



**Official Minutes**

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

**Wednesday June 1, 2011**

**Work Session – 6:00pm**  
**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 – 6:00pm**

- Discuss public park regulations as related to liquor – Brunvand/Martinez (30min)
- Presentation on 2009 International Energy Conservation Code – Cerimele (15min)

**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 7:13 pm.

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

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

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Motion by George B., second by Shelley B., to approve the agenda as presented. All voted in favor.

## **3. Minturn Liquor Authority**

- Special Event Permit – Town of Minturn Independence Day Celebration

Motion by Shelley B., second by John R., to approve the proposed Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located at the Little Beach Park as defined on the permit map as presented with the following conditions; all voted in favor. *(Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused):*

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on May 20, 2011 at least 10 days prior to the hearing.
- That the selling of liquor in this manner currently proposed in the application is not in violation of the Minturn Municipal Code; all voted in favor.

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

- May 18, 2011
- Action Item Report

Motion by John R., second by George B., to approve the Minutes of May 18, 2011 as amended; all voted in favor. (Aggie M., abstained)

Discussion item #10...verbage was clarified

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

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

- Cleanup Day recognition – Martinez

Chief Martinez and Mayor Flaherty recognized the young members of the community who volunteered on Town Clean up Day. The following certificates of achievement were issued:

Jakob Ayres, Brooke Bellm, Kelsey Bellm, Riley Bellm, Bodi La Cross, Macie La Cross, Maddie Grab, Mac Harrington, Caroline Harrington, Greyson Magana, Ezekiel Martinez, Elijah Martinez, Camille Olson, Nicholas Olson, Davis Page

## **7. Planning Commission Update**

### **5.25.11 Planning Commission Meeting Update**

The Planning Commission did not meet on 5.25.11. No new land use applications have been received by the Planning Department.

### **Maloit Park Annexation**

The final piece of the Maloit Park Annexation process will be the creation of the 18 acre water treatment plant parcel. This will be accomplished through a subdivision exemption pursuant to section 17-3-30 of the Minturn Municipal Code. The subdivision exemption plat can be approved through a Town Council Resolution. This item will be presented at the June 15<sup>th</sup> meeting.

### **Eagle County CIP Request**

The Town has submitted a request to Eagle County for funding for road and drainage improvements along the 100 block of Pine Street. If the request is granted, the money will be used in 2012 to match existing Town funds for street improvements. The project will entail pulverizing the existing asphalt and improving the road base, adding concrete gutters in areas where they currently do not exist, and overlaying the road with new asphalt. This project will be the first in an effort to improve drainage throughout the Town.

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

### **Maloit Park Annexation**

Final recordation of the annexation of Maloit Park from the School District has been completed and all necessary signatures are in the process of being gathered. Additionally, attorneys from both sides are making sure all legal issues are reviewed and finalized.

### **North Main Waterline Project Formal Completion**

Town staff met on Thursday, May 12, 2011 to complete the final walk through on the North Main Waterline Project. The project passed inspection. Final payment of the retainage will be released pending the completion and delivery of all as-built plans to the Town of Minturn.

### **XCEL Natural Gas Pipeline Project Begins!**

The XCEL Pipeline Project from Edwards to Minturn is underway. XCEL has begun replacing 6" and 12" existing lines with a new 16" line. The old lines will be abandoned in place and filled with an inert gas. XCEL crews anticipate 6-10 hour days, Mondays-through Saturdays. Work stoppage will occur several times this summer due to large events planned, such as bike races. Project completion is set for September 15, 2011. For questions, please call XCEL at 1-877-481-6380. XCEL Energy is hosting a public Open House from 6-8 p.m. on Thursday, June 2 at the Avon Public Library, 200 Benchmark Road. They'll provide a construction update as they replace approximately eight miles of natural gas pipeline along U.S. Highway 6 between Edwards and Minturn.

The presentation includes information about current and upcoming construction locations. They also want to hear your feedback and answer your questions.

