



**Official Minutes**

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

**Wednesday May 16, 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 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 – 5:00 pm**

- Colorado Mountain College presentation regarding scholarship endowment – White (30min)
- Lafarge Sidewalk repairs report – White (45min)
- Ordinance 9 – 2012 an Ordinance (First Reading) Special Events Ordinance – Metteer (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 6:37 pm.

Those present included: Mayor Hawkeye Flaherty, Town Council members George Brodin, 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 Shelley B., to approve agenda as presented; motion passed (7-0).

**3. Liquor License Authority:** Gourmet Cowboy, Inc Hotel/Restaurant Liquor License annual renewal; 455 Main Street; Tom McNeill, Owner/Manager – Brunvand (5min)

Motion by Shelley B second by George B, to approve Gourmet Cowboy, Inc Hotel/Restaurant Liquor License annual renewal; 455 Main Street. Motion passed (7-0)

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

- May 2, 2012
- Action Item Report

Staff reported that the application had been reviewed with no issues unresolved. Motion by Shelley B., second by John R., to approve the minutes of May 2, 2012 as presented; motion passed (7-0).

Direction to Staff to review Conditional Use permits and the current activity in the Rail Road area.

Little Beach Park Committee, Earle Bidez and Jerry Bumgarner, more members to be determined. Tentative first meeting to be set in early June.

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

**6. Special Presentations**

**7. Planning Department Update**

**8. Town Manager's Report**

Town Council Retreat

The Town Council Retreat was held last night, Tuesday, May 15, 2012. (a brief summary of the retreat was given by the Town Manager).

### Bone Yard/Martin Creek Environment Assessments

The USFS has prepared an environmental assessment (EA) for the Minturn Bone Yard (Equipment Yard) Conveyance Project and also for the Martin Creek parcel. The USFS has prepared an environmental assessment for the Minturn Administrative Site Conveyance Project. This is an area of approximately 18.3 acres. The EA process analyses and discloses the effects of conveying the lands through competitive sale on the open market. Minturn residents have received letters from the USFS identifying encroachments onto federal lands, in some instances.

### Colorado Mountain College Foundation

Representatives of Colorado Mountain College will be at tonight's work session to review scholarship and endowment options and to provide 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.

### 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.

### Drought Planning Underway

ERWSD plans to convene monthly meetings during the entire summer

### Scholarship Committee

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

### Union Pacific Rail Road Visit

The Railroad Committee met on Thursday, May 10, 2012. The visit to the Union Pacific Rail Road in Omaha, Nebraska is planned for May 22 and May 23rd, 2012.

### Vacation

I will be away on vacation from Thursday, May 17 through Tuesday May 22, 2012.

Following my vacation, I will be in Omaha, NE visiting Union Pacific Railroad representatives on May 22 and May 23, 2012.

### Upcoming Events

Minturn Community Fund Community Garden  
Construction Day planned for Saturday, May 19, 2012!

### Minturn Clean Up Day

Our annual cleanup day will be held this year on Saturday, June 2, 2012 at the upper parking lot at Little Beach Park from 9am to 1pm.

### Minturn Summer Market

The Minturn Summer Market is coming to you on June 23, 2012! The market will run Saturdays throughout the summer until September 8, 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 was given to staff to turn the lights off on the front tree in Town during the non-winter months. Staff to arrange for tree light repairs and upgrades to take place during the summer months.

## **PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

### **10. 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)

Motion by Earle B, second by Shelley B to approve Ordinance 3 – 2012 an Ordinance (First Reading) an Ordinance authorizing the sale of Medical Marijuana within the Town of Minturn. (Motion failed 4-3) John R, Aggie M, Jerry B, and George B: nay.

- 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 George B, second by Jerry B, to approve Ordinance 7 – 2012 an Ordinance (First Reading) an Ordinance banning the sale of Medical Marijuana within the Town of Minturn. Motion passed (4-3) Shelley B, Earle B, and Hawkeye F: nay.

**11. Discussion/Action Item: Ordinance 6 – 2012 an Ordinance (Second 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 John R, second by George B, to approve Ordinance 6 – 2012 an Ordinance (Second 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 (6-1) Shelley B: nay.

**12. Discussion/Action: Ordinance 8 – 2012 an Ordinance (Second Reading) 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 John R to approve Ordinance 8 – 2012 an Ordinance (Second Reading) 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 (7-0).

**13. Discussion/Action: Ordinance 9 – 2012 an Ordinance (First Reading) Special Events Ordinance – Metteer (15min)**

Motion by Jerry B, second by Shelley B to approve Ordinance 9 – 2012, Special Events ordinance for the Town. Motion passed (7-0).

**14. Discussion/Action: Resolution 15 – 2012 a Resolution of endorsement for Holy Cross funding to OSAC purchase – White (15min)**

Motion by Shelley B, second by John R to approve Resolution 15 – 2012 a Resolution of endorsement for Holy Cross funding to OSAC purchase. Motion passed (7-0).

- Direction to staff to follow up on CDOT right-of-ways and surveys.
- Direction to staff to hold a work session on sidewalks, to include survey discussions, CDOT, Battle Mountain, OZ Plan details.
- Direction to staff to design a preliminary site plan based on revisions of the OZ plan.
- Direction to staff to invite the primary owner of the Downtown area.

