



**Official Minutes**

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

**Wednesday July 20, 2011**

**Work Session – 5:00pm**  
**Regular Session – 6:30pm**

**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

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 3:00 p.m., Monday through Friday, excluding holidays.

**Work Session – 5:00pm**

- Work Session Review: Discussion/Action – Ordinance 9 – 2011 (\_\_\_\_ Reading) an Ordinance allowing the sale of Medical Marijuana (45min)

*(Note: although no decision was made on this item, it was reviewed in full with Town Council and staff was directed to finalize the ordinance and then bring it back in January 2012 for review and consideration.)*

- Work Session Review: Discussion/Action – Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci (30min)

**Regular Session – 6:30pm**

1. **Call to Order**
  - a. Roll Call

b. Pledge of Allegiance

The meeting was called to order by Mayor Hawkeye Flaherty at 6:35 pm.

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

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

**2. Approval of Agenda**

a. Items to be Pulled or Added

- Request to add item 12a to the agenda, to address the appointment of a CML policy committee person.

Motion by John R., second by Aggie M., to approve the agenda as amended; all voted in favor.

**3. Approval of Minutes and Action Report**

- July 6, 2011
- Action Item Report

Motion by George B., second by Jerry B., to approve the minutes as presented; all voted in favor.  
(*Note: Council member Bellm abstained as she was absent from the July 6, 2011 meeting.*)

Request from Council to add the following to the action report: amounts of money to be spent on street repairs and sidewalk repairs and the timeline for those accomplishments and an update on the accomplishments on the streetscape plan.

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

**5. Special Presentations/Citizen Recognition**

- Mr. Daniel Chisholm (not present)

**6. Planning Department Update**

**07.13.11 Planning Commission Meeting Update**

The Planning Commission met on 7.13.11 to discuss the following topics:

- Design Review Board procedures
- Open Space requirements
- Sidewalk installation requirements

The Commission finalized the language for the new DRB procedures. This will be presented to the Council as a code amendment at an upcoming meeting.

Sidewalks in south Minturn were also discussed at the meeting. The Commission would like to have a joint work session with the Town Council in September to discuss a comprehensive plan to address the issue.

### **251 Main Street**

The mobile home at 251 Main Street was removed to accommodate the construction of a single family home. Due to unforeseen circumstances, building plans have yet to be submitted and the project has been placed on a temporary hold.

As mentioned at the July 6, 2011 Council meeting, the mobile home was relocated to the Quintana property in South Minturn with the intention of utilizing the unit for a residence. Staff has informed the Quintanas that is not permissible under the Municipal Code and International Building Code and that the mobile home must be removed from the property by August 26, 2011.

### **Upcoming Project**

An application has been submitted for a variance to construct a detached garage at 1688 Main Street. This item is anticipated to be the subject of a Town Council public hearing in August.

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

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

The XCEL Pipeline Project from Edwards to Minturn will return to Minturn sometime in the next two weeks once the gas line section at Dowd Junction from Eagle Vail reaches the Minturn Dowd Junction area. XCEL plans to work six days, twelve hour days from 7am to 7pm. XCEL was made aware of Minturn's Saturday weekly market and also was informed about the upcoming bike race events on July 30<sup>th</sup> and August 6<sup>th</sup>. XCEL is replacing 6" and 12" existing lines with a new 16" line. The Minturn section should take two to three weeks to complete per Jimmy Smith, project manager. Overall project completion is set for September 15, 2011. With any questions, please call XCEL at 1-877-481-6380.

### **Battle Mountain Update**

Most of the issues discussed currently involve pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. Mr. Dave Kleinkopf had requested that we restart our committee meetings. We convened the committee on Tuesday, July 12, 2011. Councilmembers Earle Bidez, and Shelley Bellm represented the Town Council. The Town Manager and the Town Attorney also participated.

### **Signage**

Plans for signage at the south end of Minturn are in progress. In addition, we are looking at signage for the entrance to Little Beach Park. We will be working on access agreements or easements needed for both signs.

### **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.

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

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinance are currently planned on July 20th and August 3, 2011.

#### **Park Update**

Little Beach Park has had twelve solar lights installed along walking paths to improve visibility following the Saturday night movies. An additional porta-potty has been brought to the park. Public Works staff has been assigned to clean the park every morning beginning at 7am.

#### **Bone Yard Parcel**

On Monday evening, July 11, 2011, the Town staff made a preliminary presentation to the Eagle County Open Space Advisory Committee (OSAC) on the prospective request for funding to purchase the Bone Yard property. Toby Sprunk, new director for Eagle County's Open Lands Program, has been asked to arrange a site tour for the committee. We have also requested to be on the next agenda in August to formally request funding. We received very supportive commentary from committee members. The one predominant request was to secure funding from other partners.

On Tuesday, July 12, we met with Battle Mountain CEO, Dave Kleinkopf, and raised the issue of the Bone Yard purchase and the OSAC expressed concerns that the Town secure other funding partners.

The USFS is requesting an offer acceptance letter by July 22, 2011. In the letter, the USFS is further requesting language that outlines how the Town intends to secure funds for this transaction by September 8, 2011.

#### **Minturn Community Garden**

I will be meeting with representatives of the Minturn Community Fund to discuss possible locations and plans to begin a Minturn Community Garden. Though the growing season is relatively short here in the mountains, we will consider what types of plants to begin this endeavor. A location has not yet been selected.

#### **Movies in the Park**

Last week's movie, **School of Rock**, was postponed due to inclement weather. The plan is to show the movie instead on Saturday, July 16<sup>th</sup> at dusk.

