



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday December 7, 2011

Work Session – 5:30pm
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 – 5:30pm

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 (30min)
 - Review modified budget
 - Hawkeye wanted to discuss 2011 bonuses, the Christmas Party, December 21 Council meeting

The Regular Meeting was called to order by Mayor Flaherty at 6:43 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.

Regular Session – 6:30pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

2. Approval of Agenda

- a. Items to be Pulled or Added

Add items 15a & 15b for staff bonus discussion and the determination of a Council meeting on December 21, 2011.

Motion by John R, second by Shelley B, to approve the agenda as amended. Motion passed 7-0.

3. Liquor License Authority

- FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St.; Steve Campbell, Owner/Manager – Brunvand (10min)

Motion by Shelley B, second by Aggie M, to approve the FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St. Motion passed 7-0.

- Town of Minturn Special Event License for December 10, 2011; corner of Williams St. and Nelson Ave.; Town of Minturn, Jim White, Town Manager/applicant – Brunvand (10min)

Motion by George B, second by Jerry B, to approve the Town of Minturn Special Event License; corner of Williams St. and Nelson Ave. Motion passed 7-0.

4. Approval of Minutes and Action Report

- November 16, 2011
- Action Item Report

Motion by John R, second by Aggie M to approve the Minutes of November 16, 2011. Motion passed 7-0.

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

Mr. Frank Lorenti, 1081 Main St, expressed concern over lot coverage for overhangs in the Town code; he read one excerpt to the Council to clarify lot coverage and square footage. Mr. Lorenti also recommended the Council review Improvement Location Certificates. New sheds should be reviewed as some properties in town have more than the allowable number of sheds. If this is currently allowed by code, then the code could be addressed.

6. Special Presentations/Citizen Recognition

- Colorado Dept of Labor presentation and discussion regarding 2008 Shop N Hop incident – White (30min)

Mr. Terry Marcum, Owner Shop & Hop Food Stores, gave an overview of the gas leak which occurred in 2008 at the Shop & Hop location.

Mr. Vinnie Secondo, Colorado Dept of Labor & Employment, Division of Oil and Public Safety, provided an overview of the notification process when a leakage occurs. He discussed that the State will be taking steps to improve the notification policy to municipalities. He anticipates cleanup to occur through the third quarter of 2014.

Mr. Mark Haynes, General Manager, Shop & Hop, explained that up until 2010, the State of Colorado performed annual inspections of the tanks and premise. Such inspections are now performed monthly.

Mr. Greg Sherman, Western Environment Ecology, confirmed that permits were obtained for the digging of the wells.

Ms. Diane Johnson, Eagle River Water & Sanitation District, readdressed the importance of communication between organizations and looks forward to more timely information moving forward. Ms. Johnson further requested to have ERWSD on the State notification list to receive immediate updates as any occurrences arise.

Mr. Frank Lorenti, 1081 Main St, recommends posting notifications on peoples' doors as well as mailed letters.

7. Planning Department Update

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. On a separate matter, the Town Council has submitted a revised term sheet for the 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.

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. I participated in a conference call on Tuesday, November 29, 2011 with four representatives from the Department of Labor, Greg Sherman from Western Environmental, and Terry Marcum, owner of the Shop & Hop. Representatives from the Department of Labor will attend tonight's Town Council meeting to provide a status report and to answer questions.

USGS Monitoring Gauge

The Town was notified by Steve Anders of the United States Geological Survey (USGS) that it's time to renew the Cross Creek monitoring gauge at Maloit Park. The overall cost for O&M of the gauge in 2012 is \$16,200. The USGS supplies a 10% contribution, or \$1620. This percentage was higher last year but federal funding was reduced from the "Cooperative Water Program" 2012 budget. Subsequently, the remaining cost to operate and monitor the gauge is \$14,580, effective January 1, 2012. This past year (2011), the cost to reinstall the gauge was borne by Battle Mountain Development. Battle Mountain also contributed in 2011 to the cost of O&M.

