



Official Minutes

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

Wednesday March 16, 2011

Regular Session – 5:15pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

TOWN MANAGER – 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 – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

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, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Jerry Bumgarner, John Rosenfeld, Aggie Martinez, and Earle Bidez. (George Brodin absent, excused)

Staff present: Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Chief of Police Lorenzo Martinez, Administrative Assistant/Deputy Clerk Michelle Metteer, Town Planner Chris Cerimele and Attorney Allen Christensen.

EXECUTIVE SESSION

2. **Executive Session** - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency (EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment- White/Christensen (30min)

Motion by Shelley B., second by Aggie M., to convene into Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency (EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment. All voted in favor (George B., absent, excused)

Work Session – 5:45pm

- Discussion – Ordinance 1 – 2011 an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1 – Cerimele (15min)
- Discussion – Ordinance 2 – 2011 an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2 – Cerimele (15min)
- Discussion – Ordinance 3 – 2011 an Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign an annexation agreement with the Eagle County School District – Cerimele (15min)
- Discussion – Ordinance 4 – 2011 An Ordinance establishing zoning on parcels of land known as the Eagle County School District Maloit Park Property annexed to the Town of Minturn, Colorado and amending the official zone district map of the Town of Minturn, CO.– Cerimele (15min)

Regular Session (Reconvene) – 7:10pm

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

Direction to staff to schedule EPA updates for a follow-up executive session on a future agenda.

4. **Approval of Agenda**

- a. Items to be Pulled or Added

Add item 14a-Discussion of congressional redistricting issues

Motion by Shelley B., second by John R., to approve the agenda of March 16, 2011 as amended, all voted in favor. (George B., absent, excused)

5. Approval of Minutes and Action Report

- March 2, 2011
- Action Item Report

Motion by Aggie M., second by Shelley B., to approve the minutes of March 2, 2011 as presented, all voted in favor. (George B., absent, excused)

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

Mr. Fred Haslee, 225 Pine St, brought to the Council's attention, he believes the Town has a parking problem and considering the Municipal lot as an additional option to residents may be a viable solution.

7. Special Presentations/Citizen Recognition

8. Planning Commission Update

Report on the 3.9.11. Planning Commission Meeting

There were two action items on the 3.9.11 Planning Commission agenda. The first item was a variance request for a property located at 251 Main Street. The applicant intended to construct a mixed use building in the Mixed-Use Zone of the Old Town Character Area. He was seeking variances from the building height, lot coverage, and set back requirements. The applicant withdrew his proposal at the meeting and intends to pursue approval for a single family residence.

The second item was a variance request to construct a detached garage at 293 Boulder Street. The applicants requested variances from the setback and lot coverage requirements. The item was tabled so the applicants could respond to the concerns of the Planning Commission and make revisions to the design.

Building Permit Fees

Staff was asked to research the building permit fees of various jurisdictions throughout Colorado. Attached is a spreadsheet that outlines the permit fees for the following jurisdictions: Alamosa; Carbondale; Eagle; Eagle County; Frisco; Minturn; Pagosa Springs; Steamboat Springs and Vail. Out of these nine (9) jurisdictions, Alamosa had the lowest permit fees while Minturn had one of the highest. The following example outlines the building permit fees one would pay for a project valued at \$150,000.

Jurisdiction	Project Valuation	Base Fee	Additional Value	Total Fee
Alamosa	\$150,000	\$639.50	\$175	\$814.50
Frisco & Vail	\$150,000	\$993.75	\$1,273.75	\$1,273.75
Minturn	\$150,000	\$1,095	\$1,405	\$1,405

