



**OFFICIAL MINUTES**

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

**Wednesday November 2, 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**

- 2012 Council Goal Setting Discussion/Confirmation – White (15min)
- Work Session: FY2012 Budget question and answer session Retreat – Brunvand/White (60min)

**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 6:38 pm.

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

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 George B., second by John R., to approve the agenda as presented; all voted in favor.

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

- October 19, 2011
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the minutes as presented; all voted in favor. (Note: John R. abstained as he was not present at the Oct 19 meeting)

**4. Public comments on items, which are NOT on the agenda (5 minute time limit per person) None**

**5. Special Presentations/Citizen Recognition N/A**

**6. Planning Department Update**

**Active Building Projects** – The following is a status update on existing building projects within town.

- 221 Main Street.
  - Single Family Home. The major construction phase has been completed. The homeowner is awaiting a final building inspection.
- 251 Main Street.
  - Single Family Home. Excavation for the foundation has commenced.
- 282 Main Street.
  - Single Family Home. The foundation walls have been poured. Framing is expected to commence the week of October 31<sup>st</sup>.
- 601 Main Street.
  - Single Family Home. The major construction phase has been completed. The homeowner is awaiting a final building inspection.
- 464 Eagle River Street.
  - Single Family Home. The major construction phase has been completed. The homeowner is awaiting a final building inspection.

- 525 Pine Street.
  - Single Family Home. The major construction phase has been completed. The homeowner is awaiting a final building inspection.
- 1688 Main Street.
  - Detached garage. Framing has been completed and work on the interior is progressing.

#### **Future Planning Department Projects**

- 2009 Community Plan and Future Land Use Map Update
- Revisions to the parking requirements
- Planning website update

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

##### **Hockey in Minturn?**

The Town of Minturn is working with Andy Clark and the Vail Ski and Snowboard Academy and with the Vail Ski and Snowboard Club in tandem with Eagle School District to explore the possibility of bringing hockey to Minturn this winter.

##### **Battle Mountain Update**

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. The Town Council is considering a proposal made by Battle Mountain regarding the potential release of escrow funds. Our subcommittee met on August 9, 2011, and again on August 30, 2011, and again on October 27, 2011. The Town Council will receive an update tonight.

##### **Minturn Hosted the CML District 12 Meeting**

The Town of Minturn hosted the Colorado Municipal League District 12 meeting on Thursday October 20<sup>th</sup>, 2011. Special thanks to Jay Brunvand and Michelle Metteer for all the work put into planning for this very successful event. Our Mayor did an excellent job in facilitating the meeting!

##### **Minturn Meeting with CDOT**

Chris Cerimele and I attended a meeting at CDOT with Martha Miller, Karen Berdoulay, and Brian Killian. We discussed future planning, right of way issues, Dowd Junction and other Minturn issues. Brian Killian agreed to visit to do a walkthrough to help determine current and future needs.

##### **File Review at Department of Labor**

Follow up on the incident that occurred three years ago was made by going to Denver to the office of the Department of Labor and reviewing the entire file related to the event. A more thorough explanation will be provided at the meeting (see attachment).

##### **Minturn Fall Storefront Decorating Contest**

The Fall Storefront Decorating Contest deadline was yesterday. And the winner is:

### **Halloween Celebration**

Sunday night, October 30, 2011, 5:30pm to 8:30pm/Minturn Halloween Celebration.

### **Cemetery/Town Working Together**

As the cemetery works on installing its new well for a water supply and on its holding tank (vault) for its sewage, the Town and the cemetery have teamed up to connect these utilities to the Town's Public Works facility. The Town will have use of the same well water as the cemetery and use of the holding tank.

### **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.

### **Minturn Winter Markets**

That's right! Markets! We will have two winter markets this year on Saturday, **December 10<sup>th</sup>** and Saturday, **December 17<sup>th</sup>**. 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 14<sup>th</sup> and 15<sup>th</sup>, 2012.**

## **8. Town Council Comments**

John R. thanked all the members of the community for a great Halloween. He also thanked those that participated in the sidewalk renewal program this past year, and noted that the improvements are making a difference. Special thanks to Town Staff and Town Council for the level of support following his father's passing.

George B. made note that the ECO Bus Transit System updated schedule is available.

The Minturn Community Fund is holding open auditions for the "Mutts of Minturn" calendar. Photos will be taken from 10:00am to 12:00pm Saturday, Nov 5<sup>th</sup> at the Minturn Town Hall lobby.

Mayor Hawkeye F, reminded residents and business owners that the winter parking schedule is now in effect, as of November 1, 2011. Please contact the Minturn Police Dept with any questions.

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

9. **Discussion/Action: 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White (45min)**
- c. General comments
  - d. Community Funding Request presentations
    - i. Radio Free Minturn – David Eickholt
  - e. Council Q & A

Mr. David Eickholt, Pres, Radio Free Minturn, thanked the Town of Minturn for its support over the past year and presented Radio Free Minturn's request for funding in the amount of \$2,000 asking it to be included in the Town's 2012 budget.

Jerry B made note that Town Council is working during the budget season to trim the budget in every area possible.

10. **Discussion/Action: Ordinance 12 – Series 2011 an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012 L. Martinez (10min)**

Motion by George B, second by Shelley B, to table Ordinance 12 – Series 2011 an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012 to November 16, 2011; all voted in favor.

