



**Official Minutes**

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

**Wednesday December 1, 2010**

**Executive Session – 5:45pm**  
**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

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 – 5:45 pm**

- Battle Mountain Resort Update from Mr. David Kleinkopf – White (60min)

**Regular Session – 7:00 pm**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

The meeting was called to order by Mayor Flaherty at 7:05 pm.

Motion by George B., second by John R., to approve the agenda as amended, all voted in favor.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Earle Bidez, Jerry Bumgarner, John Rosenfeld and Aggie Martinez.

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.

### **3. Minturn Liquor Authority**

- F M Saloon, Inc Hotel/Restaurant Liquor License annual renewal; 146 Main Street; Andy Kaufman Owner/Manager

Motion by Shelley B., second by Aggie M., to approve the F M Saloon, Inc Hotel/Restaurant Liquor License annual renewal; 146 Main Street. All voted in favor.

### **4. Approval of Minutes and Action Report**

- November 17, 2010
- Action Item Report

Motion by George B., second by John R., to approve the minutes as presented, all voted in favor. Shelley B., and Jerry B., abstain as they were absent from the November 17, 2010 meeting.

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

Frank Lorenti, 1081 Main Street, noted his opposition to the way Battle Mountain Resort has not released the escrowed funds. Jerry B. reminded the Council that the Council several years ago had passed rules for the conduct of Council meetings. In that Resolution it clearly states that individuals are not allowed to continually address Council meeting after meeting on the same issue. Council agreed to uphold their Rules of Conduct. Mr. Lorenti relinquished the podium.

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

- Colorado Municipal Clerk's Association Clerk of the Year announcement

Jim W. announced that Minturn Town Clerk/Treasurer had been recognized as Colorado Municipal Clerks Association Clerk of the Year for 2010.

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

#### **Colorado Municipal Clerk of the Year**

Several months ago, I submitted the name of our Town Clerk for consideration as Colorado "Municipal Clerk of the Year". Based on his exemplary work over many years and the review by his peers, Minturn Town Clerk, Jay Brunvand, received this honor on Thursday, November 18, 2010. I accompanied him to the Colorado Municipal Clerks' Association conference at Cheyenne Mountain Resort in Colorado Springs to receive this prestigious honor, and a plaque commemorating his achievement. His respect among his peers is evident. Our congratulations!

### **Event Planning**

The request for funding, supported collectively by the Minturn Red Cliff Business Association, The Minturn Community Fund, and the Town, is \$25,000, for event planning and event staffing for 2011, which also embodies the \$10,000 budgeted for marketing and promotions in 2011.

### **Water Treatment Plant Telemetry**

New controls have been installed to upgrade our TST Engineering has been working with Timberline Electric and Controls to complete installation of required equipment at the water treatment plant.

### **School District Update**

Good news! The Maloit Park annexation petition was submitted to Town staff by the Eagle County School District on Wednesday, November 17, 2010 just prior to the last Town Council Work Session. Review of the petition, notification to the Town Council, publication requirements, and all other stipulations for annexation will now proceed with instructions from our Town Attorney.

### **Radio Tower Contract**

Payment for 2010 remains unresolved. Terms of the contract for the radio tower in the new lease also remain unsettled. As directed by the Town Council, the Town has posted a notice to settle all payments that are in arrears. Further legal action is in progress by our Town Attorney, who will now proceed to file suit for payment.

### **Minturn Middle School/Future Uses**

Several entities have expressed interest in the prospect of developing a joint education and training facility at Minturn Middle School. The premise is that there may be joint community uses of the facility following the closure of the Middle School at its present location. (see a copy of a letter from the Eagle River Fire protection District to the Eagle County Board of Education)

### **Battle Mountain Update**

Dave Kleinkopf, Battle Mountain Development, 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. He will be present at the Dec 1, 2010 Town Council Work Session and will also be available in Regular Session as requested by Town Council.

### **Christmas on Main Street/ Tree Lighting**

Celebrate Saturday, December 4, 2010, "Christmas on Main Street", 4-6pm (100 Block of Main Street behind the Mountain Peddler), sponsored by the Minturn Community Fund and Holy Cross Powder Hounds. The official tree lighting will take place at 5:45pm, led by Mayor Hawkeye Flaherty.

### **Minturn Market**

The Minturn Winter Market is scheduled for Saturday, December 11, 2010, beginning at 10am and extending until 2:30pm.

### **Town Sign**

Staff is now working on completing written justification for securing a Special Use Permit for our welcome signs through the USFS for their review and approval. A prototype of the sign design will be reviewed at the December 1, 2010 meeting.

### **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. Some issues have arisen related to the cost of the transfer at Dowd Junction. Jeff Wentzel did come to Minturn to discuss the concerns. Minturn Town Hall is now an ECO Transit Bus Pass sales location. For complete information go to [www.minturn.org](http://www.minturn.org), call 970.827.5645 or visit the Town offices at 302 Pine Street.

### **Minturn Winter Parade**

Saturday, December 18, 2010, Little Beach Park to the Turntable.

### **National League of Cities**

As Colorado Municipal League president for 2010-2011, I will be representing Colorado during the National League of Cities Annual Conference to be held in Denver, Colorado this year. The conference is scheduled from November 30-December 4, 2010. I will be attending Thursday December 2<sup>nd</sup> through Saturday, December 4<sup>th</sup>.

## **8. Town Council Comments**

Shelley B. recommends reviewing the evening ECO bus route from the Dowd Junction transfer center to other county locations. The transfer route/s in the evening seem to be missing the connecting busses by just a matter of minutes.