Building Permit Fee Comparison									
Building Valuation									
Jurisdiction	\$1 - \$500	\$501-\$2,000	\$2,001-\$25,000	\$25,001-\$50,000	\$50,001-\$100,000	\$100,001-\$500,000	\$500,001-\$1,000,000	\$1,000,001 and up	Plan review fee (% of Permit Fee)
Alamosa	\$15	\$15 + \$2 for each add. \$100 valuation over \$500	\$45 + \$9 for each add. \$1,000 valuation over \$2,000	\$252 + \$6.50 for each add. \$1,000 valuation over \$25,000	\$414 + \$4.50 for each add. \$1,000 valuation over \$50,000	\$639.50 + \$3.50 for each add. \$1,000 valuation over \$100,000	\$2,039.50 + \$3 for each add. \$1,000 valuation over \$500,000	\$3,359.50 + \$3.15 for each add. \$1,000 valuation over \$1,000,000	\$30 / hr.
Carbondale	\$23.50	\$23.50 + \$3.05 for each add. \$100 valuation over \$500	\$69.25 + \$14.00 for each add. \$1,000 valuation over \$2,000	\$391.25 + \$10.10 for each add. \$1,000 valuation over \$25,000	\$643.75 + \$7.00 for each add. \$1,000 valuation over \$50,000	\$993.75 + \$5.60 for each add. \$1,000 valuation over \$100,000	\$3,233.75 + \$4.75 for each add. \$1,000 valuation over \$500,000	\$5,608.75 + \$3.15 for each add. \$1,000 valuation over \$1,000,000	65%
Frisco	\$23.50	\$23.50 + \$3.05 for each add. \$100 valuation over \$500	\$69.25 + \$14.00 for each add. \$1,000 valuation over \$2,000	\$391.25 + \$10.10 for each add. \$1,000 valuation over \$25,000	\$643.75 + \$7.00 for each add. \$1,000 valuation over \$50,000	\$993.75 + \$5.60 for each add. \$1,000 valuation over \$100,000	\$3,233.75 + \$4.75 for each add. \$1,000 valuation over \$500,000	\$5,608.75 + \$3.65 for each add. \$1,000 valuation over \$1,000,000	65%
Pagosa Springs	\$23.50	\$23.50 + \$3.05 for each add. \$100 valuation over \$500	\$69.25 + \$14.00 for each add. \$1,000 valuation over \$2,000	\$391.25 + \$10.10 for each add. \$1,000 valuation over \$25,000	\$643.75 + \$7.00 for each add. \$1,000 valuation over \$50,000	\$993.75 + \$5.60 for each add. \$1,000 valuation over \$100,000	\$3,233.75 + \$4.75 for each add. \$1,000 valuation over \$500,000	\$5,608.75 + \$3.65 for each add. \$1,000 valuation over \$1,000,000	65%
Steamboat Springs / Route County	\$23.50	\$23.50 + \$3.05 for each add. \$100 valuation over \$500	\$69.25 + \$14.00 for each add. \$1,000 valuation over \$2,000	\$391.25 + \$10.10 for each add. \$1,000 valuation over \$25,000	\$643.75 + \$7.00 for each add. \$1,000 valuation over \$50,000	\$993.75 + \$5.60 for each add. \$1,000 valuation over \$100,000	\$3,233.75 + \$4.75 for each add. \$1,000 valuation over \$500,000	\$5,608.75 + \$3.65 for each add. \$1,000 valuation over \$1,000,000	65%
Vail	\$23.50	\$23.50 + \$3.05 for each add. \$100 valuation over \$500	\$69.25 + \$14.00 for each add. \$1,000 valuation over \$2,000	\$391.25 + \$10.10 for each add. \$1,000 valuation over \$25,000	\$643.75 + \$7.00 for each add. \$1,000 valuation over \$50,000	\$993.75 + \$5.60 for each add. \$1,000 valuation over \$100,000	\$3,233.75 + \$4.75 for each add. \$1,000 valuation over \$500,000	\$5,608.75 + \$3.65 for each add. \$1,000 valuation over \$1,000,000	65%
Town of Eagle	\$26.00	\$26.00 + \$3.40 for each add. \$100 valuation over \$500	\$76.25 + \$15.50 for each add. \$1,000 valuation over \$2,000	\$435 + \$11.15 for each add. \$1,000 valuation over \$25,000	\$710 + \$7.75 for each add. \$1,000 valuation over \$50,000	\$1,262.06 + \$7.11 for each add. \$1,000 valuation over \$100,000	\$3,560 + \$5.25 for each add. \$1,000 valuation over \$500,000	\$6,170 + \$4.05 for each add. \$1,000 valuation over \$1,000,000	65%
Eagle County	\$27.50	\$27.50 + \$3.60 for each add. \$100 valuation over \$500	\$80.25 + \$16.30 for each add. \$1,000 valuation over \$2,000	\$456.75 + \$11.75 for each add. \$1,000 valuation over \$25,000	\$745.50 + \$8.15 for each add. \$1,000 valuation over \$50,000	\$1,150 + \$6.55 for each add. \$1,000 valuation over \$100,000	\$3,738 + \$5.55 for each add. \$1,000 valuation over \$500,000	\$6,480 + \$4.30 for each add. \$1,000 valuation over \$1,000,000	65%
Minturn	\$29.85	\$29.85 + \$3.87 for each add. \$100 valuation over \$500	\$87.95 + \$17.78 for each add. \$1,000 valuation over \$2,000	\$497.52 + \$12.83 for each add. \$1,000 valuation over \$25,000	\$817.56 + \$8.89 for each add. \$1,000 valuation over \$50,000	\$1,095 + \$6.20 for each add. \$1,000 valuation over \$100,000	\$4,106.86 + \$6.03 for each add. \$1,000 valuation over \$500,000	\$7,123.11 + \$4.64 for each add. \$1,000 valuation over \$1,000,000	65%

