



Official Minutes

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

Wednesday May 2, 2012

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 Belim
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 – 5:00 pm

- Street repairs report – Martinez, Arnold (45min)
- 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)
- July 4, 2012 Council Meeting – White (15min)

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

Direction to staff to add 14a, endorsement of the Town Manager to run for election to the Colorado Municipal League Executive Board.

Direction to amend the Executive Session motion to include "instructions for negotiators concerning sale of U.S. Forest Service properties."

3. Liquor License Authority: July 1, 2012 Special Event Permit, Town of Minturn – Brunvand (10min)

Motion by Shelley B, second by John R, to approve the July 1, 2012 Special Event Permit with the additional approved conditions. Motion passed (6-0) George B absent, excused.

4. Approval of Minutes and Action Report

- April 18, 2012
- Action Item Report

Motion by Aggie M., second by John R., to approve the minutes of April 18, 2012 as presented; motion passed (6-0). George B absent excused.

Direction to Staff to adjust the sidewalk action items into two individual items.

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

Ms. Tracey Anderson, Eagle Valley Alliance for Sustainability introduced herself to the Council and to let the residents of Minturn know the Eagle Valley Alliance is available to residents.

6. Special Presentations

- Introduction and swearing in of Officer Tommie Belz
- Eagle River Fire Protection District Update from Chief Karl Bauer

Mr. Karl Bauer, 90 Benchmark Rd, Avon, ERFPD Fire Chief, gave an update to the recent budget issues causing the intermittent closures of the Minturn Fire Station.

Wildfire mitigation grant programs are available to the ERFPD, but these funds are separate from the staffing funds necessary to cover salaries.

Community emergency response teams may be beneficial for areas such as Minturn and Red Cliff in an effort to help in times of great need. FEMA endorses this program and some training is provided.

Volunteer firefighter programs can be reviewed on a per Town basis however research is showing the level of training required for volunteer firefighters has increased substantially in order to maintain the level of certification necessary.

7. Planning Department Update

8. Town Manager's Report

Battle Mountain Update

The Escrow Agreement required a resolution to verify proper release of the escrow funds and retention of a small amount in the escrow accounts. All escrow funds have now been secured. We are reviewing legal and consulting bills to begin repayment of those that are our obligation to pay per the escrow agreement.

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. Subsequently, I have received feedback from all Town Council members. We will discuss dates at tonight's meeting.

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. We are securing templates from previous conservation easements to use as a model for the Town. I have also set up a meeting with the Eagle Valley Land Trust to discuss its program. The USFS has prepared an environmental assessment (EA) for the Minturn Bone Yard (Equipment Yard) Conveyance Project. The EA analyses and discloses the effects of conveying the 4.39 acre Minturn Equipment Yard via competitive sale on the open market. (A copy of the notification packet is included in your packet).

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. This will be one of the topics at the retreat. Recently, I received more information from the Colorado Mountain College and will schedule another meeting of the Scholarship Committee to discuss.

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. On April 26, 2012, I received notification that the USFS has prepared an environmental assessment for the Minturn Administrative Site Conveyance Project. This is an area of approximately 18.3 acres. We believe that this is the Martin Creek/Housing Compound site. We are checking with the USFS to confirm. (A copy of the letter is included in your packet).

13th Annual Highway Cleanup

The annual Highway 24 Cleanup was conducted by members of the Minturn staff on Friday, April 27, 2012. The party for volunteers was held on Saturday, April 28, 2012, organized by the Eagle River Watershed Council. The Town cleans the highway from the entrance to Maloit Park to Tigiwon Road.

3rd 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.

Scholarship Committee

We continue research of funding options for the scholarship funds that came from the escrow funds.

Drought Planning Underway

I attended a Water Supply and Draught Planning session sponsored by ERWSD in Avon on April 24, 2012. Reportedly, 90% of the state of Colorado is in drought condition currently. We just experienced the driest March on record in Colorado. NOAA predicts a hotter and drier April-June 2012. Discussion centered on fire danger, dead trees providing excess fuel on the ground, water reservoirs. ERWSD plans to convene monthly meetings during the entire summer.

Homestake Reservoir Repairs

The Eagle River Watershed Council provided a review of the progress on the renovation to the Homestake Reservoir currently underway and continuing through 2014. More details can be discussed at the meeting tonight.

Union Pacific Rail Road Visit

The visit to the Union Pacific Rail Road in Omaha Nebraska is planned for May 22 and May 23rd, 2012.

Upcoming Events

Minturn Community Fund Community Garden

Construction Day planned for Saturday, May 19, 2012!

