



## **Official Minutes**

### **MEETING OF THE MINTURN TOWN COUNCIL**

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

**Wednesday September 21, 2011**

**Work Session – 6:00pm  
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**

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**

- Work Session – Millie Hamner, House of Representatives, District 56 – White (20min)

### **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 6:30 pm.

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

Staff present: Town Manager 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. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

Add Kayak presentation to Special Presentations sections.

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

- September 7, 2011
- Action Item Report

Motion by Shelley B., second by John R., to approve the minutes as presented; all voted in favor.

## **4. Liquor License Authority**

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min)

Motion by George B, second by Aggie M, to approve Mile Liquors Annual Renewal of a liquor store License at 341 Main St. All voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

- Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners – Brunvand (10min)

Motion by John R, second by Shelley B, to approve Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum. All voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

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

Michael Gallagher, 475 Pine St, Representative, Board of Directors Eagle River Fire Protection District is available to answer questions regarding ballot question 5A on the mail-in ballot this Fall. He recommends approval of ballot question 5A.

Charlie Moore, acting as Private Citizen, Edwards resident, answered questions ranging from impact fees to staffing levels

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

Andy Kaufman, Minturn Saloon 146 N Main Street addressed the interest for a kayak and raft course in Town on the Eagle River. There is significant support from the rafting and kayak

communities which have been working with Town Staff to review the options for a course in Minturn. The Minturn Community Fund would lend organizational, fundraising and marketing support to the event on a yearly basis.

Chris Reeder (0366 Luxberg Lane, Eagle Vail) and Mike Reed (60 Beecher St, Eagle), US National Kayak Team and Minturn Business Owners (Timberline Tours) were asked to design a course. Diagrams were provided for review. This type of course is currently not available in Eagle County.

Post features of the course would be removed seasonally. Tim Boyle, Engineer, has been retained to design the post and sleeve aspects of the course.

Chris C, indicated this course would not alter the channel or the flow of the river and therefore does not require a permit for the river.

This course is currently designed to be built to international race standards.

Hawkeye F, expressed concerns regarding the danger of the bridge and parking issues at the put-in location. He requested a liability waiver for the course if this project moves forward. He also requested proof of approval from the Railroad and the highway for right-of-way use.

Andy Kaufman assured that the insurance companies of the Community Fund and the kayak race series will cover the necessary liabilities.

All staffing needs for the course will be handled by the Minturn Community Fund.

Michael Gallagher, 475 Pine St, reminded the Council that parking issues can be overcome by following the same model being used by the Minturn Market.

## **7. Planning Department Update**

### **Planning Commission Meeting Update**

The Planning Commission met on 9/14/2011 to hear a design review application for a single family residence at 272 Main Street. The application was unanimously approved by the Planning Commission. As this property is a previously undeveloped lot, the Town will receive a \$6,500 payment for a new water tap along with the applicable building permit fees.

### **251 Main Street**

The applicant for the single family residence that was approved by the Planning Commission in March of this year has submitted an application for a building permit along with construction drawings for the project. The Building Inspector is currently reviewing the plans and the building permit is expected to be issued the week of September 19<sup>th</sup>. Construction on the site is anticipated to begin by the end of the month.

### **Nuisance Enforcement**

Several residents were recently sent violation notices informing each respective property owner that nuisance ordinance violations existed at their properties. Staff has requested that each property owner show demonstrated progress towards cleaning up their properties prior to the onset of winter with a goal of full compliance by the time of the annual spring cleanup.

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

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

The XCEL Pipeline Project from Edwards to Minturn continues. Concerns have been addressed about the excavation done on the hillside on the north end of Town. Jimmy Smith is project manager. Overall project completion has been extended and is currently set for September 27, 2011. With any questions, please call XCEL at 1-877-481-6380.

#### **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 have negotiated with the School District to have them pay for the repairs per a 1964 Agreement between the Town and the School District. We will create a Memorandum of Understanding (MOU) to secure full payment over a four year period. Universal Coatings has been selected to do the work and has been given a notice to proceed.

#### **CDOT Highway Maintenance Agreement**

Last week, CDOT sent a revised annual contract for maintenance on Highway 24 through Minturn. The annual costs did not change/ \$27,000 annually. Additionally, I requested repairs in several areas where our storm drainage and catch basins are deteriorated. A letter will be prepared and sent to document the areas where repairs by CDOT are most needed.