11. **Discussion/Action: Consideration and motion to approve and set 2012 Council Goals – White (10min)**

Direction to staff was to continue work on the development of a recommendation for goals.

**GENERAL IMPROVEMENT DISTRICT**

**12. ADMINISTRATIVE MATTERS**

- Approval of Agenda

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

- Review and approve minutes from the February 2, 2011 GID Board Meeting.

Motion by George B., second by Shelley B., to approve the Feb 2, 2011 minutes as presented; all voted in favor.

### **13. FINANCIAL MATTERS**

- Discuss and consider ratifying appointment of Town Staff to prepare 2011 GID Budget.

Motion by Jerry B., second by Aggie M., to appoint Town staff to prepare the 2012 budget; all voted in favor.

- Discussion/Action – 2011 General Improvement District Budget: Public Hearing and Council Comments.

The Public Hearing was opened by the Chairman.  
Hearing no comment from the public, the Public Hearing was closed.

- Discussion/Action – Consider adoption of Resolution No. 2010-11-01 Resolution to Adopt Budget

Motion by Jerry B., second by Shelley B., to approve Resolution No. 2010-11-01 Resolution to Adopt the Fiscal Year 2012 General Improvement District Budget as presented; all voted in favor.

- Discussion/Action – Resolution No. 2010-11-02 Resolution to Appropriate Sums of Money.

Motion by Shelley B., second by John R., to approve Resolution 2010-11-02 Resolution to appropriate Sums of Money for the Fiscal Year 2012 General Improvement District budget; all voted in favor.

- Discuss and consider appointment of Clifton Gunderson, LLP to prepare and file 2010 Application for Audit Exemption.

Motion by John R., second by Jerry B., to appointment of Clifton Gunderson, LLP to prepare and file the 2011 Application for Audit Exemption; all voted in favor.

Motion by Jerry B., second by Aggie M., to adjourn the meeting of the Minturn GID; all voted in favor.

### **14. LEGAL MATTERS**

### **15. OTHER BUSINESS**

- Discuss meeting dates for 2012
- Future meetings to be scheduled
  - February/March for audit exemption (2/1 or 2/15 or 3/7; Recommend 2/1/12)
  - Meeting in November for 2012 budget approval (Recommend 11/7/12)

Motion by John R., second by Shelley B., to set future meeting dates of February 1 and November 7, 2012 for hearings regarding the Minturn GID; all voted in favor

**16. ADJOURNMENT (AS GID AND RECONVENE AS TOWN COUNCIL)**

**EXECUTIVE SESSION**

**17. 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 in 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.

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

Executive Session ended at 8:44pm. Town Council reconvened. Direction given to staff to continue with Battle Mountain negotiations and for the Town Manager to schedule another subcommittee meeting with Town Council representatives and Battle Mountain.

**FUTURE AGENDA ITEMS**

**19. Next Meeting – November 16, 2011**

- Work Session: FY2012 Budget question and answer session Retreat – Brunvand/White (60min)
- Discussion of Town goals
- 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)

**20. Future Meeting**

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 12/7/11
- 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)

**21. Set Future Meeting Dates**

a) Council Meetings:

- November 16, 2011
- December 7, 2011
- December 21, 2011

b) Planning & Zoning Commission Meetings:

- November 9, 2011
- November 23, 2011 (Canceled)
- December 14, 2011

c) Other Dates:

- November 11, 2011 – Town Hall Closed (Veteran's Day)
- November 25, 2011 – Town Hall Closed (Thanksgiving Day)
- November 26, 2011 – Town Hall Closed (Thanksgiving Holiday)

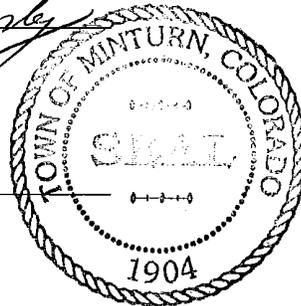
**22. Adjournment**

Motion by George B., second by Aggie M., to adjourn the meeting at 8:45pm. All voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand



**PROCLAMATION**

**A PROCLAMATION OF THE MINTURN TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO IN SUPPORT OF COLORADO GIVES DAY**

**WHEREAS**, charitable giving in the Town of Minturn, Colorado is critical to providing support that local nonprofit organizations need to make our community a desirable place to live; and

**WHEREAS**, research shows an increase in online giving both locally and nationally, and many believe it is the future of philanthropy; and

**WHEREAS**, Community First Foundation and FirstBank have partnered in an effort to increase charitable giving in our community through the online giving initiative Colorado Gives Day; and

**WHEREAS**, the inaugural Colorado Gives Day in 2010 raised \$8.7 million in a single 24-hour period via online donations at GivingFirst.org, a website allowing donors to direct their contributions to one or more of the eleven (11) local, Eagle County, charities featured on the site, making it an ideal resource for facilitating charitable giving to our locally-based nonprofit organizations; and

**WHEREAS**, Colorado Gives Day is December 6 this year, and all citizens are encouraged to participate because all donations, large or small, can make a difference to nonprofits in need.

**NOW, THEREFORE, BE IT PROCLAIMED BY Mayor Hawkeye Flaherty and the Town Council of the Town of Minturn, Colorado that December 6, 2011, will be known as Colorado Gives Day in our community.**

TOWN OF MINTURN

By: Hawkeye Flaherty  
Mayor

ATTEST:

[Signature]  
Town Clerk

