



**Official Minutes**

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

**Wednesday August 3, 2011**

**Work Session – 4:45pm**  
**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

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**

- Site Visit: Minturn Towne Homes (**MEET AT INTERSECTION OF TAYLOR ST AND LIONS LANE**) – Cerimele (45min)
- Discussion/update: VSSC Aldo Radamus – White (30min)

**Regular Session – 6:30pm**

1. **Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:34pm.

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

## **2. Approval of Agenda**

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

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

Add section **8b**, VSSC Update - Aldo Radamus.

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

- July 20, 2011

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

- July 25, 2011 Special Meeting

Motion by Shelley B., second by George B., to approve the minutes of the Special Meeting July 25, 2011; all voted in favor.

- Action Item Report

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

Chief Lorenzo Martinez, Town of Minturn Police Department, hosted the first annual National night Out on August 2, 2011. 37 softball players and additional children in attendance had a great time. Special thanks to those who helped in the preparation of the evenings festivities.

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

## **6. Planning Department Update**

### **07.27.11 Planning Commission Meeting Update**

The 7.27.11 Planning Commission meeting was cancelled due to the property owner at 1688 Main Street withdrawing their variance application.

### **Community Wildfire Protection Plan**

The Eagle River Fire Protection District is funding a program to create a Community Wildfire Protection Plan. A team of consultants in conjunction with fire district personnel will assess the wildfire danger within the fire district and make recommendations to mitigate the danger. Staff

attended the kick-off meeting for this planning effort last week in Edwards. Further information will be provided as the planning effort proceeds.

## **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 week or so 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 event on August 6<sup>th</sup>. 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.

### **Signage**

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

### **Maloit Park Water Tank**

Inspection of the Maloit Park water tank determined the need to make repairs. Public Works has secured two bids for the job. The plan would be to complete restoration of both the inside and outside of the tank. I met with a representative from the School District to discuss repairs and payment arrangements on this and other projects in Maloit Park.

### **Bone Yard Parcel**

On Monday evening, August 8, 2011, the Town staff will make a formal presentation to the Eagle County Open Space Advisory Committee (OSAC) on the request for funding to purchase the Bone Yard property in Minturn. Toby Sprunk, new director for Eagle County's Open Lands Program, has been asked to arrange a site tour for the committee. We received very supportive commentary from committee members. The one predominant request was to secure funding from other partners. Meetings were held with the managers of the Towns of Vail and Avon. The USFS closing deadline for this transaction is September 8, 2011.

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

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. 2<sup>nd</sup> reading of the ordinance is planned at tonight's meeting.

### **Sidewalk Replacement Plan**

Staff has completed two sidewalk projects already this summer and is slated to complete another this week. E are also in the process of compiling a report for Town Council to be delivered at the September 7, 2011 Town Council meeting.

### **Battle Mountain Update**

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement.

### **Budget Calendar**

The budget calendar is included in your packet for this evening's meeting. I will provide a brief review for planning purposes and to answer any preliminary questions Town Council may have.

### **Eagle County Airport Planning Meeting**

The latest airport planning meeting was held yesterday in the Eagle County offices in Eagle, CO.

### **Lifetime Achievement Award**

On August 1<sup>st</sup>, I travelled to the City of Arvada to present the first "Lifetime Achievement Award" to Craig Kocian, City Manager. He was awarded this honor by the Colorado City and County Managers' Association. I serve as president-elect of that organization and will become president in February 2012 at the annual conference.

### **Vacation**

My wife and I will be away on vacation from August 15 through August 25<sup>th</sup>.

## **8. Town Council Comments**

Shelley B., thanked the Minturn Community Fund and Missoula's Children's Theater for the wonderful performance at Little Beach Park over the July 30<sup>th</sup> weekend.

Request to review The Magusto's signage to ensure the Town's dark sky lighting ordinance is in compliance.

John R., thanked all those involved in making the National Night Out event such a success.

Aggie M., commented that the Minturn Market dog population is growing and to be sure to take adequate steps to ensure the safety of children and other pets.

Jerry B., attended the Airport Review meeting and provided an update of the progress being made.

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

### **8b. Discussion/Action – Vail Ski and Snowboard club (VSSC) update.**

Mr. Aldo Radamus, Representative for VSSC, presented potential options for a training facility in conjunction with use by the public. He requested feedback from the Council within 4 to 8 weeks.

**9. Discussion/Action – Ordinance 5 – 2011 (Second Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci**

Motion by Shelley B., second by Jerry B., to approve Ordinance 5 – 2011 (Second Reading) an Ordinance adopting the 2009 IBC as presented. Motion passed. (John R, Aggie M, & Hawkeye F, nay).

**10. Discussion/Action – Ordinance 11 – 2011 (Second Reading) Holy Cross Franchise Agreement – White**

Motion by George B., second by Shelley B., to approve Ordinance 11 (Second Reading) Holy Cross Franchise Agreement as presented; all voted in favor.

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

Mr. Buzz Reynolds, Reynolds Corp, Representative of the Townhome Management Company discussed the need to improve drainage and that the existing system is not adequate to support the water flow.

Mr. Tom Marcin, Engineer, expressed the attempt to divert the water before it gets to the drainage system.

Mr. Anthony Martinez, 232 Taylor St, opposes the engineering of a berm on Taylor St due to the scar that will be left.

Ms. Sandra Smaller, 210 Taylor St, recommends clearing the current drainage system before starting any new/alternate drainage systems.

Ms. Sandra Crucia, Property Manager with Bold Real Estate Solutions, suggested that even with the clearing of the current drainage system, the drainage problem will still exist.

Request by Council to have the original engineering reviewed and determine how, if a well maintained system will not work, a solution can be reached.

Motion by Jerry B., second by George B., to table Ordinance 10 – 2011 (Second Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Townhomes and the Town of Minturn, to September 7, 2011; Motion passed 6-1 (Shelley B., nay).

## EXECUTIVE SESSION

**12. 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 John R., second by Aggie M to convene into Executive Session 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.

The following direction was give to Staff as a result of the Executive Session:

- Continue negotiations with Battle Mountain developer
- Town Manager to set up another committee meeting with Battle Mountain
- Pursue Bone Yard Funding through Eagle County OSAC committee
- Confirm Wendy Naugle/CDPHE attendance at August 17th meeting

## FUTURE AGENDA ITEMS

**13. Next Meeting – August 17, 2011**

- Meeting: Discussion/Action – Ms. Wendy Naugle of the Colorado Dept of Public Health and Environment
- Executive Session – Town Administrator preliminary review
- Invite Inga Causey, Prosecuting Attorney to August 17<sup>th</sup> meeting

**14. Future Meeting**

- Town Administrator annual evaluation
- Worksession: Discussion/update: Water Quality Control Professionals – White (30min) (09/07/11)
- 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 9 – 2011 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings)

- Worksession: Request from the Planning Commission for a work session time during September with the Council to determine a sidewalk master plan.

**15. Set Future Meeting Dates**

a) Council Meetings:

- August 17, 2011
- September 7, 2011
- September 21, 2011

b) Planning & Zoning Commission Meetings:

- August 10, 2011
- August 24, 2011
- September 14, 2011

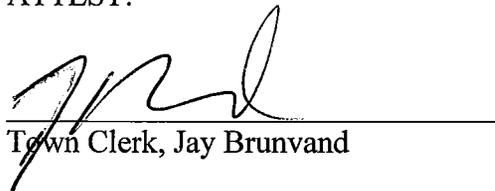
c) Other Dates:

**16. Adjournment**

Motion by Jerry B., second by John R., to adjourn the meeting at 9:43pm. All voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

