



OFFICIAL MINUTES

MEETING OF THE MINTURN TOWN COUNCIL

**Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645**

Wednesday May 4, 2011

**Work Session – 5:00pm
Regular Session – 7:00pm**

**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

Work Session – 5:00pm

- Discussion re: Ordinance ___ - 2011 () an ordinance regarding the sale of Medicinal Marijuana – White/Metteer (45min)
- Discussion – Change of Council Meeting Start Time – White (15min)
- Discussion – USFS Bone Yard Update – White (15min)
- Discussion/Action – Holy Cross Franchise Agreement – White (30min)

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 7:15pm.

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

Staff present: Town Manager Jim White, , Administrative Assistant/Deputy Clerk, Michelle Metteer, Town Planner Chris Cerimele and Attorney Allen Christensen.

2. Approval of Agenda

a. Items to be Pulled or Added

Add section 8a. Council meeting start time.

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

3. Approval of Minutes and Action Report

- April 6, 2011
- April 20, 2011
- Action Item Report

Motion by Shelley B., second by George B., to approve the Minutes of April 6, 2011 as presented; all voted in favor.

Motion by George B., second by Aggie M., to approve the Minutes of April 20, 2011 as presented; all voted in favor.

Additions to Action Item Report:

Scholarship Fund progress
OSAC funding for the purchase of the Boneyard property
Town Sidewalks

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

- Jodi Born, Minturn Community Fund, look for informational post cards in your mailbox. The Minturn Community Fund has been accepted by the City Market program, and residents can sign up their City Market cards for the benefit of the Community Fund. Also, voting is still taking place for the Minturn Movie nights. Go to the Community Fund's Facebook page to fill out your survey.
- Vail Ski and Snowboard Club – Aldo Radamus, the Club and Academy have received approval for the use of the Minturn Middle School location. As operations move forward they look to be a positive partner with the Minturn community. The Minturn Senior's Group will be permitted the use of room in the school. Call Geoff Grimmer, 328-2832, with any questions. Aldo asked if the Town Council supported the plan to return to the use of the historic "Panthers" as the name affiliated with the VSSC and VSSA at the Minturn middle School. All offered support.

- Geoff Grimmer, Head of School, is looking forward to moving forward with this new chapter in the school's history.

5. Special Presentations/Citizen Recognition

- Maren Lantzy was recognized by Town Manager, Jim White, and Andy Kaufman, Minturn Community Fund, for her extraordinary work with the Minturn Community Fund and the entire Town of Minturn.

6. Planning Commission Update

7. Town Manager's Report

Eagle County/State Land Board/USFS

Consider Land Swaps

The two properties involved that are located in Minturn are the CDOT operations center on the north end of Town across the road from the Vail Bone Yard and the Cross Creek property at the south end of Town. The CDOT property is a high priority in the discussions while the Cross Creek parcel is one of the three lowest priorities identified during the discussion held at the Forest Service.

Bone Yard Parcel

We have secured both the agreement for the appraisal and the cooperation of the Forest Service to restart negotiations on this property. Initial dialog has started, and a site visit has been completed; however, The Town staff needs to initiate further conversation with the Eagle County staff to ask assistance in completing the application for funding from the county to make this purchase viable.

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 discussed beginning at tonight's meeting, May 4, 2011.

Signage

We have secured the services of House of Signs to construct and install the Town entryway signage. Installation is planned during the first two weeks of June. Formal approval documents from the USFS are reportedly in the mail.

Battle Mountain Update

Elizabeth Mitchell, Holland & Hart attorney, will continue discussion with Battle Mountain representatives to prepare responses to the EPA which are required by the fall of 2011.

No new information is available at this time. Once it is available, we will reschedule a visit from Elizabeth to update the Town Council.

Holy Cross Franchise Agreement Extension

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. Holy Cross representatives will attend the Minturn Town Council meeting on May 4, 2011 to begin formal franchise renewal discussions.

Highway 24 Clean Up

Highway 24 Clean Up will be held on Saturday, May 7, 2011. The time of the Clean Up will be approximately 9am until noon. There will be a BBQ beginning at 2pm at the base of Arrowhead for all volunteers.

Annual Town Clean Up Day

The Town of Minturn will hold its **Annual Town Clean Up Day** this year on Saturday, May 14, 2011. The Municipal Lot will be the designated drop off site. Arrangements are being made for special pick-ups for seniors and those with disabilities who need assistance. **Old tires and refrigerators (with the Freon removed) will be accepted. Hazardous Waste will NOT be accepted.**

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.

8. Town Council Comments

George B., will be leading the Highway cleanup from the top of Battle Mountain to Maloit Park on Saturday, May 7th. Call 476-1810 for more information or to sign up to volunteer.

Jerry B., and Town Manager, Jim W, attended the Eagle County Airport tour and were informed of upgrades and improvements being recommended to the facility. United and American Airlines will both be flying out of Eagle County starting in June of 2011.

John R., would like to invite everyone to stop by the Lady Bug Release at Johnie's Garden this Saturday for their annual Lady Bug release. The festivities start at 10:00am.

Aggie M., reminds everyone that spring runoff is approaching and sand and bags are available at the Municipal parking lot for the use of residents. Please bring your own shovel for bagging of sand.

