



Official Minutes

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

Wednesday October 20, 2010

Work Session – 5:00pm
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 Bungarner
Aggie Martinez
John Rosenfeld

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.

Work Session – 5:00pm
Budget Retreat

- Establish 2010-2011 Goals – White (30min)
- Budget Review - Brunvand/White (90min)

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 7:08 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Jerry Bumgarner, and Aggie Martinez. *(Note: John Rosenfeld was excused absent)*

Staff present: 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 George B., to approve the agenda as amended, all voted in favor. *(Note: John Rosenfeld was excused absent)*

3. Approval of Minutes and Action Report

- October 6, 2010
- Action Item Report

Motion by George B, second by Aggie M., to approve the minutes as presented, all voted in favor. *(Note: John Rosenfeld was excused absent)*

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

Mr. Dave Williams, 1014 Main Street discussed the noises of the batch plant across the river from his residence. The noise is extensive enough that it is difficult to hear other talk while in his backyard. He is concerned about the operation hours (at times extending into the weekend). He feels unprotected in his ability to have a somewhat quite home atmosphere. He requests that some potential nomenclature be drafter to better protect the residents of the Town.

Mr. Frank Lorenti, 1081 Main Street, was interested in an update regarding the Town Signage contest. On another issue, Frank encourages folks to vote yes on 60, 61 & 101. He also discussed a "no" vote for 2A as he does not foresee the sidewalks happening. He reminds everyone that there is 11.6 million dollars in the bank that the Town of Minturn should obtain from the Battle Mountain Development.

Mr. Michael Gallagher, 475 Pine Street, encourages folks to vote no on 60, 61 & 101 as many different current expenses will be increased as a subsequent effect of these measures passing.

5. Special Presentations/Citizen Recognition

6. Town Manager's Report

Potential Position Planning Meeting

We are currently targeting October 27th for our facilitated 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.

Scheduling has proved difficult due to individual schedules. Alternate dates of November 5th and November 8th are also being considered.

School District Update

We are anxiously awaiting the submittal of the annexation petition. 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 this month...first to be reviewed by the School Board and then submitted to the Town.

Radio Tower Contract

The Town Clerk followed up again with Dr. Hood regarding a longer term contract for the radio tower as the new lease is now past due. The new lease would require the installation of a vertical tower. Payment for 2010 remains unresolved, as well as the terms for the new extended contract. We are planning to impose late fees for the overdue payment as allowed in the existing contract and as directed by the Town Council. November 15, 2010 is the drop dead date for a final decision. Payment is required and legal action should be taken to ensure the Town of Minturn is reimbursed for balance due immediately. If payment is not received by November 15, then on November 16 the agreement is rendered void.

Tree Lighting Installation

On October 16, 2010 The Eagle River Fire Protection District, Xcel Energy and Dave Robinson all helped to decorate the front Town tree (previously known as the Chili Willy's tree) for the winter season. The on-duty crew for ERFPD was: Chris Perkins, Jesse Monahan, Sean Turley and Tyler Markovich. The Town of Minturn thanks all parties involved, as they were all generous in their assistance in making the tree light installation possible. Formal tree lighting will take place December 4, 2010 in conjunction with the Christmas on Main Street event, which is hosted by the Minturn Community Fund and the Holy Cross Powder Hounds Snowmobile Club.

Water Treatment Plant Telemetry

TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met. John Volk, with Southwest Water, is serving the role of the plant operator. Both will be present at tonight's meeting to help provide an update on the water treatment plant. Arnold Martinez, Public Works Supervisor, will also attend.

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 come up with a revised plan with the Forest Service to complete an amendment to our Special Use Permit to allow us to install solar panels on the hillside rather than remove the number of trees originally considered in anticipation of solar power being installed on the tank itself at the Maloit Park tank site. The main tank site in Town will have electric power and our Public Works crew has already readied the site for the installation of the electric power.

Battle Mountain Update

Dave Kleinkopf has agreed to come to Town Council meetings periodically, every four to six weeks, to provide updates on the activities related to the Battle Mountain development. His next visit will be scheduled in November.

A Million Lights in Minturn

Planning is underway to light up Minturn this Christmas and Holiday Season. Michelle Metteer is working with the Fire District, local business owners, Town staff, and local volunteers to coordinate the events related to this effort. She is seeking donations from some of our vendors. Donations have been sparse to date.