Minturn Summer Market

Coming in June, 2012!

Copper Triangle 2012 Bicycle Event

The Town of Minturn will provide an aid station during the 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 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.

9. Town Council Comments

Direction to Staff to prepare information regarding the Rail Road for discussion at the Council Retreat.

Direction to Staff to have an outline of the Battle Mountain fund and where monies are being allocated.

Direction to staff to prepare information for review at the Town Council retreat regarding the budget and the addition of the third police officer.

Aggie M, would like to thank Barry Clark, Minturn resident, for getting the river area behind his home cleaned.

Direction to Staff to clean the river area and remove debris from the Maloit Park area to Dowd Junction.

The Minturn Community Garden will begin construction May 19, 2012. Any interested volunteers or gardeners should contact the Minturn Community Fund at info@minturncommunityfund.org.

A reminder that the Republican primary is coming soon and Council Member Rosenfeld is running in the primary.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action Item: Dept. of Labor & Employment update regarding the Shop & Hop gasoline spill – White (15 min)

Mr. Vinnie Secondo, State of Colorado, provided a clean-up update regarding the 2008 Shop & Hop gasoline spill. He indicated that more aggressive measures will be implemented in the next monitoring phase, beginning immediately.

Mr. Terry Marcum, Owner, Minturn Shop and Hop, provided additional information concerning the speed and efficiency of the clean-up.

11. Discussion/Action Item: Council will discuss both Ordinance options but will pass only one:

- Ordinance 3 – 2012 an Ordinance (First Reading) an Ordinance authorizing the sale of Medical Marijuana within the Town of Minturn – Christensen (20 min)

OR

- Ordinance 7 – 2012 an Ordinance (First Reading) an Ordinance banning the sale of Medical Marijuana within the Town of Minturn – Christensen (20 min)

Motion by John R, second by Shelley B to table Ordinance 3 – 2012 to May 16, 2012; second reading on June 20, 2012. Motion passed (6-0) George B absent, excused.

Motion by Jerry B, second by John R to table Ordinance 7 – 2012 to May 16, 2012; second reading on June 20, 2012. Motion passed (6-0) George B absent, excused.

12. 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)

Motion by Jerry B, second by John R to approve 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. Motion passed (5-1), Shelley B nay, George B absent, excused.

13. Discussion/Action Item: Council direction to Staff regarding the need and/or scheduling of the July 4, 2012 Council Meeting – White (15min)

Direction to Staff to reschedule the July 4, 2012 Council meeting to July 5, 2012.

14. Discussion/Action: Ordinance 8 – 2012 an Ordinance authorizing the Mayor to sign and Intergovernmental Agreement with Douglas County to comply with Colorado Revised Statutes concerning sex offender tracking and registration – Christensen (15min)

Motion by Shelley B., second by Aggie M., to approve Ordinance 8 – 2012 an Ordinance authorizing the Mayor to sign and Intergovernmental Agreement with Douglas County to comply with Colorado Revised Statutes concerning sex offender tracking and registration. Motion passed (6-0). George B absent excused.

15. Action/Discussion: Endorsement of the Town Manager to the Colorado Municipal League Board.

Motion by Shelley B, second by John R, to authorize the mayor to sign the endorsement letter for the Town Manager to run for election to the Colorado Municipal League Executive Board.

EXECUTIVE SESSION

16. 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 to receive legal advice and give instructions for negotiations concerning sale of U.S. Forest Service properties. White/Christensen

Motion by Shelley B, second by Aggie M to convene into Executive Session 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 to receive legal advice and give instructions for negotiations concerning sale of U.S. Forest Service properties. Motion passed (6-0) George B, absent, excused. Executive Session began at 9:16pm and ended at 9:36pm.

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

Direction given to staff to discuss escrow funds and purchase of USFS lands with Battle Mountain Resorts.

FUTURE AGENDA ITEMS

18. Next Meeting – May 16, 2012

- Medical Marijuana
- Colorado Mountain College work session
- Resolution of endorsement for Holy Cross funding to OSAC purchase
- Special Events Ordinance
- Ordinance 6 – Second Reading
- Ordinance 8 – Second Reading

19. Future Meeting

20. Set Future Meeting Dates

- a) Council Meetings:

- May 16, 2012
 - June 6, 2012
 - June 20, 2012
- b) Planning & Zoning Commission Meetings:
- May 9, 2012
 - June 13, 2012
 - July 11, 2012
- c) Other Dates:
- Minturn Town Clean Up – June 2, 2012

21. Adjournment

Motion by Jerry B., second by Shelley B., to adjourn the meeting at 9:37pm.


Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