Hawkeye F., reminds everyone that with spring comes the bears. Trash should not be put out the night before.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

8a. Discussion/Action – Council start time changing to 6:00pm.

Hawkeye F., discussed the concern for Town residents to be able to get to the meetings on time as well as the ability for staff to continue Town services until 5:00pm.

Shelley B., is in support of moving the time to 6:00pm.

Earle B., asked for a survey of the residents.

Motion by George B., second by Shelley B., to table this discussion until May 18th, upon which time a survey will have been taken at the Town Cleanup Day and results can be examined.

Boots Ferguson, Holland & Hart, representing the Town of Minturn, stated that the annexation will take place in two pieces. Staff recommends that all four ordinances be tabled so that the School Board can approve the conditions stated by the Minturn Council at the School Board's May 11th meeting.

Town benefits to annexation: 3 acres for recreational use and facilities, 18 acres deeded to the Town for the Town's water treatment plant, nonexclusive easement for access to Cross Creek, 39.5 acres designated recreation and open space. A total of 58% of the site will be designated to open space.

Tom Braun, Braun Associates, representing the School District, brought three issues to attention: Town's acceptance of roads, total number of residences and assurances of parkland. Roads will be to the specifications of the Town. The total number of units will be decreased from 150 to 120, excluding the Academy housing units being 48 dormitories and eight staff units.

Hawkeye F., would like to see 85 units plus the Academy residences and to keep the ball fields. Discussion ensued.

Shelley B., asked about the vision of the staff housing, which was explained as being in a townhome style configuration.

Direction to staff by Council to confirm staff housing language is clarified.

Shelley B., Earle B., Aggie M., Jerry B., and George B all recommend the agreement remain in its current form, excepting the clarification of the redefining of the staff housing.

9. 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)

Motion by Shelley B., second by George B., to table Ordinance 1 – 2011 (Second Reading) until May 18, 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.

10. 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)

Motion by John R., second by Aggie M., to table Ordinance 2 – 2011 (Second Reading) until May 18, an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2

11. 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)

Motion by Shelley B., second by John R., to table Ordinance 3 - 2011 (Second Reading) until May 18, 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.

12. Discussion/Action – Ordinance 4 – 2011 (Second 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 (15min)

Motion by Earle B., second by Jerry B., to table Ordinance 4 – 2011 (Second Reading) until May 18, 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.

13. Discussion/Action – Ordinance 6 – 2011 (Second Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting Sections 7-4-90 and 7-8-80 as they pertain to open burning within the Town – Cerimele (15min)

Motion by Shelley B., second by John R., to approve Ordinance 6 – 2011 (Second Reading) as amended, an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting Sections 7-4-90 and 7-8-80 as they pertain to open burning within the Town of Minturn. All voted in favor.

14. Discussion/Action – Ordinance 8 – 2011 (First Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting sections 18-5-10 and 18-5-20 to adopt by reference the 2009 International Fire Code with Amendments - Cerimele (15min)

Motion by Shelley B., second by Aggie M., to approve Ordinance 8 – 2011 (First Reading) as amended, an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting sections 18-5-10 and 18-5-20 to adopt by reference the 2009 International Fire Code as amended. Motion passed 4-3 (Earle B., George B & Hawkeye F., nay votes)

- Amendment: To modify the IFC Section 307.3.1 second sentence to read "Portable cooking devices may be used in this area; however, the dumping of ash in the river or setback area is strictly prohibited."

Direction was given to staff to review the River Restoration agreement to clarify river setback requirements.

15. Discussion/Action – Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended – Martinez (30min)

Motion by John R., second by George B., to table Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended. All voted in favor.

EXECUTIVE SESSION

16. Executive Session - Pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations and instruct the negotiators for the purpose of discussing the Town Prosecuting attorney's first quarterly review and Pursuant to CRS 24-6-402(4)(b) for the purposes 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 – White/Christensen

Motion by George B., second by Shelley B., to convene in Executive Session Pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations and instruct the negotiators for the purpose of discussing a fire district request and for the purpose of discussing the Town Prosecuting attorneys first quarterly review and Pursuant to CRS 24-6-402(4)(b) for the purposes 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.

17. Executive Session – Public direction to Staff as a result of the Executive Session (5min)

Follow up on the negotiation of the water cases. Review the contract for the Town Prosecuting Attorney.

FUTURE AGENDA ITEMS

18. Next Meeting – May 18, 2011

- Work Session – Ordinance ____ - 2011 an Ordinance allowing the sale of Medical Marijuana –

19. Future Meeting

- Discussion/Action – Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – June 1
- Discussion/Action – Ordinance ____ - 2011 () an Ordinance allowing the sale of Medical Marijuana –
- 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 (60min)

20. Set Future Meeting Dates

a) Council Meetings:

- May 18, 2011
- June 1, 2011
- June 15, 2011

b) Planning & Zoning Commission Meetings:

- May 11, 2011
- May 26, 2011
- June 8, 2011

c) Other Dates:

- May 14, 2011 Town Clean Up Day
- June 18, 2011 1st Day of Minturn Market
- June 22-24 CML Annual Conference/Vail

21. Adjournment

Motion by Shelley B., second by George B., to adjourn the meeting at 10:50pm. All voted in favor.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