RFP/North Main Street Water Line Design

Construction has begun on the North Main Street Water Line by Western Pipeway, Inc. Western Pipeway sailed along smoothly until running into two large boulders on October 6th. Additionally alignment of the existing waterline turned out to be different from the alignment shown when we had locates done prior to the project. Consequently, Phase 1 construction has been extended and completion is now anticipated by November 16, 2010 rather than by November 5, 2010.

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.

Additionally, the Town Council 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 Winter Market is scheduled for Saturday, December 11, 2010.

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 is accelerating the next two months following the prescribed calendar requirements articulated in the Colorado Revised Statutes for annual budget approval.

CML Fall District Meetings Schedule

Our district, CML District 12, held its meeting in Avon on Wednesday, October 13, 2010. Many of our elected officials were able to attend. I also attended the District meetings in Canon City on October 14th; Walsenburg on October 18th; and Cheyenne Wells on October 19th. The last district meeting will be held in Colorado Springs on Monday, October 25th.

Signage

Designs are still under review and other options will also be brought forth.

RFP for Prosecuting Attorney

The Request for Proposal (RFP) for a prosecuting attorney for the Town of Minturn was placed in the Vail Daily on October 14, 2010. It was also slated to run on Saturday, Sunday, and Monday, October 16th, 17th, and 18th. Responses were requested by October 22, 2010.

Interviews are planned to be held during November and a decision will be targeted by December 2010 to enable a start date in January, 2011.

7. Town Council Comments

George B., encourages everyone to get out and vote!

Mayor Hawkeye Flaherty encourages a “no” vote for 60, 61 & 101. He also reminds folks that for ballot measure 2B, a “yes” vote is to ban medical marijuana in the Town limits, and a “no” vote will allow the sale of medical marijuana in the Minturn Town limits.

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – Council Discussion with Eagle County Board of County Commissioners – White (45min)

The County Commissioners encourage a “no” vote on ballot measures 60, 61 & 101.

Eco Transit will be increasing their routes in the Minturn area. Kellie Collier is now the Director of ECO and Harry Taylor will be leading the Fleet Maintenance Division. The Town of Minturn is encouraged by the upcoming ECO schedule for the area of Minturn, and reminds folks of the alternative transit option whenever possible.

The Eagle County Commission encourages the County and individual Municipalities to work together in an effort to find common ground and problem solve when needed.

Currently there is no need for a fire ban, as deemed by the Eagle County Sheriff's Department.

Status of the jail: a ribbon cutting will take place shortly and the detention facility is already open and running. 3100 sq/ft will be added to the Sheriff's office and the Courts are expanding their facility by approximately 22,000 sq/ft. The cost of the Court improvements was approximately 16M, the detention facility and remodel totaled roughly 8M. Approximately 40 beds have been added to the detention facility and also 16 beds for the work release program.

County Budget process started in April of 2010 for the 2011 year. A financial advisory board, made up of experts from the community was utilized to determine the direction needed and the challenges that are currently being faced. The initial completed budget was finished and then a review was done as to how the budget would be affected if ballot measures 60, 61 & 101 were to pass.

Mr. Frank Lorenti discussed that due to the ability of the County to balance a budget in difficult times, he points to this as an example that cuts can be made and that the passing of 60, 61 & 101 can be managed.

The County discussed that with the passing of 60, 61 & 101, employee cuts alone for Eagle County staffing would be significant. It was noted that only in California is it easier to get an issue on the ballot.

Mr. Pete Vance 251 Main Street, feels that the last three years have been extremely difficult on an economic level. He believes that 60, 61 & 101 are an effort to make governments "work with less."

George B. encourages everyone to work together in an effort to see everyone benefit. He notes these are tough times and we all have a better chance of getting through these times if we work together.

Commissioner Peter Runyon reminded everyone, he is an Eagle County citizen doing his job helping the community. He is discouraged to see folks group all politicians as the enemy as many public servants work hard every day in an attempt to make this County a great place. Politicians are actually public servants and work hard for the benefit of residents.