9. Town Manager's Report

- Update on County Commissioner/Town Council Agenda
- USFS

Mr. White Goes to Washington DC

For thirty two years, an annual role of the president of the CML Executive Board is to accompany the CML league director on a trip to Washington DC to meet with our federal representatives. I depart on Saturday morning, March 12th and return on Wednesday afternoon, March 16, 2011. Sam Mamet has arranged a number of special meetings for us. As examples, we will meet for a briefing with Ken Lane, Ken Salazar's special advisor at the Department of the Interior and with Anne Castle, Assistant Secretary for Water and Science. We will visit with Will Shafroth, Deputy Assistant Secretary, US Fish & Wildlife (former Colorado GOCO Executive Director). We will be briefed on emerging western water issues. We will meet for a briefing at the White House with David Agnew, Special Assistant to the President for Intergovernmental

Affairs. We will meet with Congressman Jared Polis. On Wednesday morning, prior to departure, we will meet with U.S. Senators from Colorado, Michael Bennett and Mark Udall.

Eagle County/State Land Board/USFS

Consider Land Swaps

Responding to the Town Council's directive, I did send a formal Letter of Intent to the United States Forest Service (USFS), to Bill Johnson, Realty Specialist, expressing our interest in rekindling the prospect of purchasing the property in Minturn commonly referred to as the Bone Yard. We will work with the Eagle County Open Lands Committee to secure funding for this project. The agreement with the USFS requires that the Town of Minturn will be responsible for the costs of the appraisal. On Thursday, March 10, I met with Kris Valdez, from Eagle County to visit the Bone Yard site and to begin our application for funding through the Eagle County Open Lands Committee.

Eagle County Economic Development Plan

Eagle County is supporting efforts among all jurisdictions and unincorporated areas to engage in creation of a county wide economic development plan in response to the request from Governor Hickenlooper. Councilman John Rosenfeld and I attended an economic development meeting in Silverthorne on Thursday, March 10, 2011 from 5:30pm to 8pm. The next important meeting related to this topic will be on Thursday, March 31, 2011 in the Eagle County Commissioner's room in Eagle, CO.

Medical Marijuana

Following the Minturn citizens' vote not to ban medical marijuana centers, staff research and work on the medical marijuana issue over the past several months has resulted in a draft ordinance. The first draft of the Town of Minturn's Medical Marijuana Ordinance will be provided to the Town Council at the end of the meeting on March 16, 2011. Plans for review of the ordinance are scheduled in April and May.

School District RFP Submittals

RFP's to consider re-purposing ideas for the Minturn Middle School were turned in on Thursday January 13, 2011. A decision on future uses of the school is expected in March. The School Board has pushed the review to the March 9, 2011 meeting.

Signage

Preliminary contact has been made with several individuals and companies that may be engaged to help with the actual construction of the Town signage. A letter has been sent to the USFS in an effort to elicit support for our Town signage. The letter was required to meet the USFS stipulation that we provide written justification for the signage as part of the process of obtaining a Special Use Permit for our welcome signs. Pending approval from the USFS to install signage on its property, Town staff will be working on the construction and final design elements of the sign. Installation is planned for the spring of 2011.

