



## **Official Minutes**

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

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

**Wednesday November 16, 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

### **Regular Session – 5:00pm**

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

The meeting was called to order by Mayor Flaherty at 5:00 pm.

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

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

Amend agenda to accommodate Aldo Radamus and any varying arrival times due to scheduling conflicts.

Motion by George B, second by Aggie M, to approve the agenda as amended. All voted in favor. (Note: Shelley Bellm was excused absent)

**EXECUTIVE SESSION**

**3. 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 Jerry 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, water right issues, and EPA update. All voted in favor. (Shelley B absent, excused) Note, Shelly B., will conference call into the Executive Session meeting and then be absent for the rest of the Town Council meeting).

Following the Executive Session the Town Council will recess the Regular Session to hold the Work Session.

**Work Session – 5:15pm**

**Please remember to bring your FY2012 Budget Book**

- Finalization of 2012 Council Goal Setting – White (30min)
- Work Session: FY2012 Budget question and answer session – Brunvand/White (60min)

Following the Work Session, Council will reconvene the Regular Session called to order at 5:00pm. (Note: Shelley B. was excused absent)

**Regular Session – 6:30pm**

Meeting reconvened at 6:40pm.

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

- November 2, 2011
- Action Item Report

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

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

Mr. Frank Lorenti, 1081 Main St, commented that cantilevers should show up on ILC;s, height, and other items requiring more oversight. He also requested to not have more money spent on redundant items such as multiple studies on the street scapes. Mr. Lorenti cited the OZ program as an example of streetscape designs already created for the Town.

**6. Special Presentations/Citizen Recognition**

- Update: VSSC Aldo Radamus – White (30min) (moved to later in the meeting)

Mr. Aldo Radamus, Ski & Snowboard Club Vail, Minturn, CO provided an update regarding land for the performance center.

**7. Planning Department Update**

Chris C. will proceed with code clarification and review regarding eaves and setbacks in relation to the mandatory 5 foot side setbacks.

**8. Town Manager's Report**

**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, August 30, 2011, October 27, 2011 and on November 10, 2011.

**Minturn Receives Victim Assistance and Law Enforcement Grant**

The Town of Minturn Police Department applied for funding from the Victim Assistance and Law Enforcement (V.A.L.E.) Board. We have been informed that we will receive \$1700 from the Victim and Law Enforcement Fund, contingent on funding availability. We will receive the funding in four quarterly installments. We will be responsible to submit narrative reports on April 30, 2012, July 31, 2012, October 31, 2012, and January 31, 2013.

**Minturn Meeting with CDOT**

Brain Killian, CDOT Region 3, came to Minturn to look at Highway 24 in its entirety. We discussed future planning, right of way issues, Dowd Junction and other Minturn issues. Brian agreed to assist in directing the Town to current and future funding sources. He also reviewed our needs and explained processes and timelines we need to meet to be considered for funding.

**File Review at Department of Labor**

Follow up on the incident that occurred three years ago was made by going to Denver on November 1, 2001 to the office of the Department of Labor and reviewing the entire file related

to the event. We have invited representatives from the Department of Labor to attend a Town Council meeting.

### **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.

### **Recycling Earns Money**

The Public Works crew rounded up some old scrap metal again this fall. Just like last year, we secured some additional funding. The results of this year's efforts to date total \$2305! Congratulations!

### **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**.

### **7<sup>th</sup> Copper Triangle Bike Event**

The Town of Minturn will provide an aid station during next year's 7<sup>th</sup> Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. Chief Martinez has worked with race organizers to discuss safety arrangements for this event. The "Event Marketing Group", race sponsor, has the required two million dollar liability insurance policy. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's Disease research). Set up will be at 6:30 am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

### **2012 Budget Preparation**

Special thanks especially to Town Clerk/Treasurer, Jay Brunvand, for his efforts in working on the many iterations of this year's 2012 budget planning. Thanks also to all participating members of our staff.

Request by Town council to cleanup the dirt and rock slide at the "narrows" north entrance to Town before any significant snowfall.

## 9. Town Council Comments

John R. requested staff write a letter to the editor to explain the Halloween traffic experienced in Minturn due to the road closure of I-70, as well as the significantly delayed Xcel Energy roadwork compounding the congestion. Direction for this letter was given by Council.

John R. mentioned two mountain lion sightings have taken place in the Maloit Park area, so please show due diligence during outdoor activities and travel.

Aggie M, discussed the recent hospital tour and that there is an open invitation for a tour of either the hospital or the Shaw Regional Cancer Center.

