



## **Official Minutes**

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

**Wednesday April 18, 2012**

**Work Session – 5:15pm**  
**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 – 5:15 pm**

- Discussion – OSAC and Bone Yard Property – White (30min)
- Discussion – Medical Marijuana – White/Christensen (30min)

### **Regular Session – 6:30 pm**

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

The meeting was called to order by Mayor Flaherty at 6:35 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, Deputy Clerk/Events Michelle Metteer, Town Planner Chris Cerimele, and Attorney Allen Christensen.

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Motion by George B., second by John R., to approve agenda as presented; motion passed (7-0).

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

- April 4, 2012
- Action Item Report

Motion by John R., second by Shelley B., to approve the minutes of April 4, 2012 as amended; motion passed (7-0).

Discussion/Action #12 action to table to the May 2<sup>nd</sup> 2012 meeting.

Direction to staff to separate out the sidewalk installation program from the sidewalk installation code requirements, within the Action Item Memo.

Direction to staff to present photos from Ouray, Silverton and other Colorado town's with similar histories for ideas on overall streetscape concepts.

Direction to staff to formalize a plan showing what citizens will pay for and what the Town will provide for the sidewalk installation plan.

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

## **5. Special Presentations**

Special presentation to Chief Lorenzo Martinez for his efforts in first emergency response to make a difference and help save a life.

## **6. Planning Department Update**

Planning Commission – April 11, 2012

Lynn Teach was elected to serve as the Chair of the Planning Commission and Tim Osborne was elected as the Vice-Chair. Per section 16-21-40 of the Minturn Municipal Code, the term of the Chairperson shall be for one year with eligibility for reelection.

Grant Opportunities

The Town is pursuing grant funding to install security fencing around the water treatment facility. A representative from the Colorado Rural Water Association (CRWA) met with Arnold Martinez, John Volk and myself to discuss potential funding sources for this and other projects. Minturn's median household income of approximately \$63,000 makes the Town ineligible for CRWA grants; however, there are several low interest rate loan programs that the Town could use as funding options. We will continue to explore other grant programs for water system improvements.

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

Boots Ferguson, Holland & Hart, Aspen, CO. provided a summary of the decisions that occurred at the Colorado Supreme Court concerning the quiet title case for Minturn.

### **Battle Mountain Update**

The Escrow Agreement requires a resolution to verify proper release of the escrow funds and retention of a small amount in the escrow accounts. In other news, on Monday, April 9, 2012, the Colorado Supreme Court upheld the annexation of the Battle Mountain property.

### **Town Council Retreat**

I have been asked to request that the Town Council begin planning for a retreat to discuss, among other things: the recent release of escrow funds and the implications of the recent Supreme Court decision upholding the Battle Mountain development.

### **Eagle County Open Space Advisory Committee (OSAC)**

The Eagle County OSAC director, Toby Sprunk, is following up with the USFS regarding the potential purchase of the Bone Yard property in Minturn. He will be at tonight's work session to discuss the process as we move forward.

### **Colorado Mountain College Foundation**

I met with two representatives of Colorado Mountain College on April 5, 2012 to learn about scholarship and endowment options and to seek advice from experts in the field related to establishing and maintaining such funds. Other similar contacts have been made. Our scholarship committee will continue to gather information so the Town Council can eventually set policy for disbursement of the scholarship funds we now have available.

### **Dowd Junction**

A meeting was held in Eagle Vail at the Pavilion on April 4, 2012 to discuss Dowd Junction, review its history, and to talk about future planning and prospects. Representatives from Eagle County, Minturn, Vail, Eagle Vail, and the USFS were present.

### **13<sup>th</sup> Annual Highway Cleanup**

The annual Highway 24 Cleanup will be held on Saturday, April 28, 2012, organized by the Eagle River Watershed Council. For more information, email [info@erwc.org](mailto:info@erwc.org) or call 970-827-5406. The Town cleans the highway from the entrance to Maloit Park to Tigiwon Road.

### **3<sup>rd</sup> Police Officer Sought**

Following the release of the escrow funds, I am now re-opening the process to seek another police officer for the Town of Minturn. Chief Martinez and I have discussed the process. The Town Council will remember that we eliminated the third officer from our 2012 budget during our budget planning sessions last fall.

### **Silver Plume Water Treatment Plant**

Councilman Aggie Martinez, the Town Manager, the Public Works Supervisor, TST Engineering, and John Volk, water operator, visited the Silver Plume, CO water treatment plant on Monday, April 9, 2012 to view a microfiltration plant constructed in 2006.

### **Rec Center Committee Meeting**

The committee reviewing the prospect of a partnership with the Town, SSCV, and Battle Mountain to plan for a human performance center/rec center met on Tuesday, April 10, 2012. Councilmen Earle Bidez and John Rosenfeld, the Town Manager, and the Town Planner represented the Town. Residential housing, athletic fields, parking, and the location of the facility were among the topics discussed.