XCEL Natural Gas Pipeline Project Continues

The XCEL Pipeline Project from Edwards to Minturn is wrapping up operations in our area. The latest report from XCEL indicated that landscaping and roadway resurfacing will be completed in the spring of 2012. Jimmy Smith is project manager. If you have 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. With our latest effort, we secured even more additional funding. The results of this year's efforts to date now total \$2532! Congratulations!

Minturn Winter Markets

Winter markets are fast approaching! 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. **Elephant Revival Band** has been secured to play on **Saturday, December 10, 2011** between 12 noon and 2pm. The Town will have a Special Event liquor license for the occasion.

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**. The Town will have a Special Event Liquor License for this event.

7th Copper Triangle Bike Event

The Town of Minturn will provide an aid station during next year's 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fundraiser 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.

9. Town Council Comments

Eagle Vail is having their Holiday Festival until December 17th. Prizes will be given away.

Jerry B, would like to thank Vail Ski and Snowboard Academy for adopting three local families for holiday gifts.

Hawkeye F, expressed his condolences on behalf of the Town of Minturn for the loss of Lorraine Haslee. She was a positive influence to the Town in so many ways and will be greatly missed.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action: Ordinance 12 – Series 2011 (Second 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. Martinez (10min)

Motion by Jerry B, second by John R, to table Ordinance 12 – Series 2011 (Second Reading) to the first meeting in January, an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012; Motion passed 7-0.

11. Discussion/Action – Ordinance 13 – Series 2011 (Second Reading) – An Ordinance approving a Supplemental Appropriation to the 2011 Town of Minturn Budget – Brunvand (15 min)

Motion by George B, second by Earle B, to approve Ordinance 13 – Series 2011 (Second Reading) – An Ordinance approving a Supplemental Appropriation to the 2011 Town of Minturn Budget. Motion passed 7-0.

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

Motion by John R, second by Shelley B, to approve Ordinance 14 – Series 2011 (Second Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn. Motion passed 7-0.

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

Mr. Frank Lorenti, 1081 Main St, stated he is opposed to any water fee increases.

Motion by George B, second by Earle B, to approve Ordinance 15 – Series 2011 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn. Motion passed 5-2, Hawkeye F and Aggie M nay.

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

Motion by John R, second by Aggie M, to approve Ordinance 16 – Series 2011 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2012 Revenues and Expenses by Fund as amended. Motion passed 7-0.

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

Motion by George B, second by Shelley B, to table the 2012 Council Goals to the January 4, 2012 meeting. Motion passed 7-0.

15a. Discussion/Action – Consideration of Staff bonuses.

Mr. Frank Lorenti, 1081 Main St, is opposed to staff bonuses.

Motion by Hawkeye F, second by John R, to authorize the Town Manager to issue a \$10,000 bonus pool as the Town Manager sees fit. Motion passed 6-0. George B abstained.

15b. Discussion/Action – Consideration of December 21, 2011 Town Council meeting.

No action was taken regarding the Council meeting of December 21, 2011, therefore the meeting stands.

EXECUTIVE SESSION

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, water right issues, and EPA update. Motion passed 7-0.

16. 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

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

The Executive Session ended at 10:03 pm. The Town Manager and the Town Attorney(s) were instructed to continue negotiations with Battle Mountain regarding the release of escrow funds and to work with the Town Council's subcommittee.

FUTURE AGENDA ITEMS

18. Next Meeting – December 21, 2011

19. Future Meeting

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 01/04/12
- 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)

20. Set Future Meeting Dates

a) Council Meetings:

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

b) Planning & Zoning Commission Meetings:

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

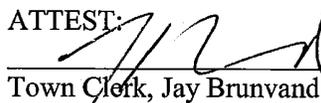
c) Other Dates:

- December 26, 2011 – Town Hall Closed (Christmas)
- January 2, 2012 – Town Hall Closed (New Years)

21. Adjournment

Motion by Earle B., second by Aggie M., to adjourn. at 10:04pm. Motion passed 7-0.


Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

