



Official Minutes

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

Wednesday February 15, 2012

Executive 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

Regular Session – 5:30pm

EXECUTIVE SESSION

- **Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive legal advice regarding negotiations with Battle Mountain Resort regarding agreement for distribution of the escrow funds and funding – White/Christensen**

Motion by John R., second by Aggie M., 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 legal advice regarding negotiations with Battle Mountain Resort regarding agreement for distribution of the escrow funds and funding; motion passed (6-0). (George B, absent, excused)

No action was taken as a result of the Executive Session.

Regular Session – 6:30pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

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

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Treasurer/Clerk Jay Brunvand, Deputy Clerk/Events Michelle Metteer, Town Planner Chris Cerimele, and Attorney Allen Christensen.

2. Approval of Agenda

- a. Items to be Pulled or Added

Recommendation to move item 5 to item 8

Motion by Shelley B., second by John R., to approve agenda as presented; motion passed (6-0). (George B, absent, excused)

3. Approval of Minutes and Action Report

- February 1, 2012
- Action Item Report

Motion by Shelley B., second by Jerry B., to approve the minutes of February 1, 2012 as presented; motion passed (6-0). (George B, absent, excused)

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

Mr. Frank Lorenti, 1081 Main St, wanted to add relative information regarding lot coverage code and definitions. He discourages 3' projections into the setbacks and recommends 18" as an alternative option. He recommends reviewing Eagle County's building code. Eliminating ambiguity in the code is recommended to avoid issues. Mr. Lorenti also requests sheds be limited per property. Possibly one shed per property or requiring an ILC per shed.

Mr. Darrel Wegert, 1716 Main St, expressed a point of concern regarding setbacks, it's important to consider firefighters and their need to get in-between houses.

5. Special Presentations/Citizen Recognition

- Battle Mountain update – Battle Mountain Sub Committee

Mr. Frank Lorenti, 1081 Main St, asked about the 4 million and if there will be an itemized list of what the money will be allocated to. Mr. Lorenti also asked what the bottom line dollar amount for the Town will be. Discussion ensued.

Mr. Andy Kaufman, Minturn Saloon, 146 N Main St asked if it's possible to put these funds in a Town of Minturn account and then do a bond issue?

Mr. Frank Lorenti asked for the dollar amount of what the Town of Minturn has to spend. Councilmember Bidez explained that the number is not a set number as it is undeterminable what will be spent on legal costs.

Mr. Matt Scherr, 511 Main St, asked when the funds will be available.

Mr. Darryl Wiggert, 716 Main St asked about the sewer treatment plant and Mr. Dave Kleinkopf explained that the obligation for the sewer remains in place and the improvements can be an option and a new sewer plant is an obligation of the development.

Ms. Marka Brenner, Minturn Realty asked who will have control of the scholarship fund and will the Town seek consultation on investment.

6. Planning Department Update

The Planning Dept is accepting applications for the vacancy on the Planning Commission. The Commission meets on the second Wednesday of each month.

7. 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, November 10, 2011, and on December 13, 2011. We also met on January 5, February 6, and February 7, 2012.

Vail Valley Partnership

The Vail Valley Partnership has also assumed the role of coordinating agency for the Economic Council of Eagle County. Chris Romer provided a brief report at the most recent Eagle County Mayors/Managers' meeting in Eagle on February 3, 2012. They will be providing an economic research center through the efforts of Kathy Chandler Henry.

Chris will be attending the March 7, 2012 Minturn Town Council to make a presentation and solicit thoughts and ideas from Town Council.

Eagle Fire Protection District Notice to Town Council

The Eagle County Fire Protection District sent a formal notice to the Minturn Town Council to fulfill statutory requirements providing contact information to the Town.

Edward O'Brien is the Chairman of the Board of Directors and Karl Bauer, General Manager and Fire Chief (see attachment).

Eagle River Watershed Council

The 2012 Water Quality Coordination Meeting was held on February 6, 2012 at the Avon Library. Results of monitoring and assessment efforts on the Colorado and Eagle Rivers were presented. Discussion centered around coordination of efforts, assessment efforts, and more uniform methodology in collecting data. A request was also made of all the reporting entities to identify where their results are reported and where they are published.

Ski and Snowboard Club Vail/Maloti Park State Championship Meet

Ski and Snowboard Club Vail will be hosting a State Championship Nordic event on Thursday and Friday, February 16th and 17th at Maloti Park, in Minturn. The event is scheduled to begin at 3pm and finish at approximately 5pm.

Ski Joring in Minturn/Horses Pulling Skiers!!!

Ski Joring will be held in Minturn on old Minturn Road **Saturday and Sunday, February 25 and 26, 2012**. Registration begins at 8am. **Children's races start at 10am and adult races start at 12 noon!**

Colfax Marathon Challenge

The 2012 Kaiser Permanente Colfax Marathon Challenge at Denver's City Park is May 20, 2012. The Mayor of Aurora, Steve Hogan; the Mayor of Denver, Michael Hancock; and the Mayor of Lakewood, Bob Murphy have issued their annual challenge to municipalities throughout Colorado (see attachment).

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 fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 6:30am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers. We have rescheduled our meeting with the organizers until February 29th.