Battle Mountain Update

Elizabeth Mitchell, Holland & Hart attorney, has been representing Minturn's interest in discussions with Battle Mountain in preparation of a response to the report given to the Battle

Mountain developers by the Environmental Protection Agency (EPA) related to the Battle Mountain project. She will be present at tonight's meeting to brief the Town Council on the current status of the dialogue.

Holy Cross Franchise Agreement Extension

The Town of Minturn and Holy Cross representatives met on February 9, 2011 to begin review of the existing Franchise Agreement. Subsequently, we have extended our franchise through September 21, 2011. Holy Cross representatives will attend the May 4, 2011 Town Council meeting to begin formal franchise renewal discussions.

Colorado Municipal League Annual Conference

Please consider attending the CML Annual Conference this year in Vail, CO. The conference is from June 22-June 24, 2011. The information and registration is available on the CML website. I will be completing my term as President and assuming the role of Immediate Past President.

10. Town Council Comments

Many thoughts and prayers go out to all those affected by the Japan earthquake and tsunami.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

11. Discussion/Action – Ordinance 1 – 2011 (First Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1 – Cerimele (15Min)

Mr. Tom Braun, 225 Main St, Edwards, representing the Eagle County School District gave a presentation of the annexation agreement.

Mr. Frank Lorenti, 1081 Main St, discussed the need for a special improvement fund where upon the sale of a property, a portion of money from said sale can be placed into a fund to raise money which will be directly allocated to improvements, such as installation of sidewalks, road improvements, and other infrastructure improvements.

Safe Routes to Schools can potentially be a grant option, which would need to be applied for by the school itself.

Mr. Braun, 225 Main St, Edwards, clarified that the RFP for the Minturn Middle School was not applied for by the Eagle County Seniors program.

Mayor Hawkeye Flaherty asked that the title work for the land be reviewed to see if any portion of the land in question was dedicated or deeded to the Town of Minturn by the seller of the land to the Eagle County School District.

It was requested that all presentations and public comments given in any one section or public hearing related to the entire annexation of both parcels shall be inclusive in all sections related to the annexation as relates to Agenda items 11, 12, 13, and 14.

Motion by Shelley B., second by Aggie M., to approve Ordinance 1 – 2011 (First Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1. All voted in favor. (George Brodin absent, excused)

12. Discussion/Action – Ordinance 2 – 2011 (First Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2 – Cerimele (15min)

It was requested that all presentations and public comments given in any one section or public hearing related to the entire annexation of both parcels shall be inclusive in all sections related to the annexation as relates to Agenda items 11, 12, 13, and 14.

Motion by Shelley B., second by John R., to approve Ordinance 2 – 2011 (First Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2. All voted in favor. (George Brodin absent, excused)

13. Discussion/Action – Ordinance 3 - 2011 (First Reading) an Ordinance authorizing the Mayor of the Town of Minturn, Colorado to sign an annexation agreement with the Eagle County School District – Cerimele (15min)

Mr. Tom Braun, 225 Main St, discussed defining the roads and the Town of Minturn accepting the streets on this property after the roads have had ample/acceptable work and repair. With the situation of the baseball fields, maintenance of the fields should be discussed and in the event potential developers are uninterested in the fields.

John R., discussed there are many moving parts of this agreement and the core of the Town will be impacted. Questions still remain concerning intentions of the repurposing of the school, and subsequent leasing options that have been presented to the School board. If 150 units are approved for the Maloit Park area, that would mean a 40% increase in the Town's population. There is also concern regarding the defined Maloit Park character area and what type of impact 400 residents to that area would do. Even with the benefits of the land dedication for the water treatment plant, John recommends Council review all aspects of the annexation to ensure the overall benefit of this annexation into the Town is viable.

Mayor Hawkeye Flaherty, requests a review of the sale process of the property to a potential developer and any and all zoning authority.

Section 4.1 – Mayor Hawkeye asked for the meaning of this section of the verbiage. Mr. Braun defined it as a PUD, the application process, or any already defined character use.

Mayor Hawkeye reiterated that he believes there should be no development of the baseball fields.

Mayor Hawkeye Flaherty also discussed the 150 units being considered for the property and the large number of people that could involve and the subsequent impact that would have on the Town.

Request to review public access to the river, but managing of the stream is acceptable.

Request by Earle B., for Tom Braun to please bring the original presentation provided by the School District in the event it should be referenced or discussed.