#### **Vail Valley Theater Company**

The Vail Valley Theater Company is tentatively planning to present the Rocky Horror Picture Show in Minturn on October 21, 22, 28, and 29, 2011. We are working to find partners to help sponsor this event.

#### **I-70 Mountain Corridor Mobility and Operational Assessment**

The I-70 Assessment has been completed and a lengthy document prepared. It is dated August 2011. It summarizes a week long workshops focused on improving traffic operations and mobility on the I-70 Mountain Corridor through potential low cost and no cost options.

#### **Battle Mountain Update**

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. Our committee met on August 9, 2011, and again on August 30, 2011. The meeting scheduled for September 13, 2011 was postponed to a future date. I visited the upper mountain site on Thursday, September 15<sup>th</sup> with Mike Jackson.

### **Drainage Issue 491 Main Street**

Steve Humann, TST engineer representing the Town of Minturn, visited a property in Minturn to address drainage issues. His recommendations are included following this report.

### **Budget Calendar**

The budget review at the Town Council level will begin at the October 5, 2011 meeting. Much preliminary discussion at the staff level began earlier this summer.

### **Radio Tower Site**

I received a call from an individual named Kevin Bakko on Thursday morning, September 15, 2011 inquiring about being on a future Town Council agenda to discuss the Radio Tower site. He has been scheduled on the October 19<sup>th</sup>, 2011 agenda.

## **9. Town Council Comments**

The Mayor asked if the patch of thistles north of the Railroad property, can be removed by the property owner.

Shelley B, asked if the State has any Pine Beetle mitigation funding available to clear out some of the hazardous and decayed trees south of Town.

The Mayor asked if the pothole on Pine St by the Fire Station will be repaired more than the millings that currently fill the hole.

John R, indicated that thistle are in bloom right now and the seeds will remain in the soil for approximately 20 years. This scenario will worsen year after year until addressed. Homeowners can buy herbicides at stores like Home Depot to control this. Early in the season was recommended.

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

### **10. 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 (15min)**

Motion by John R, second by Shelley B, to table Ordinance 10 – 2011 (Second Reading) to October 5, 2011, an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn.

Direction from council for the Towne Homes representatives to provide proof that the culverts, catch basins and settling ponds have been cleaned and maintained before the Towne Homes representatives return to address Council.

## EXECUTIVE SESSION

**11. Executive Session –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 John R, to convene into Executive Session 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, Radio Tower Update, water right issues, and EPA update. All voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

**12. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

## FUTURE AGENDA ITEMS

**13. Next Meeting – October 5, 2011**

- Work Session – 2012 Goal Setting – White (30min) 10/5/11
- Work Session - FY2012 Budget Review – Brunvand/White (45min) 10/5/11
- Discussion/Action – Council Action Item to formally accept the FY2012 Budget – Brunvand/White 10/5/11 (10min)
- Special Presentation - Special Events Winter update.

**14. Future Meeting**

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan.
- Worksession: FY2012 Budget Work Session Retreat – Brunvand/White 10/19/11 (45min)
- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White 11/2/11 (45min)
- Meeting: Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2012 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2012 Budget Ordinances – Brunvand/White 12/7/11 (15min)
- 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)
- Kevin Bakko, Radio Tower – 10/19/2011

**15. Set Future Meeting Dates**

a) Council Meetings:

- October 5, 2011
- October 19, 2011
- November 2, 2011

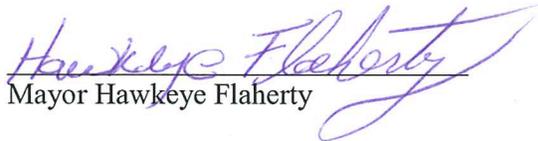
b) Planning & Zoning Commission Meetings:

- September 28, 2011
- October 12, 2011
- October 26, 2011

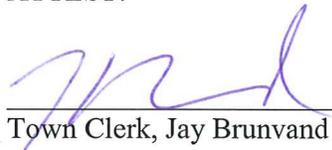
c) Other Dates:

**16. Adjournment**

As there was no further business, the meeting stood adjourned. (Note: Earle B., and Jerry B., were absent excused.)

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