### **Scholarship Committee**

The Scholarship Committee met on Monday April 16, 2012. Councilman Jerry Bumgarner and the Town Manager represented the Town. A brief update will be added to this report at the Town Council meeting. We have also been researching funding options for the scholarship funds that came from the escrow funds recently.

### **Copper Triangle 2012 Bicycle Event**

The Town of Minturn will provide an aid station during the 7<sup>th</sup> 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 7am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

### **Pro Cycling Challenge Bike Event**

The Town of Minturn hosted a meeting among Minturn, Vail, Avon local police, Colorado State Patrol, Eagle Fire District, emergency services personnel, public information officers, and bike event officials to begin planning for the stage of the race expected to pass through Minturn on Thursday, August 23, 2012. There will be national TV exposure and an opportunity to showcase our community. We are attempting to secure a "sprint line" as part of the race as it passes through Minturn. Incident command for this event will be in Beaver Creek which will be a finishing place for this same stage of the race.

## **8. Town Council Comments**

Aggie M attended the ECO meeting this week and provided an update to the Council.

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**9. Discussion/Action Item: – Resolution 12 – Series 2012: A Resolution authorizing second amendment to Escrow Agreement regarding Water Storage – White/Christensen (15 min)**

Boots Ferguson, Aspen, CO, explained the second amendment is for the Town to maintain the escrow that was agreed to in the annexation agreement. Due to the Stewart Title Company's service fees, the option to close the escrow with Stewart Title and open an escrow within a Town account will allow for the \$1000 fund to be maintained. All parties have already approved of this action.

Motion by Shelley B, second by George B, to approve Resolution 12 – Series 2012: A Resolution authorizing second amendment to Escrow Agreement regarding Water Storage. Motion passed (7-0).

**10. Discussion/Action Item: – Resolution 13 – Series 2012: A Resolution authorizing second amendment to Escrow Agreement regarding Pedestrian and Bike Trail and Recreation/Community Center – White/Christensen (15 min)**

Boots Ferguson, Aspen, CO, explained the second amendment is for the Town to maintain the escrow that was agreed to in the annexation agreement. Due to the Stewart Title Company's service fees, the option to close the escrow with Stewart Title and open an escrow within a Town account will allow for the \$1000 fund to be maintained. All parties have already approved of this action.

Motion by Shelley B, second by George B, to approve Resolution 13 – Series 2012: A Resolution authorizing second amendment to Escrow Agreement regarding Pedestrian and Bike Trail and Recreation/Community Center. Motion passed (7-0).

**11. Discussion/Action Item: – Resolution 14 – Series 2012: A Resolution setting the official posting sites for the Town of Minturn – Brunvand (15 min)**

Motion by John R, second by Aggie M, to approve Resolution 14 – Series 2012: A Resolution setting the official posting sites for the Town of Minturn. Motion passed (7-0).

**EXECUTIVE SESSION**

**12. Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding status of escrow fund distribution, receive legal advice regarding insurance issue. – White/Christensen**

Motion by Shelley B, second by John R, to convene into executive session Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and

pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding status of escrow fund distribution, receive legal advice regarding insurance issue. Motion passed (7-0)

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

**FUTURE AGENDA ITEMS**

**14. Next Meeting – May 2, 2012**

- Worksession Discussion: Ordinance \_\_\_\_ - 2012 an Ordinance (First Reading) an Ordinance \_\_\_\_\_ the sale of Medical Marijuana within the Town of Minturn – Christensen (20 min)
- Liquor Authority: July 1, 2012 Special Event Permit, Town of Minturn – Brunvand (10min) 5/2/12
- Work Session & Discussion/Action Item: Ordinance 6 – 2012 an Ordinance (First Reading) amending Chapter 16, Section 16-17-190 of the Town of Minturn Municipal Code to allow for a 50% reduction in the rear property setback for a detached garage. Cerimele – (30 min)
- Work Session & Discussion/Action: July 4, 2012 Council Meeting.
- Discussion/Action: Street repairs report (A. Martinez)
- Discussion/Action: IGA for sex offenders postings with Douglas County

**15. Future Meeting**

**16. Set Future Meeting Dates**

a) Council Meetings:

- May 2, 2012
- May 16, 2012
- June 6, 2012

b) Planning & Zoning Commission Meetings:

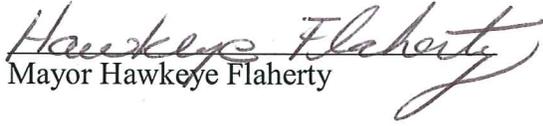
- May 9, 2012
- June 13, 2012
- July 11, 2012

c) Other Dates:

- Highway Clean Up – April 28, 2012
- Minturn Town Clean Up – June 2, 2012

### 17. Adjournment

As there was no further business the meeting stood adjourned.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