8. Town Council Comments

The Mayor wished everyone a Happy Valentine's Day.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. Discussion/Action: Resolution 5 – 2012 a Resolution approving an Agreement regarding escrows and funding – White/Christensen (15min)

Mr. Tom Sullivan, 116 Nelson Ave, thanked the council on an outstanding deal and appreciates the Council's hard work.

Ms. Jodi Jahrling, Minturn Community Fund also thanked the Town Council for their hard work.

Motion by Shelley B, second by John R, to approve Resolution 5 – 2012 a Resolution approving an Agreement regarding escrows and funding. Motion passed (6-0) (George B, absent, excused)

10. Discussion/Action: Resolution 6 – 2012 a Resolution approving the first amendment to agreement (Little Beach Park and Scholarship Fund) – White/Christensen (15min)

Motion by John R, second by Aggie M, to approve Resolution 6 – 2012 a Resolution approving the first amendment to agreement (Little Beach Park and Scholarship Fund). Motion passed (6-0) (George B, absent, excused)

11. Discussion/Action: Resolution 7 – 2012 a Resolution approving the first amendment to escrow agreement (water storage) – White/Christensen (15min)

Motion by Shelley B, second by Aggie M, to approve Resolution 7 – 2012 a Resolution approving the first amendment to escrow agreement (water storage). Motion passed (6-0) (George B, absent, excused)

12. Discussion/Action: Resolution 8 – 2012 a Resolution approving the first amendment to escrow agreement (pedestrian and bike path and recreation/community center) – White/Christensen (15min)

John R expressed that with the passing of the last resolution, that this is a great day for the Town of Minturn and a very good opportunity for Minturn.

Shelley B also expressed thanks to the Battle Mountain Development

M. Frank Lorenti, 1081 Main St, is concerned about the seven million going to Battle Mountain.

Motion by Earle B, second by Jerry B, to approve Resolution 8 – 2012 a Resolution approving the first amendment to escrow agreement (pedestrian and bike path and recreation/community center). Motion passed (6-0) (George B, absent, excused)

13. Discussion/Action: Medical Marijuana discussion with Rachelle Allen, CML Legal Counsel and Marco Vasquez, Dept of Revenue – White (60min)

Ms. Rachel Allen, CML Attorney, gave an overview of the history of medical marijuana since Amendment 20 passed.

Earle B asked if contracted Building inspectors can be held liable under Federal law for the inspection of medical marijuana centers. Ms. Rachel Allen deemed it unlikely.

John R asked about the risk of prosecution at the Council level given this is still illegal at the federal level. Ms. Rachel Allen said that there is a degree of risk.

Discussion ensued regarding the vote of the Minturn residents and the Council actions thereafter.

Mr. Marco Vasquez & Mr. Brian Dyet of the Medical Marijuana Enforcement Division explained their role of upholding the State law. One of their primary goals is to develop and maintain relationships with the local law enforcement. They regulate the “for-profit” side of medical marijuana in the State of Colorado.

GENERAL IMPROVEMENT DISTRICT

14. Administrative Matters

- Approval of Agenda
- Review and approve minutes from the November 2, 2011 GID Board Meeting.

Motion by Shelley B, second by John R to approve the agenda as presented. Motion passed (6-0) (George B, absent, excused)

Motion by John R, second by Shelley B to approve the minutes as presented. Motion passed (6-0) (George B, absent, excused)

15. Financial Matters

- Discussion/Action – Consider adoption of Resolution No. 2012-02-01 Resolution an application for Exemption from Audit – Brunvand (5min)

Motion by Shelley B, second by John R to adopt Resolution No. 2012-02-01, a Resolution for exemption from Audit. Motion passed (6-0) (George B, absent, excused)

16. Legal Matters

17. Other Business

- Discuss and set meeting dates for 2012:
 - Board Meeting to consider budget approval set for November 7, 2012 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
 1. Alternative Date: This item closely follows the State and the Town of Minturn’s budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

18. Adjournment (as GID and reconvene as Town Council)

Motion by Shelley B, Aggie M, to adjourn as the GID. Motion passed (6-0) (George B, absent, excused)

FUTURE AGENDA ITEMS

19. Next Meeting – March 7, 2012

- Meeting: Special Presentation: Eagle Valley Trails presentation and discussion – Cerimele (30min)
- Discussion/Action: Ordinance ____ – 2012 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (20min)
- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements.
- Special Presentation: Vail Valley Partnership- Chris Romer
- Discussion/Action: Ordinance 1 – 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)
- Discussion/Action: Ordinance 2 – 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)

20. Future Meeting

- Discussion/Action: Ordinance 1 – 2012 an Ordinance (Second Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)
- Discussion/Action: Ordinance 2 – 2012 an Ordinance (Second Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)

21. Set Future Meeting Dates

a) Council Meetings:

- March 7, 2012
- March 21, 2012
- April 4, 2012

b) Planning & Zoning Commission Meetings:

- March 14, 2012
- April 11, 2012
- May 9, 2012

c) Other Dates:

- Municipal Election – April 3, 2012

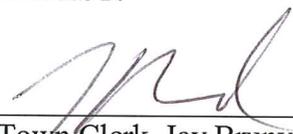
22. Adjournment

Motion by Jerry B, second by John R, to adjourn the meeting at 10:04. Motion passed (6-0).
(George B, absent, excused)



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