### **Battle Mountain Update**

Most of the issues discussed currently involve pending lawsuits related to quiet title action and challenges to the annexation agreement. Elizabeth Mitchell, Holland & Hart attorney, continues her discussions with Battle Mountain representatives to prepare responses to the EPA. No new information is available at this time. However, a revised remedial investigation report has been completed and should be delivered soon

### **Signage**

We have received the Special Use Permit from the US Forest Service which allows the Town of Minturn to construct its entryway sign on Forest land. The formal contract has been signed returned to the Town from the Forest Service. The sign is currently being constructed. Excavation and Installation dates are set for June 10<sup>th</sup>, June 13<sup>th</sup>, and June 14<sup>th</sup>.

### **Holy Cross Franchise Agreement Extension**

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. The revised agreement is under legal review. Due to scheduling issues, the work session will take place on July 6, 2011 followed by 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinance on July 20<sup>th</sup> and August 3<sup>rd</sup>.

### **Northwest Colorado Council of Governments (NWCCOG)**

The most recent meeting was held on May 26<sup>th</sup> at the Donovan Pavilion in Vail. Initial discussions centered on the topic of having the NWCCOG Board also serve as the governing board for an Economic Development District. No decision was made, but staff was directed to continue to research potential scenarios related to board composition, or ramifications of not pursuing this venture at all.

### **Eagle County Grant Application**

Earlier this year, I learned about the prospect of an Eagle County CIP grant process. Subsequently, we decided to seek funding to augment our budget for road and drainage repairs needed. This addresses one of the Town Council's primary goals for 2011. The grant was submitted prior to the June 1, 2011 deadline.

### **Prosecuting Attorney**

Inga Causey will begin her duties as prosecuting Attorney on Thursday, June 9, 2011 in Minturn's Municipal Court.

### **Bone Yard Parcel**

We have secured both the agreement for the appraisal and the cooperation of the Forest Service to resume negotiations on this property.

### **2010 Audit Report**

The Town will be receiving the 2010 draft audit soon. Plans to review the audit with Town Council for its approval are in progress.

**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. Early bird registration ends on Friday, May 20, 2011.

**Out of the Office**

I will be out of the office June 2<sup>nd</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, and 7<sup>th</sup>...Thursday, Friday, and next Monday and Tuesday.

**9. Town Council Comments**

John R., would like to say a sincere thank you to all those who have served in the United States Military, first responders and local officials.

Shelley B., reminds everyone that school is out next week and to please be careful of children within the community.

George B., welcomes folks to purchase a flower planter for the benefit of Minturn's Main Street.

Aggie M., thanked all those who were able to help with the annual Town Cleanup Day.

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**10. Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – June 1**

Chuck Lanci, Minturn Building Official, Alpine Building Consultants, clarified that the sprinkler system requirements have been eliminated from the IBC code for Minturn's use. Chuck L., further instructs to remove subsections (3) and (4) from section 18-3-20. Discussion ensued as to the various changes in this version of the code and how they would affect Minturn.

Motion by Shelley B., second by Aggie M., to table to July 20, 2011 Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended. All voted in favor. *(Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused.)*

**11. 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 – Brunvand (10min)**

Motion by John R., second by George B., to deny 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. *(Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused.)*

## FUTURE AGENDA ITEMS

### 12. Next Meeting – June 15, 2011

- Work Session - Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana. (15 min)
- Discussion/Action – Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana.
- Work Session and Discussion/Action – 2010 Audit presentation and acceptance – Brunvand – June 15, 2011 (45min)
- Work Session - Discussion re: Holy Cross Franchise Agreement – White – June 15, 2011 (45min)

### 13. Future Meeting

- Discussion/Action – Ordinance \_\_\_\_ - 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana – July 6, 2011
- 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)
- Work Session - Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – July 20, 2011
- Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – July 20, 2011

### 14. Set Future Meeting Dates

#### a) Council Meetings:

- June 15, 2011
- July 6, 2011 – **New Meeting Start Time is 6:30pm (Worksession will be prior to meeting)**
- July 20, 2011

#### b) Planning & Zoning Commission Meetings:

- June 8, 2011
- June 22, 2011
- July 13, 2011

#### c) Other Dates:

- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail
- Minturn Independence Day Celebration – July 2, 2011

**15. Adjournment**

Motion by Shelley B., second by John R., to adjourn the meeting at 8:26pm. All voted in favor.  
*(Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused.)*

  
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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