Earle B., reminded the Council that each development project brought before Council, moving forward, should be reviewed with the maximum allowable units being maximized for the Maloit Park property.

Jerry B. discussed the need to continue this process, and remember how slowly all of this development will actually happen.

It was requested that all presentations and public comments given in any one section or public hearing related to the entire annexation of both parcels shall be inclusive in all sections related to the annexation as relates to Agenda items 11, 12, 13, and 14.

No further public comment was submitted.

Motion by Shelley B., second by Aggie M., to approve Ordinance 3 - 2011 (First Reading) an Ordinance authorizing the Mayor of the Town of Minturn, Colorado to sign an annexation agreement with the Eagle County School District. All voted in favor. (George Brodin absent, excused)

14. Discussion/Action – Ordinance 4 – 2011 (First Reading) An Ordinance establishing zoning on parcels of land known as the Eagle County School District Maloit Park Property annexed to the Town of Minturn, Colorado and amending the official zone district map of the Town of Minturn, CO.– Cerimele – Cerimele (15min)

Direction to staff to ensure verbiage for 50' of street frontage for each lot.

It was requested that all presentations and public comments given in any one section or public hearing related to the entire annexation of both parcels shall be inclusive in all sections related to the annexation as relates to Agenda items 11, 12, 13, and 14.

No further public comment was submitted.

Motion by John R., second by Earl B., to approve Ordinance 4 – 2011 (First Reading) An Ordinance establishing zoning on parcels of land known as the Eagle County School District Maloit Park Property annexed to the Town of Minturn, Colorado and amending the official zone district map of the Town of Minturn, CO. All voted in favor. (George Brodin absent, excused)

14a. Action/Discussion - Congressional Redistricting of Eagle County.

As set by law, every ten years the national census is taken. The following year after the census year, the State must review its congressional districts to ensure each district is approximately the same size. This year one of several options being discussed is to split Eagle County into different districts. The Minturn Town Council discussed the potential splitting Eagle County into two different Congressional Districts. Jerry B., requested more details of the plan, but the overall consensus was the split would not be in the best interest of the Eagle County residents.

FUTURE AGENDA ITEMS

15. Next Meeting

- County Commissioners to attend Minturn Council Meeting – April 6 (60min)
- Discussion/Action – Ordinance 1 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1 – Cerimele (15Min)
- Discussion/Action – Ordinance 2 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2 – Cerimele (15min)
- Discussion/Action – Ordinance 3 - 2011 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn, Colorado to sign an annexation agreement with the Eagle County School District – Cerimele (15min)
- Discussion/Action – Ordinance 4 – 2011 (Second Reading) an Ordinance amending the Official Zone District Map of the Town of Minturn and creating the Maloit Park Character Area – Cerimele (15min)
- Discussion/Action – Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci (15min)
- Work Session – Ordinance 5 – 2011 an Ordinance adopting the 2009 IBC – Cerimele/Lanci (15min) – MOVE TO SECOND MEETING IN APRIL (APRIL 20TH) REQUEST FOR CHUCK'S INFO TO GO INTO THE APRIL 6TH PACKET SO COUNCIL HAS AMPLE TIME TO REVIEW.

16. Future Meeting

- Worksession discussion re: Ordinance ____ - 2011 an ordinance regarding the sale of Medicinal Marijuana – 5/4/11 (45min)
- Discussion/Action – Ordinance ____ - 2011 (First Reading) an Ordinance approving an Ordinance allowing the sale of Medical Marijuana – May 18
- Discussion/Action – Ordinance ____ - 2011 (Second Reading) an Ordinance approving an Ordinance allowing the sale of Medical Marijuana – June 1

17. Set Future Meeting Dates

a) Council Meetings:

- April 6, 2011
- April 20, 2011

- May 4, 2011

- b) Planning & Zoning Commission Meetings:
 - March 23, 2011
 - April 13, 2011
 - April 27, 2011

- c) Other Dates:
 - May 14, 2011 Town Clean Up Day
 - June 22-24, 2011 CML Annual Conference/Vail

18. Adjournment

Motion by John R., second by Aggie M., to adjourn at 9:08pm.


~~Mayor Hawkeye Flaherty~~ *Mayor Pro Tem*

ATTEST:


Town Clerk, Jay Brunvand

