



Official Minutes

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

Wednesday June 15, 2011

Work Session – 4:45pm
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 – 4:45pm

- Work Session – New Town entryway sign viewing and photos (**Meet at Grouse Creek Trailhead**) – White (15min)
- Discussion – 2010 Audit presentation and acceptance – Brunvand (45min)
- Ordinance 8 – 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana. (45 min)

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 7:07 pm.

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

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

2. Approval of Agenda

a. Items to be Pulled or Added

- Add an Executive Session to the end of the meeting as item 9a.

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

3. Approval of Minutes and Action Report

- June 1, 2011

Motion by George B., second by Aggie M., to approve the Minutes of June 1, 2011 as presented; all voted in favor (*Note: Jerry B. abstained as he was absent for that meeting*)

- Action Item Report

Add to next agenda a discussion to report the status of the Town's ability to complete the South Entrance sign this summer.

Shelley B. requested an update on the status of repairs on the sidewalks; Jim W. stated we have a list of sidewalks that are in need of repair in the 100 and 200 block area. We are currently working with Lafarge on cost of concrete and we will be moving forward in the next few weeks and ongoing throughout the summer. Additionally, we have submitted a grant for sidewalk funds and are hoping to supplement our money.

Hawkeye requested we change the Town Sign item to represent the Town Sign – South End and to include a discussion and feasibility report on the next agenda (July 6, 2011)

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

Ms. Laura Wolf, 1688 Main St, discussed her past involvement and present concerns with the Little Beach Park. Ms. Wolf noted that it is already the second week of June and our parks are in terrible shape. Jim W. addressed the pictures supplied by Ms. Wolf as follows:

- Picture of the sign – dead foliage and weeds: Jim W. reminded the Council that our parks are maintained by the Public Works Department and an outside vendor contract. However; these will be addressed.
- The broken fence was a result of the winter snowplowing operations and is scheduled to be repaired in the next week or so.
- The toilet facilities – this facility is heavily utilized and there is an ongoing concern of vandalism. We are considering locking the facilities at night to help in mitigation and

vandalism. Ms. Wolf reported the bathroom is filthy and this has been an issue for over a month and a half. This park is our premier asset. Ms. Wolf stated this is the 2nd week of June and she is only hearing excuses.

- Playground woodchips: the subfloor material under the woodchips in the playground area is showing through. Jim W. reported this is on the annual maintenance schedule and will be addressed and new material added as needed.
- The pet-pickups should be addressed daily and it will be.
- Path lighting: this will be replaced with solar lights and cleaned up.
- Grass and flowering plants: Ms. Wolf stated the park is not being watered, the grass is not green and it is June. Jim W. reported that due to high water in the river the water line has not been turned on. If debris in the river were to snag and break the water line that runs above the river it could drain our entire water system in little time. During the past two years the water has not been turned on before this time in June to allow the high water to subside. Upon request from Chief Martinez, the Fire Dept watered the park today. Ms. Wolf asked if this was an acceptable level of service for our park; Jim W. stated the PW's Dept is trying to get things done more timely. Ms. Wolf asked when this would be taken care of; Jim W. stated much of the issues should be done possibly today but by the end of the week we should have the majority of the concerns addressed and then remain on task for the balance of the summer. Ms. Wolf stated that we had utilized a \$250,000 GOCO Grant to build this park and asked if we would be happy to show a GOCO representative our park?

Earle B. stated we have a lot of events scheduled in the next few weeks and we need to get on this even if there are costs involved. All Council Members agreed and felt time was of the essence.

John R. stated the irrigation is an annual issue but it should be addressed now that the water line has been turned on. John R. stated the damage to the park by vandals is a constant and near daily event and the repairs and clean up is continual.

Aggie M. recommended a stepped up police presence and more patrols in the park areas by both the police and PW's.