**EXECUTIVE SESSION**

**15. 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 an insurance settlement – White/Christensen**

The executive session was not required.

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

**FUTURE AGENDA ITEMS**

**17. Next Meeting – June 6, 2012**

**18. Future Meeting**

**19. 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:

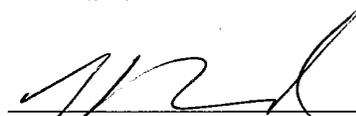
- Minturn Town Clean Up – June 2, 2012
- Cemetery Open House – June 20, 2012

**20. Adjournment**

Motion by Jerry B, second by Aggie M to adjourn the meeting at 7:39 pm. Motion passed (7-0)

  
Mayor Hawkeye Flaherty *Mayor Pro Tem Brodin*

ATTEST:

  
Town Clerk, Jay Brunvand





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GLENWOOD SPRINGS, COLORADO 81602  
(970) 945-5491 • FAX (970) 945-4081

May 14, 2012

Jim White  
Town Manager  
Town of Minturn  
P.O. Box 309  
Minturn, CO 81645-0309

RE: Approval of Community Enhancement Fund Appropriation for 2012

Dear Jim:

Reference is made to your letter dated April 19, 2012 outlining a proposed disbursement from the Community Enhancement Fund for purchase of open space within the Town referred to as the "Bone Yard."

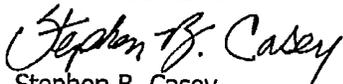
We have reviewed this request and find this project complies with the intent of Article 11.1 "Purpose" of the Community Enhancement Fund provision as set forth in Ordinance 11, Series of 2011, Town of Minturn.

Pursuant to Article 11.4 "Payments from the Fund" of the aforementioned Ordinance, as evidenced by the Town's written notification of its intended use of funds, Holy Cross Energy herein provides its written consent and approval for the appropriation of funds that total \$2,000.

With the above appropriation, the monies remaining in the Community Enhancement Fund for the Town of Minturn will be reduced to \$0.00 as summarized on the enclosed spreadsheet.

If you have any questions regarding this matter, please contact me directly at (970) 947-5430.

Sincerely,  
HOLY CROSS ENERGY

  
Stephen B. Casey,  
Manager Member Services

SBC

cc: Richard D. Brinkley

## Summary of Community Enhancement Fund Refunds - Town of Minturn

Revenue Period		Total Revenue	Calculated Fund Payment	Actual Payments	Payment Data		Approved Disbursements	Fund Balance	Notes
From	To				Check #	Date			
N/A	N/A	N/A	N/A	\$2,000.00	85567	09.28.00	\$0.00	\$2,000.00	1
11/2000	12/2000	\$10,871.71	\$108.72	\$2,000.00	86923	02.12.01	\$0.00	\$4,000.00	2
01/2001	12/2001	\$48,778.21	\$487.78	\$2,000.00	91132	02.05.02	\$0.00	\$6,000.00	2
01/2002	12/2002	\$49,213.00	\$492.13	\$2,000.00	95770	02.12.03	\$0.00	\$8,000.00	2
01/2003	12/2003	\$49,615.00	\$496.15	\$2,000.00	100307	02.10.04	\$0.00	\$10,000.00	2
01/2004	12/2004	\$51,602.00	\$516.02	\$2,000.00	104630	02.04.05	\$0.00	\$12,000.00	2
01/2005	12/2005	\$60,953.00	\$609.53	\$2,000.00	109540	02.10.06	\$0.00	\$14,000.00	2
01/2006	12/2006	\$62,843.86	\$628.44	\$2,000.00	114595	02.13.07	\$0.00	\$16,000.00	2
01/2007	12/2007	\$60,134.98	\$601.35	\$2,000.00	119689	02.14.08	\$0.00	\$18,000.00	2
01/2008	12/2008	\$68,965.08	\$689.65	\$2,000.00	125229	02.12.09	\$0.00	\$20,000.00	2
01/2009	12/2009	\$63,786.20	\$637.86	\$2,000.00	130137	02.04.10	\$0.00	\$22,000.00	2
01/2010	12/2010	\$62,501.01	\$625.01	\$2,000.00	135421	02.10.11	\$0.00	\$24,000.00	2
01/2011	12/2011	\$70,349.05	\$703.49	\$2,000.00	140229	02.09.12	\$0.00	\$26,000.00	2
05.10.12 Jim White E-Mail: Recognition That Prior Disbursements Used for Annual Summer Market									
04.19.12 Letter Requesting Disbursement From Fund; HCE Approval Date: 05.14.12									
<b>Total</b>	N/A	<b>\$659,613.10</b>	<b>\$6,596.13</b>	<b>\$26,000.00</b>	N/A	N/A	<b>(\$2,000)</b>	<b>(\$26,000.00)</b>	

Community Enhancement Fund Inception Date: October 4, 2000

**Notes:**

1. The actual payment disbursed reflects a one-time initial fund payment of \$2,000.00 associated with the renewal of the franchise.
2. The actual payment disbursed is 1% of the revenue received or \$2,000.00, whichever amount is greater.