#### **Concert Series at Little Beach Park**

The 2nd Annual Concert Series at Little Beach Park began July 7, 2011 at Little Beach Park from 6pm-8pm. Many thanks to all the volunteers who have collaborated to raise funds, secure quality music, and cover all the planning and logistics required for such events to be successful.

Special thanks are extended to Terry and Jeff Armistead, Chris Alexander, Chris Cerimele, Michelle Metteer, Lisa Osborne, Chief Martinez, and to several others.

#### **8. Town Council Comments**

John R. reminded everyone that the bears are out and to please have garbage cans secured properly.

George B. also attended the Open Space meeting and felt Minturn was well received. He was also at the ECO meetings.

### **PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

#### **9. Discussion/Action – Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci (Meeting 15min)**

The Mayor referred the discussion to Chris C. and Chuck Lanci, Building Inspector. Chris C. and Chuck L. summarized the issues and answered questions, advised Council that the International Energy Conservation Code is for both residential and commercial properties.

Mr. Richard Brinkley, Holy Cross Energy, 3799 HWY 82, Glenwood Springs, discussed that the International Energy Conservation Code is more about energy conservation than economic savings.

Motion by Shelley B., second by Jerry B., to approve Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended; motion passed 5-2 with John R. and Hawkeye F. nay.

#### **10. Discussion/Action – Ordinance 11 – 2011 (First Reading) Holy Cross Franchise Agreement – White (30min)**

Motion by George B., second by John R., to approve Ordinance 11 – 2011 (First Reading) as amended (review of contract in ten years) Holy Cross Franchise Agreement; all voted in favor.

#### **11. Discussion/Action – Ordinance 10 - 2011 (First Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn – Cerimele (15min)**

Mr. Onie Bolduk, Representative, Minturn Townhomes, addressed the berm and drainage issues at the Townhomes location and moving forward these concerns are to be rectified through improvements and annual inspections and maintenance of the soils and the overall property. He stated the berm is to run along the back (east side) of the property in order to catch the water from the hill side and more thoroughly divert it from the back of the property and then into an existing storm drain system along the north side of the property between the Minturn Towne

Homes property and the property to the immediate north but on the Minturn Towne Homes property.

Request by Council for a work session and site visit August 3, 2011 at the Minturn Townhome property location. Notification to surrounding neighbors was requested. More information regarding the liner, the re-vegetation plan, and adding a maintenance clause to the ordinance were all part of the discussion.

Motion by Jerry B., second by George B., to approve Ordinance 10 - 2011 (First Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn; motion passed 4-3 with John R, Aggie M, and Shelley B. nay).

**12. Discussion/Action – Update and discussion regarding the River View Cemetery – White (10min)**

The Council was updated on a request from the Riverview Cemetery District to drill and erect a water well and vault sewage system on the cemetery property. This project would enable the Town to connect the existing Public Works Facility (810 Cemetery Rd) to a potable water and sewage system that would provide service year around. Council directed staff to ensure all necessary state and local approvals are provided in writing and that the Town received copies.

**12a. Action/Discussion- Acknowledging a primary representative for the CML policy committee.**

Motion by Jerry B., second by Aggie M., to appoint the Mayor as the CML Policy Committee representative, and Town Manager, Jim White as the alternate; all voted in favor.

**EXECUTIVE SESSION**

**13. Executive Session – Pursuant to CRS 24-6-402(4)(a) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the USFS Boneyard property 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, water right issues, and EPA update – White/Christensen**

Motion by Shelley B., second by Aggie M., to convene into executive session pursuant to CRS 24-6-402(4)(a) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the USFS Boneyard property 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, water right issues, and EPA update. All voted in favor.

Following the executive session, the Town environmental attorney was directed to request a copy of the CBS water treatment plant annual audit; the Town Manager was directed to send a letter to the USFS and to have meetings with Vail and Avon managers; and the Town water attorney was asked to clarify legal processes related to annexation agreements.

The Executive Session adjourned at 10:37pm.

## FUTURE AGENDA ITEMS

### 14. Next Meeting – August 3, 2011

- Meeting: Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park Area – Cerimele (20min)
- Meeting: Discussion/Action – Ordinance 11 – 2011 (\_\_\_\_ Reading) Holy Cross Franchise Agreement – White (15min) (8/3/11)
- Meeting: Discussion/Action – Ordinance 5 – 2011 (\_\_\_\_ Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci (15min) (8/3/11)
- Work Session- Ordinance 10 - 2011 (First Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn – Cerimele (15min)
- Town Administrator Evaluation

### 15. Future Meeting

- Meeting: Discussion/Action – Ordinance 9 – 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings 45min, NOTE: this will require two readings)
- Discussion/Action – Ordinance \_\_\_\_ – 2012 (\_\_\_\_ Reading) an Ordinance allowing the sale of Medical Marijuana (45min) (1/2012)

### 16. Set Future Meeting Dates

a) Council Meetings:

- August 3, 2011
- August 17, 2011
- September 7, 2011

b) Planning & Zoning Commission Meetings:

- July 27, 2011
- August 10, 2011
- August 24, 2011

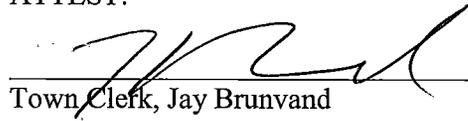
c) Other Dates:

### 17. Adjournment

As there was no further business, Council adjourned at 10:38pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