9. Discussion/Action – Public Works Project's Updates – White/Martinez/Volk (30min)

Mr. Steve Yuman, TST Engineering, discussed the array of current projects included the telemetry system, which Timberline Electric expects to have up and running by November 15.

Mr. John Volk, Southwest Water and Water Plant Operator. Correction of all data logging issues, as well as many area others that were in great need of repair.

Arnold Martinez, Minturn Public Works. Currently the Public Works crew is preparing for the winter season. The snow removal plan is being finalized and will be online once finished. He commented that safety issues at the water plant have all been addressed. Water filters are being cleaned. Regarding the water tank monitoring system, several trees were able to be saved on the school property by trenching instead of cutting. Water treatment plant has been cleaned. Scrap metal is being removed through a 75/25 plan.

10. Discussion/Action – Outdoor and Open Burning Regulations review – Cerimele (30min)

Current code provisions have been outlined by Chris C., Planner. He cites that currently there is only one approved outdoor fire pit in the Town of Minturn, so the belief that open burning is permitted is not accurate.

Potential options are: option one: a total ban on outdoor burning, option 2: adopt the 2009 International Fire Code, which allows for outdoor burning with certain regulations, or an alternate option that has not been brought forth.

Section 7-8-80 was adopted several years ago and section 7-4-90 was also adopted, but it is not recalled which was adopted first. These sections of the code contradict and corrections need to be reconciled.

The 2009 IFC sites recreational fires as being approved and an outdoor device must be approved.

Fire Chief Charlie Moore, encourages people to view outdoor burning devices not as safe or unsafe, but as different degrees of risk, which involves multiple factors, including owner, operator, weather, location, and more. He expresses that the compelling issue is the smoke given from the fire. He recommends that moving forward, if fire pits are permitted to remain, a clear outline within the code should be drafted to ensure code enforceability.

Ms. Anna Boyd, 502 ½ Eagle Street, asked that while inspections occur, if a potential device being approved is air pollution inspected.

Mr. Ernie Medina, 850 Main St, stated that three years ago the neighbors built a large bonfire, he asked if the Police or the Fire Department is legally able to ask residents to extinguish a fire. He was told that those departments were not legally able to do that. He described a large rock circle as the neighbor's outdoor fire are which concerns him from a safety issue. Time limits are recommended and most importantly there must be something in the code that is enforceable.

Mayor Hawkeye Flaherty brought to point that all safety regulations can be addressed in the code if this is allowed moving forward.

Mr. Chris Ralston, 303 Main Street, explained that before the "neighbor situation" happened he was able to have a responsible fire at his home. He expressed that his property has no backyard and he was shut down for a nuisance. His property lot is 25'x100' and this is a legal size lot, so he asks what would be "reasonable." He asks that the Town Council keep in mind that with lots being as small as they are, please consider proximity and that if this is disallowed, enforcement must be strictly enforced evenly and fairly across the board. Each Citizen should have a right of use and someone should be responsible

Mr. Pete Vance, 251 Main Street, would like to know why everyone is here. He asks if there have been fires in the area. He recommends that with proper enforcement this would not have to be an issue affecting everyone.

Earle B. explained some of the circumstances which have led to the discussion tonight.

Mr. Ernie Medina reminded Mr. Vance that several years ago he contacted the Police Department and the Police said they did not have the ability to enforce any such nuisance.

Mr. Kelly Toon, 531 Main Street, has lived in Minturn the last five years. He states that he has never seen any fire in Minturn reach an unsafe level. He believes fire pits can be safe as long as the operators are responsible. He agrees that regulations are necessary and those regulations must be clear and enforceable. Trash burning limits need to be considered, and time limits can help

solve problems. He doesn't believe that a conflict between two residents should affect all 1100 residents of the Town.

Ms. Anna Boyd, 502 ½ Eagle St., placement of the pit and levels of smoke should be considered when drafting code. She believes placement and proper zoning are the best way to make this work.

Mr. Leo Vasquez, 1151 Main Street, does not want to see a ban on fire pits. The subdivision he lives in has regulations concerning these activities. It works well and is effective.