Congratulations to Claire and Dylan Bidez for making the US Snowboarding Team.

## **PUBLIC HEARINGS AND ACTION ITEMS**

### **9. Discussion/Action – Update and discussion of Town Signage Options – White**

This item was addressed in the Managers Report

### **10. Discussion/Action – Ordinance 10 – 2010 (Second Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract – Cerimele (15 min)**

Motion by Shelley B., second by Aggie M., to approve Ordinance 10 – 2010 (Second Reading), An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract. All voted in favor.

**11. Discussion/Action – Ordinance 11 – 2010 (Second Reading) – An Ordinance 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 George B, to approve Ordinance 11 – 2010 (Second Reading), An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel. All voted in favor.

**12. Discussion/Action – Resolution 18 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 1 – Cerimele (10 min)**

Mr. Frank Lorenti, 1081 Main Street, stated his opposition to the annexation stating this annexation would not bring in sufficient revenue to cover its future costs and encouraged Council to not support.

Written opposition may also be accepted. January 19, 2010 will be the first public hearing.

Motion by John R., second by George B., to approve Resolution 18 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 1. All voted in favor.

**13. Discussion/Action – Resolution 19 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 2– Cerimele (10 min)**

Mr. Frank Lorenti, 1081 Main Street, stated his opposition to the annexation stating this annexation would not bring in sufficient revenue to cover its future costs and encouraged Council to not support.

Motion by Shelley B., second by George B., to approve Resolution 19 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 2. All voted in favor.

**14. Discussion/Action – Ordinance 12 – Series 2010 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand (10 min)**

Motion by John R., second by Aggie M, to approve Ordinance 12 – 2010 (Second Reading), An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget as presented; all voted in favor.

**15. Discussion/Action – Ordinance 13 – Series 2010 (Second Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10 Min)**

Motion by Shelley B., second by George B., to approve Ordinance 13 – 2010 (Second Reading), An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn as presented; all voted in favor.

**16. Discussion/Action – Ordinance 14 – Series 2010 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand (10 Min)**

Mr. Frank Lorenti, 1081 Main Street, asked for clarification of the water fee increase of \$10.67; it was noted this is a debt service fee and will be set annually based on the annual cost of Water debt. Further identified senior citizens may request an exemption to this fee. Mr. Lorenti recommended a mil levy tax credit to help off-set this fee increase.

Shelley B, brought to attention that building and construction fees in the Town of Minturn are significantly less than that of surrounding Towns. She recommends that the Town's fees in this area are brought into line so that at the least, Town costs are covered in these areas.

Motion by Earle B., second by George B., to approve Ordinance 14 – 2010 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn as amended to include the aforementioned Council direction. Vote passed 4-3. Aggie M., Shelley B., and Hawkeye F., voted nay.

**17. Discussion/Action – Ordinance 15 – Series 2010 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund – Brunvand (10 Min)**

Direction to staff to breakout overtime pay for Public Works in an overtime line as opposed to having the overtime shown in the regular pay line.

Motion by Hawkeye F., second by George B., to approve Ordinance 15 – 2010 (Second Reading), An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund as presented; all voted in favor.

**EXECUTIVE SESSION**

**18. Executive Session - Pursuant to CRS 24-6-402(4)(e) for purposes of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney**

Motion by Jerry B., second by Shelley B., to convene into Executive Session Pursuant to CRS 24-6-402(4)(e) to for purposes of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney. All voted in favor.

**19. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session – White/Christensen (5 min)**

Direction was given to proceed with negotiations as instructed.

**FUTURE AGENDA ITEMS**

**20. Next Meeting**

- Discussion/Action – Ordinance \_\_\_\_ – 2010 – An Ordinance to adopt Building Codes December 15 Second Reading
- Discussion/Action – Ordinance \_\_\_\_ – 2010 (First Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Maloit Park Parcel – Cerimele (15min)
- Discussion/Action – Ordinance \_\_\_\_ – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Maloit Park Parcel – Cerimele

**21. Future Meeting**

- Discussion/Action – Resolution \_\_\_\_ – 2011 – A Resolution setting the official posting sites for the Town of Minturn – 01/05/11 Council Meeting – Cerimele (15 min)
- Discussion/Action – Ordinance \_\_\_\_ – 2010 (First Reading) – An Ordinance to adopt Building Codes – 1/19/11 work session and council meeting – Cerimele (15min)
- Discussion/Action – General Improvement District Audit Exemption – February 2, 2011 – Brunvand
- Review Downtown Colorado Inc Plan & Community Revitalization Plan. – 1/19/11 Work Session – Cerimele (30 min)
- Selection of Minturn Prosecuting Attorney

**22. Set Future Meeting Dates**

a) Council Meetings:

- December 15, 2010
- January 5, 2011
- January 19, 2011

b) Planning & Zoning Commission Meetings:

- December 8, 2010
- December 22, 2010 – Cancelled
- January 12, 2011

c) Other Dates:

- December 24, 2010 – Town Hall Closed (Christmas)

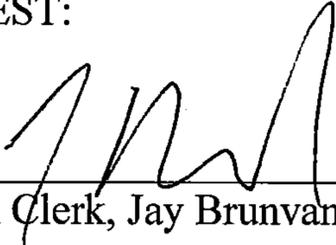
- January 3, 2011 – Town Hall Closed (New Years)

### 23. Adjournment

In that there was no further business to conduct the meeting stood adjourned.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