Jerry B. asked if the Town had a pressure washer; yes, Jerry and George will volunteer to clean up the toilets and John R. stated he would donate the use of his water truck. Ms. Wolf stated that Honeywagon holds the contract and they will clean the toilets as they service it. *(Note: this is a vault sanitation system and is designed to be pumped seasonally.)*

Shelley B. stated we are challenged by not having a full Park's Department, our maintenance contract should cover this service too. She added that without a Parks Department we do not have that presence that would discourage the vandalism. George B. suggested a "call if bathroom service is needed" and a phone number would be useful and should be posted. Jim W. stated he will continue to address these concerns. Hawkeye stated that we have staff drive by the park many times a day and they don't stop. This needs to be a priority.

Mr. Zach Mahon, 246 Boulder St., addressed his concerns of the open space at Not-a-Park at 243 Boulder St. He has personally raked the grass and was watering it for the Town as a volunteer. However, the sprinklers are now gone. There are hoses still attached but they do not reach the entire grass area. This property is used by the Town as a snow storage site in the winter and lots of work needs to be done on the property to bring it back to life in the spring time. Mr. Mahon will continue to volunteer his time to keep it up but the Town needs to step up at this park too.

Shelley B. stated it was also an issue throughout Town that citizens are not cleaning up after their dogs. Mr. Mahon stated that everyone needs to do their part; the Pet-Pickups are replaced often but are used up.

5. Special Presentations/Citizen Recognition

6. Planning Commission Update

Chris C. stated they did not have a Planning Commission meeting last week but will be having a meeting next Wednesday (6/22/11) and will be addressing open space to include grants and sidewalk requirements on new construction and major remodels. Chris C. stated they are also working on standardization of the application process. Rear setbacks are being reviewed for the smaller lots to allow a 5ft setback for a garage.

7. Town Manager's Report

North Main Waterline Project Formal Completion

Town staff met with Peak Land Consultants and Western Pipe Way representatives on Thursday, May 12, 2011 to complete the final walk through on the North Main Waterline Project. Subsequently, the Town has received all as-built plans and drawings and will now release final payment.

XCEL Natural Gas Pipeline Project Continues!

The XCEL Pipeline Project from Edwards to Minturn is underway. XCEL is replacing 6" and 12" existing lines with a new 16" line. Project completion is set for September 15, 2011. For questions, please call XCEL at 1-877-481-6380.

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. A revised remedial investigation report has been completed.

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 USFS land. Installation is planned for June 13th and June 14th, 2011.

Maloit Park Water Tank

Inspection of the Maloit Park water tank finds the need to make repairs. Public Works is securing bids for the job. The plan would be to complete restoration of both the inside and outside of the tank.

"The Show"

A county-wide baseball tournament will be held later this summer at fields throughout Eagle County. Dubbed "The Show" by its sponsors, it plans to bring players from 8 years to 18 years old to compete. More details will be presented as they become available.

Holy Cross Franchise Agreement Extension

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

Prosecuting Attorney

Inga Causey began 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. The new appraisal is expected soon.

2010 Audit Report

The Town Council will review the 2010 audit and vote on approval at tonight's meeting to coincide with State of Colorado statutory financial reporting requirements and deadlines.

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.

Eagle River Watch

We continue to monitor the daily levels along the Eagle River. Materials for making sandbags are stored in the Municipal Parking Lot. Public Works has already made three deliveries of sand and materials to the site.

Additionally, Jim W. reported that he had met with Dave Kleinkopf of Battle Mountain Resorts on 6/14/11. Mr. Kleinkopf mentioned reconvening the small committee of Earle B., Shelley B. and some staff to address issues that are potentially forthcoming. This meeting would be structured to receive updates and discuss generate options.

Ms. Inga Causey, introduced herself as the new Prosecuting Attorney for the Town. Ms. Causey began her duties this month and is very excited.

