Quintana, President, Icon Inc, was concerned that when comparing “apples to apples” (line item 14) there is only a difference of \$9,000.00. Summit County refuses to use anyone out of County and he would like to see the Council support local business.

Some alternates to the project contract may push the final dollar value to \$175,000.00 and the approval for these alternate contract dollars is requested tonight. Peak Land does not anticipate significant change orders to occur.

Motion by Shelley B., second by George B., to approve the proposal from Western Pipeway in the amount of \$108,374.10 allowing for alternate costs not to exceed \$175,000; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

11a. Discussion/Action – Resignation of Council Member Matt Scherr.

Motion by Matt S., second by Earle B., to approve the resignation of Council Member Matt Scherr; all voted in favor. George B. voted nay. (Motion passed 4-1) *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Motion by Shelley B., second by Aggie M., to convene into executive session for the purpose of an 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; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

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 Manager's annual review

12. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session

Direction to Staff:

The Town Attorneys were directed to continue to work toward settlement agreements with the remaining objectors in the imminent water trail scheduled to begin on October 4, 2010. The remaining objectors are the State of Colorado and Sensible Housing, Battle Mountain, Florida, and other Tucker entities.

Motion by George B; seconded by Shelley B, to extend the Town Manager's revised contract as stipulated:

- Revised the contract date to August 1, 2010;
- Added two years to the original contract through 2014 rather than 2012, based on annual appropriation;
- Added five additional vacation days by amending accrual to 9.33hrs per pay period from 7.67 hrs per pay period;
- Increased severance to seven months from four months
- Eliminated the moving expense category of \$1500

FUTURE AGENDA ITEMS

13. Next Meeting

- Discussion/Action – adoption of 2009 Building Codes – October 6, 2010 - Cerimele
- Budget Review and formal acceptance – October 6 Worksession (45min) Council Action Item (10min) Brunvand/White
- Budget Review – October 6 Worksession (45min)

14. Future Meeting

- Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White (45min)
- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances – Brunvand/White (45min)
- Discussion/Action – 2nd and Final Reading of proposed 2011 Budget Ordinances – Brunvand/White (15min)

15. Set Future Meeting Dates

a) Council Meetings

- October 6, 2010
- October 20, 2010
- November 3, 2010

b) Planning & Zoning Commission Meetings

- September 22, 2010
- October 13, 2010
- November 10, 2010

c) Other

16. Adjournment

Motion by Matt S., second by Aggie M., to adjourn the meeting at 10:05pm. All voted in favor.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand



Mayor Hawkeye Flaherty
Town of Minturn
302 Pine St.
Minturn, CO 81645

September 14, 2010

Dear Mayor Flaherty,

It has been my honor for the past two and a half years to serve the Town of Minturn as councilman. And it is with regret that I announce my early retirement from the council effective September 22. I choose that date as it is the last opportunity for me to sit also on the Eagle County Regional Transit Authority board as Minturn's representative. I am happy to move that date forward to September 15 if facilitates filling my vacant council seat sooner.

My family and I are leaving the country in order to spend more time together, provide a cultural experience for the kids, and, hopefully, provide all of us a different insight into our own culture that will make better community servants of us all. At the very least we will be investing a great deal of time to intensive hammock studies.

I have greatly enjoyed and been personally enriched by the opportunity to serve on council with all of you, and I wish you the best of luck in continuing the important work of governing the Town of Minturn.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Scherr", with a long, sweeping underline.

Matt Scherr

cc: Jim White
Jay Brunvand