Mr. Tim Campbell, 512 Main Street, has brought smores for Council and thanks the Fire Department for being involved. He agrees with the small town character of Minturn and would like to see folks allowed these types of small pleasures. This activity is a way for folks to gather as neighbors and enjoy the area we live in. He cites the Minturn Winter Market as an example where even the Town utilizes fire pits for public enjoyment. He reminds the Council that we are looking at an interpretation of code and changes to code need to be clearly drafted and enforceable.

Mr. Michael Gallagher, 475 Pine Street, reminds that if anyone sees an unattended fire in the middle of the night, call 911 and the Fire Department will assist to ensure safety.

Mr. Ernie Medina 850 Main Street, explains that he is not against a "friendly fire" but he does ask for clear code regulations that are easily enforceable.

Chris C. expressed that many of these issues can be addressed with the 2009 Fire Code and amendments can be drafted to meet the needs of Minturn residents while still allowing for enforceability. He does remind the Council that an ongoing issue has been the smoke and that is difficult to measure and regulate.

The Fire Dept looks at outdoor fire pits in the County on a case by case basis. Part of the problem is that people do not communicate their intention to neighbors who mistakenly call 911. Chief Moore does believe a common ground can be found on this issue.

Jerry B. does not believe burning should occur within the 30' setback of the river. That is the agreement the Town of Minturn made during the river restoration. The responsibility lies with the operator. He is not opposed to residents having approved devices but sometimes bad decisions are still made and this must be considered when drafting the code on this issue.

Shelley B. agrees with Jerry B. on the river setback regulation. She enjoys outdoor fires, but also has health issues that restrict the levels of exposure to smoke. She does not want to ban fires, but feels more neighborly respect and abiding by the laws will go a long way to improving this issue. The best way to handle this is through effective regulation.

Aggie M. agrees that a well drafted section of code that will keep neighbors safe is important to making this work for everyone.

Earle B. summarizes that this is a life and property safety issue that can be worked out with the Fire District and, separately, a nuisance issue. Disputes between neighbors are best handled between themselves without making the town get involved which then requires the town to limit everyone just to address the parties in dispute.

Mr. Ernie Medina, 850 Main Street, just reminds folks to consider the safety issue.

Mayor Hawkeye Flaherty does not want to ban outdoor fire pits, but he sites the four main points brought to the Council's attention are: respect, reasonableness, irresponsibleness and safety. He asks if the Fire Department will work with Town Staff to draft an enforceable code that follows the four main points.

11. Discussion/Action – Council Update on Town Signage – White (30min)

Jim W. will be meeting with some people this week in an effort to make an acceptable sign. Updates will follow.

Mayor Hawkeye recommended getting approval for a blank canvas, get the holes in the ground and the pillars in, then the sign can be drafted.

FUTURE AGENDA ITEMS

12. Next Meeting

- Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – (Regular Meeting 11/3/10) Brunvand/White (45min)
- Discussion/Action – GID Budget hearing – November 3, 2010
- Discussion/Action – Quintana Annexation and Zoning Map Amendment – November 3, 2010 – Cerimele (30min)
- Discussion/Action – Update on Lafarge and see how the noise complaint is coming along. – White (15 min)
- Discussion/Action – Update on the radio antennae contract. – Brunvand (15 min)
- Discussion/Action – Attorney's evaluation (Executive session prior to Council Meeting)

13. Future Meeting

- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances (Regular Meeting 11/17/10) – Brunvand/White (45min)
- Discussion/Action – 2nd and Final Reading of proposed 2011 Budget Ordinances (Regular Meeting 12/1/10) – Brunvand/White (15min)

14. Set Future Meeting Dates

a) Council Meetings

- November 3, 2010
- November 17, 2010
- December 1, 2010

b) Planning & Zoning Commission Meetings

- October 27, 2010
- November 10, 2010
- November 24, 2010 – Canceled
- December 8, 2010

c) Other

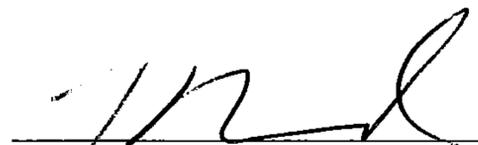
- Minturn Halloween – October 30, 2010 (Saturday)
- November 2, 2010 Election Day
- November 11, 2010 - Town Offices Closed

15. Adjournment

Motion by Jerry B, second by Aggie M. to adjourn at 9:54 pm. All voted in favor.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

