



Official Minutes

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

Wednesday November 3, 2010

Executive Session – 5:15pm
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
John Rosenfeld

Please bring your FY2011 Budget book

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 – 5:15pm

- 1. Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 5:20 pm.

Those present included: Mayor Hawkeye Flaherty, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Jerry Bumgarner, and Aggie Martinez. *(Note: George Brodin 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.

- Action Item Report

Motion by Shelley B, second by Johnnie R., to approve the minutes as presented, all voted in favor. (*Note: George Brodin was excused absent*)

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

Mr. Michael Gallagher 475 Pine Street requests the marijuana ballot question on the recent election be sent back to the citizens for a re-vote. Word the ballot question so that a no vote means no to marijuana in Minturn. In the interim, do not allow business licenses for medical marijuana dispensaries.

Mr. David Williams 1014 Main Street agrees that the ballot question on medical marijuana was confusing and misleading. Next topic; LaFarge Cement Facility In 2003 he moved into his residence at 1014 and in 2007 the batch plant was moved and increased in size. Finally, he discussed the radio tower, saying it has a huge white light that blinks and he asks if that can be shielded.

Mr. Frank Lorenti 1081 Main Street is concerned that no honest information is given to the citizens. He requests more transparency to the citizens. Frank addressed fair enforcement of nuisance laws as a goal for Town Council moving forward. Frank asks why six million dollars cannot be divided up, give two million dollars back and take four million to build a new recreation center. He believes now is the time to be creative and start making things work.

7. Special Presentations/Citizen Recognition

- Lisa Osborne, Lisa was thanked for her dedication and service to the Police Department and Minturn Court.

8. Town Manager's Report

Events Planning Meeting

We held our facilitated meeting on October 27th with all interested parties regarding the options presented to Town Council recently related to the proposal to fill a position or to fund events so events can be better coordinated and operations more defined during events.

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.

The Request for Proposal (RFP) for a prosecuting attorney resulted in four candidates submitting letters of interest and accompanying documentation.

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.

ECO Transit Bus Schedule Published

The 2010-2011 ECO Bus schedule has been published. A copy of the Minturn bus schedule has been included with this report. Special thanks to Jeff Wentzel at ECO Transit and to all others who participated in making this a reality for our residents. Minturn Town Hall is now an ECO Transit Bus Pass sales location. For complete information go to www.minturn.org, call 970.827.5645 or visit the Town offices at 302 Pine Street.

Water Law Class

ERWSD will be providing a Water Law class on Monday, November 8, from noon to 4:00 pm and continuing on Tuesday November 9, from 8:00 am to noon. Adam Clay, Water Attorney from Delta, CO is the instructor. I highly recommend this class.

9. Town Council Comments

Shelley B. expressed a concern regarding restroom access for visitors. Possible port-a-potty availability for future events should be considered.

Earle B. said Halloween was a record night, and he is encouraged by the positive turnout. Earle B., in reply to Citizen Comments, mentioned that the ballot language for the medical marijuana question was designed by a proponent of the medical marijuana initiative in an effort to have medical marijuana facilities banned in Minturn.

Jerry B. is concerned about the building project in the downtown area of Minturn (Nelson and Williams). He, as well as, the rest of Town Council, Jim White, Town Manager, and Chris Cerimele, Town Planner all received an email discussing the concern over the extensive road closure. Multiple local area residents and business owners complained about the closure and the need to reopen the road.

Direction given to staff to review public way permits or street permits as an option for local builders.

Mayor Hawkeye asked about Nelson Ave being used as a staging area for the Contractor's lumber and other items. A concern regarding the public right of way should be addressed as the public right of way should be kept to a minimum.

Mayor Hawkeye Flaherty thanked everyone who came to Minturn for the Halloween festivities. The Fire District and Police Department are especially thanked for their efforts.