8. Town Council Comments

John R. stated he was impressed with the new Town sign and commended Jim W. for his work. Aggie M. also noted the sign and inquired about the truck route through Town; Chris C. will address this. Shelley B. congratulated the Staff on the sign and George B. specifically for his work.

George B. attended the Eagle County Open Space Committee meeting and stated they received approval to purchase the 160 acre parcel in the Homestead area and connects to forest service land. They are looking at other land in the Dotsero area with river access. He is attending a conference on grants and nonprofit funding; he outlined some of the sessions he will be attending.

Jerry B. attended the State of the River forum held the previous week. He spoke with Ms. Wendy Naugle and she agreed to schedule time to visit with the Town on the Eagle River; Jim W. will follow up. Jerry B. noted the car cruise and felt it was well worth the time.

Earle B. attended the Minturn Community Fund meeting and outlined some of the upcoming events to include the concert series, the Missoula Children's Theater workshop and production, and the outdoor movie nights. Jim W. noted the river kayak course that is being supported by the Town and it is moving forward.

Aggie M. asked if we could pursue grants for the Maloit Park water tank; Jim W. will follow up.

Hawkeye reported they are still looking for sponsors of flower pots on Main, contact the Minturn Community Fund for details and opportunities. This is the first weekend of the Minturn Market and it should be a lot of fun. On behalf of the Council he wished everyone a happy 4th of July, our events will be on Saturday July 2nd and the County has lots of events planned for the entire weekend.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. Discussion/Action – Motion to accept the 2010 Minturn Financial Audit – Brunvand (25min)

Hawkeye introduced the agenda item and referred the issue to Jay B who introduced Wendy Swanhorst of Swanhorst and Associates. Jay B. noted we had had an in depth presentation session during the Worksession but asked if there were further question or comments from the Council and stated that he was requesting the Council accept the audit with a formal motion.

George B. asked Ms. Swanhorst for a brief update. Ms. Swanhorst stated the audit was given a clean bill of health. She explained that, as a small Town, we will always have some oversight issues but as a whole the Town has and continues to address these issues and reported the Town is in very strong financial condition. Hawkeye pointed out the Town has very reasonable cash reserves due to being frugal and fiscally responsible.

Motion by John R., second by Aggie M., to accept the Fiscal Year 2010 Minturn Financial Audit as presented; all voted in favor.

EXECUTIVE SESSION

10. Executive Session – Pursuant to CRS 24-6-402(4)(a) for the purpose of discussing the possible purchase from the USFS Land the property commonly known as the Boneyard – White/Christensen

Motion by John B., second by Shelley B., to convene in Executive Session pursuant to CRS 24-6-402(4)(a) for the purpose of discussing the possible purchase from the USFS Land the property commonly known as the Boneyard; all voted in favor.

The Council reconvened in general session at 8:52. Council did not make any formal decision as a result of the Executive Session but directed Staff to continue to pursue open space funding.

FUTURE AGENDA ITEMS

11. Next Meeting – July 6, 2011 (Official Meeting start time 6:30pm) Make postings of this around town.

- Discussion/Action – Ordinance 8 – 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana – Move to July 20 Worksession
- Work Session - Discussion re: Holy Cross Franchise Agreement – White (45min)
- Work Session - Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci
- Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci This is at the 2nd meeting.

12. Future Meeting

- 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)
- Discussion/Action – Ordinance 8 – 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana

13. Set Future Meeting Dates

a) Council Meetings:

- July 6, 2011
- July 20, 2011

b) Planning & Zoning Commission Meetings:

- June 22, 2011
 - July 13, 2011
- c) Other Dates:
- June 18, 2011 1st Day of Minturn Market
 - June 22-24 CML Annual Conference/Vail
 - Minturn Independence Day Celebration – July 2, 2011

14. Adjournment

Motion by Jerry B., second by Aggie M., to adjourn the meeting at 8:53pm. All voted in favor.



Mayor *PRO TEM*

ATTEST:



Town Clerk, Jay Brunvand

