



Official Minutes

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

Wednesday October 19, 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

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 – 5:00pm

Please remember to bring your FY2012 Budget Book

- Work Session: FY2012 Budget Work Session Retreat – Brunvand/White (45min)
- Work Session: Request to vacate public land – White (30min)
- Work Session: Kevin Bakko, Radio Tower – 10/19/2011 (15min)

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 6:31pm.

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

Request to add Greg Sherman to Special Presentations for a debriefing on the solar panel system outside of the local Shop and Hop. (John Rosenfeld, absent, excused).

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

3. Approval of Minutes and Action Report

- October 5, 2011
- Action Item Report

Motion by George B., second by Shelley B., to approve the minutes as presented; all voted in favor. (John Rosenfeld, absent, excused).

4. Liquor License Authority

- Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Tamberino, Manager – Brunvand (10min)

Motion by Shelley B., second by Aggie M., to approve the Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; (John Rosenfeld, absent, excused).

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

Ms. Tessa Kirschner, Citizens for Eagle County Schools, asks for voter support on Eagle County ballot issue 3B this November.

6. Special Presentations/Citizen Recognition

- Eagle River Water and Sanitation District – South Minturn Sewer Easement, Leslie Eisom, 86 Forest Rd, Vail CO.

Ms. Becky Peterson, ERWSD, provided an overview of the proposed easement program.

Mr. Greg Sherman, Western Environment Ecology, provided an update regarding the reported release of a gasoline spill, of up to 1000 gallons, in July 2008 at the Shop and Hop in Minturn.

Request by the Council to request the presence of a County Health Inspector at an upcoming Town Council meeting for questions and answers regard this issue.

7. Planning Department Update

Planning Commission Meeting Update

The Planning Commission met on 10/12/11 to discuss open space requirements for planned unit developments and subdivisions. A reduction in the rear setback was also discussed for homeowners wishing to construct a detached garage. The intent of this amendment is to alleviate on-street parking by providing residents with greater flexibility to construct a detached garage. All other zoning requirements will remain in place.

Construction Update

- 251 Main Street.
 - a. The home owner had experienced delays with the utility company shutting off the gas to the property. This work was recently completed and excavation for the foundation is expected to occur the week of October 17th.
- 282 Main Street.
 - a. The footers for this single-family home were poured during the week of October 10th and the foundation is expected to be poured late in the week of October 17th. The framing of the home will follow shortly after. Per the Town's requirements, the foundation will be surveyed to ensure that it was poured in the proper place and not within the required setbacks.
- 221 and 601 Main Street
 - Construction on these two homes is expected to conclude prior to the end of the year.

Minturn Towne Homes

Several provisions were added to the revocable license agreement for the MTH. These include excavating the retention pond prior to the start of the drainage improvement project and annual maintenance obligations on all of the disturbed areas.

8. Town Manager's Report

Maloit Park Water Tank

The exterior painting has been completed. The Town and the School District are collaborating to complete a Memorandum of Understanding (MOU) to secure payment arrangements over a three year period. Universal Coatings completed the work on the exterior this fall. In the spring of 2012, we will set up a temporary tank, drain the Maloit Park tank, and sandblast, restore and paint the interior of the tank. We are also securing bids for fencing around the tank and around our solar unit at that site.

Vail Valley Theater Company

The Vail Valley Theater Company is presenting the Rocky Horror Picture Show. I just learned that the venue was moved from VSSA in Minturn to Homestake Peak School in Eagle Vail. The

live theatrical performance will take place on Friday and Saturday October 21 & 22, and October 28, and 29, 2011. Show time is 8pm all nights with an additional 11pm show on the last night.

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 Town Council is considering a proposal made by Battle Mountain regarding the potential release of escrow funds. We will request another subcommittee following tonight's Town Council meeting.

Radio Tower Site

No further contact has been received to date from Kevin Bakko. He had inquired on September 15, 2011 about being on a future Town Council agenda to discuss the Radio Tower site. He had tentatively been scheduled on tonight's agenda.

Minturn Hosted the CML District 12 Meeting

The Town of Minturn hosted the Colorado Municipal League District 12 meeting last night, Thursday October 20th, 2011. Special thanks to Jay Brunvand and Michelle Metteer for all the work put into planning for this very successful event.

Minturn Community Fund Annual Fundraiser

The Minturn Community Fund Annual Fundraiser will be held on Friday evening, October 28, 2011 at the Minturn Saloon. More details will be available soon.

Minturn Fall Storefront Decorating Contest

Fourteen businesses are participating in the Fall Storefront Decorating Contest. Shop or dine in Minturn and cast your vote for your favorite festive storefront! You can vote at www.minturncommunityfund.org or at www.downtownminturn.com. You can also vote inside participating stores. The contest ends November 1, 2011.

XCEL Natural Gas Pipeline Project Continues!

The XCEL Pipeline Project from Edwards to Minturn continues. Jimmy Smith is project manager. Overall project completion has been extended and is currently set for some time in the month of November 2011. With any questions, please call XCEL at 1-877-481-6380.

Light Up "Welcome to Minturn" Entryway Sign(s)!

Solar lighting for the north entryway sign is about to be ordered and installation planned this fall.

Minturn Winter Markets

That's right! Markets! We will have two winter markets this year on Saturday, **December 10th** and Saturday, **December 17th**. Stay tuned for further details.

Planning for Another Bonfire

Staff is already planning a Saturday, **January 7, 2012** bonfire to burn Christmas trees that can be gathered throughout Minturn. Hot cider and hot chocolate may be added and maybe some snacks and more marshmallows!

Ski Joring

The Town of Minturn will be holding this new event on old Minturn Road on Saturday and Sunday January 14th and 15th, 2012.

9. Town Council Comments

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action: Resolution 7 – 2011 a Resolution to assign portions of all governmental fund balances by adopting Governmental Accounting Standards Board standard 54 – Brunvand (15min)

Motion by Jerry B., second by Shelley B., to approve Resolution 7 – 2011 a Resolution to assign portions of all governmental fund balances by adopting Governmental Accounting Standards Board standard 54. All voted in favor. (John R., absent excused).

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 George B., to convene at 9:20pm 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, water right issues, and EPA update. All voted in favor. (John R., absent excused).

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

- Continue Battle Mountain Resort negotiations

Motion by Jerry B., second by Aggie M., to authorize the Mayor to sign the Manager's employment agreement as amended; all voted in favor. (John R., absent, excused)

FUTURE AGENDA ITEMS

13. Next Meeting – November 2, 2011

- Work session: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. Schedule for December 7, 2011.

- Work session: Budget question and answer session
- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White 11/2/11 (45min)

14. Future Meeting

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2012 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2nd 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)

15. Set Future Meeting Dates

a) Council Meetings:

- November 2, 2011
- November 16, 2011
- December 7, 2011

b) Planning & Zoning Commission Meetings:

- October 26, 2011
- November 9, 2011
- November 23, 2011

c) Other Dates:

16. Adjournment

Motion by George B., second by Shelley B., to adjourn at 9:23pm. All voted in favor. (John R., absent, excused)


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