PUBLIC HEARINGS AND ACTION ITEMS

Mr. Frank Lorenti, 1081 Main Street, was frustrated with the annexing that is being allowed. He requests that safe access be ensured by the requirement of a sidewalk and/or other safe transportation options when properties are being annexed into the Town and/or being developed.

Applicant Randy Quintana, 1071 Main Street, had no objection to the statements of Mr. Lorenti and is very understanding of the need for sidewalks. He agrees that implementing a plan similar to the outline Frank Lorenti discussed makes good sense.

12. Discussion/Action – Ordinance 10 – 2010: An Ordinance (First Reading) amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Tract – Cerimele (15 min)

Motion by Shelley B., second by John R, to table Ordinance 10 – 2010, an Ordinance (First Reading) amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Tract, until the November 17, 2010 Council Meeting. All voted in favor. (*Note: George Brodin was excused absent*).

12b. Discussion/Action – Cross Creek Gauge Contract 83207730

Jim W. requested approval of the Council to move forward on negotiations and to discuss share funding with Battle Mountain Resorts. It was noted this water gauging station is important to the Eagle and Cross Creek rivers.

Direction by Council to move forward with negotiations.

Note: the Council sat as the General Improvement District for the following items.

GENERAL IMPROVEMENT DISTRICT

Roll call at 10:15 p.m. as the Minturn General Improvement District. (*George Brodin and David Kleinkopf were absent/excused*)

13. ADMINISTRATIVE MATTERS

- **Approval of Agenda**

Motion by Jerry B., second by Earle B., to approve the agenda as presented. All voted in favor. (*Note: George Brodin was excused absent*).

- Review and approve minutes from the March 3, 2010 Board Meeting.

Motion by Jerry B., second by Shelley B., to approve the minutes of March 3, 2010. All voted in favor. (*Note: George Brodin was excused absent*).

Motion by Jerry B., second by Shelley B., to appointment Clifton Gunderson, LLP to prepare and file 2010 Application for Audit Exemption. All voted in favor. (*Note: George Brodin was excused absent*).

15. LEGAL MATTERS

- Discuss results of November 2, 2010 election.

16. OTHER BUSINESS

17. ADJOURNMENT

Motion by Jerry B., second by Shelley B., to adjourn the General Improvement District Board meeting at 10:45pm and reconvene as the Minturn Town Council; all voted in favor. (*Note: George Brodin was excused absent*).

FUTURE AGENDA ITEMS

Note: the Council sat as the Minturn Town Council for the following items.

18. Next Meeting

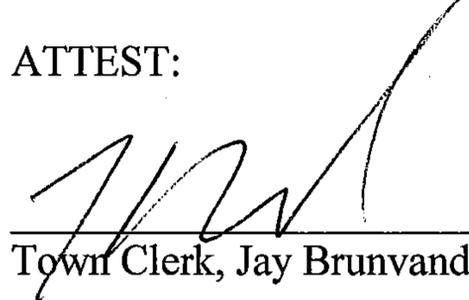
- Discussion/Action – Update on the radio antennae contract. – Brunvand (15 min)
- Discussion/Action – Ordinance 10 – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel – 11/17/10 Council Meeting – Cerimele (15 min)
- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget 11/17/10 Council Meeting – Brunvand/White (45min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand – 11/17/10 Council Meeting – (10 min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand – 11/17/10 Council Meeting (10 Min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand – 11/17/10 Council Meeting (10 Min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2011 Revenues and Expenses by Fund – Brunvand – 11/17/10 Council Meeting (10 Min)
- Executive Session to discuss Water Issues – at end of meeting
- Worksession to review and discussion
 - a. DCI Plan & OZ Plan.
 - b. Review 2011 Budget ordinances including the Fee schedules and
 - i. Non-Profit funding
 - ii. Town of Minturn Events & Marketing funding

21. Adjournment

Motion by Jerry B., second by Aggie M., to adjourn at 10:54 pm. All voted in favor. (George B., absent excused).


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