Earl B. thanked Steam Master for their \$5,100.00 contribution to the Minturn Community Fund.

This November 26<sup>th</sup> is National Small Business Drive, and residents are encouraged to consider purchases for the holiday season by a local small business.

There are no discussions by Town Council to raise the mill levy.

## PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

### 10. Discussion/Action – A Proclamation of the Minturn Town Council of the Town of Minturn in support of Colorado Gives Day – White (5min)

Motion by Jerry B, second by George B, to approve a Proclamation of the Minturn Town Council of the Town of Minturn in support of Colorado Gives Day; all voted in favor. (Shelley B absent, excused)

### 11. Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park - Town of Minturn Water Treatment Plant Parcel – Cerimele (15min)

Motion by George B, second by Jerry B, to approve Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park - Town of Minturn Water Treatment Plant Parcel. All voted in favor. (Shelley B absent, excused)

### 12. Discussion/Action: Ordinance 12 – Series 2011 (first reading) 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)

Mr. Tom Braun, Braun Associates, representing the Eagle County School District expressed encouragement by the completion of this extensive project.

Motion by Jerry B, second by Earle B, to approve Ordinance 12 – Series 2011 (First Reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012; all voted in favor. (Shelley B absent, excused)

**13. Discussion/Action: 2nd Public Hearing on proposed fiscal year 2012 Budget – Brunvand/White (30min)**

The Public Hearing was opened; no members of the audience stepped forward to discuss the budget.

**14. Discussion/Action – Ordinance 13 – Series 2011 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2011 Town of Minturn Budget – Brunvand (30 min)**

Lorenzo M, Chief of Police described the reserve program to the Council and how the reserve is still required to be accompanied by a Minturn Police Officer, so no actual shifts would be solely covered by the reserve officer.

Motion by Earle B, second by Aggie M, to approve Ordinance 13 – Series 2011 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2011 Town of Minturn Budget. All voted in favor. (Shelley B absent, excused)

**15. Discussion/Action – Ordinance 14 – Series 2011 (First Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn – Brunvand (30 Min)**

Motion by John R, second by George B, to approve Ordinance 14 – Series 2011 (First Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn. All voted in favor. (Shelley B absent, excused)

**16. Discussion/Action – Ordinance 15 – Series 2011 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn – Brunvand (30 Min)**

Motion by George B, second by Earle B, to approve Ordinance 15 – Series 2011 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn. (Shelley B absent, excused)

**17. Discussion/Action – Ordinance 16 – Series 2011 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2012 Revenues and Expenses by Fund – Brunvand (30 Min)**

Motion by George B, second by John R, to approve Ordinance 16 – Series 2011 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2012 Revenues and Expenses by Fund as amended. All voted in favor. (Shelley B absent, excused)

**18. Discussion/Action: Consideration and motion to approve and set 2012 Council Goals – White (10min) (tabled until the December 7, 2011 meeting)**

Motion by John R, second by George B., to table consideration and motion to approve and set 2012 council Goals.

**EXECUTIVE SESSION**

**19. 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 Earle B., second by George B., 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.

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

Town Council reconvened. Direction was given to the Town Manager and Town Attorney to continue with Battle Mountain negotiations and work on the final term sheet stipulations. Direction also given to the Town Manager to schedule another subcommittee meeting with Town Council representatives and Battle Mountain. Brief mention to reflect on the need for the Town Council meeting on December 21, 2011. This will be discussed on December 7, 2011.

**FUTURE AGENDA ITEMS**

**21. Next Meeting – December 7, 2011**

- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2012 Budget Ordinances – Brunvand/White 12/7/11 (15min)
- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 1/12

**22. Future Meeting**

- 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 with the Council to determine a sidewalk master plan. 1/12

**23. Set Future Meeting Dates**

a) Council Meetings:

- December 7, 2011
- December 21, 2011
- January 4, 2012

b) Planning & Zoning Commission Meetings:

- November 23, 2011
- December 14, 2011
- December 28, 2011

c) Other Dates:

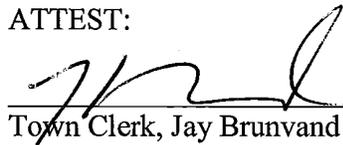
- November 25, 2011 – Town Hall Closed (Thanksgiving)
- November 26, 2011 – Town Hall Closed (Thanksgiving)

**24. Adjournment**

Motion by Jerry B., second by John R., to adjourn the meeting at 9:30pm. All voted in favor.  
(Shelley B absent, excused)

  
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Mayor Hawkeye Flaherty

ATTEST:

  
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Town Clerk, Jay Brunvand

