



Official Minutes

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

Wednesday June 20, 2012

Work Session – 5:45pm
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 – 5:45 pm

- Fiscal Year 2011 Annual Audit presentation and acceptance – Brunvand (30min)
(Please remember to bring your audit with you to the meeting.)
- Resolution 17 – 2012 Barney Ltd parking agreement (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 Hawkeye at 6:37 pm.

Those present included: Mayor Hawkeye Flaherty, Town Council members George Brodin, Aggie Martinez, Earle Bidez, John Rosenfeld, Shelley Bellm, 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 the agenda as amended. Motion passed (7-0).

3. Approval of Minutes and Action Report

- June 6, 2012
- Action Item Report

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

Direction to add planning of south Town sidewalks to action item report with CDOT involvement.

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

Mr. Frank Lorenti, 1081 Main St, discussed Dean Adler received 7.3 million and Minturn received \$4.3 million. \$1.4 to lawsuits and admin fees, then \$350,000 scholarship fund and \$250,000 for Little Beach totaling \$11.6 million. Mr. Lorenti requests to be added to an agenda in order to set the ground rules for Council discussion topics.

Mr. Frank Lorenti believes Eagle County will be best served as County Commissioner by Jeff Leyman and the change he will bring.

Mayor Flaherty corrected some of the previously discussed monies discussed by Mr. Lorenti.

Mr. Michael Caccioppo, 100 W Beaver Creek Blvd, Avon, took a moment to defend Mr. Lorenti's right to express free speech and his belief in the First Amendment. Mr. Caccioppo also commended and defended the Minturn Town Council for its work with the Battle Mountain Development Company and the Council's ability to receive funds from the Developer without a development agreement. Mr. Caccioppo expressed his displeasure of the Layman campaign and Layman's unwillingness to hold a debate with his opponent. Mr. Caccioppo is supporting John Rosenfeld as County Commissioner.

5. Special Presentations

- Mr. Jim Madril, Minturn Post Master, Retiring

6. Planning Department Update

7. Town Manager's Report

Meeting with EPA

The meeting with the EPA on June 13, 2012 in Denver was attended by Town Council representatives, Shelley Bellm and Earle Bidez, the Town Manager, the Town Attorney, and two attorneys from Holland and Hart, Boots Ferguson and Elizabeth Mitchell.

Battle Mountain was also represented at the meeting. The meeting focused on the status of Bolts Lake and the continued discussion of cleanup of the nearby Superfund Site, a hurdle that needs to be cleared to enable the Battle Mountain Development to proceed. Comments on the Feasibility Study (FS) from the EPA and the State were provided at the meeting. Following a response to the FS comments to be completed by the Town and Battle Mountain, a formal Proposed Plan will be developed. A firm statement indicating that the Bolts Lake Reservoir is not, and will not, be contaminated once it is re-established, is expected.

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 EA process analyses and discloses the effects of conveying the lands through competitive sale on the open market. **I recommend that the Town Council provide comment on the Environmental Assessment statements.**

Scholarship Committee

We have received two more inquiries regarding scholarship requests, and one formal submittal. I will convene another meeting of the scholarship committee to review the submittals. Our scholarship committee will continue to gather financial investment information and options so the Town Council can eventually set policy for disbursement of the scholarship funds we now have available.

Colorado Mountain College

Colorado Mountain College has offered a tour of its facility. I would like to secure some dates from interested Town Council members so I can schedule a tour of CMC.

1st Bank Closing

I have had official confirmation from the 1st Bank president that the Minturn 1st Bank branch will be closing in October 2012.

XCEL Energy

I contacted Todd Anderson from XCEL Energy to invite him to Town Council to discuss concerns with an increasing number of power outages in Minturn. **He will be available on July 18, 2012 to attend our Town Council meeting.**

CML Annual Conference

Beginning Tuesday, June 18 through Friday June 22, 2012, I will be attending the CML Annual Conference in Breckenridge, Colorado. Thank you for your support for my bid to be re-elected to

the CML Executive Board. I will be back for the Town Council meeting on Wednesday evening at 6:30pm.

1st Official Day of Summer!!!

Today, June 20, 2012 is the first official day of summer!

Upcoming Events:

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.

Minturn Independence Day Celebration

Our Independence Day Celebration will be Sunday, July 1, 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 and international 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. **On June 12, 2012, we met with local business owners to discuss planning issues related to the race and to secure their input. Frequent meetings will be coordinated between now and the day of the race to solidify local planning efforts.**

8. Town Council Comments

Mr. Michael Caccioppo indicated other towns have lost the bank lobby, but were able to keep a drive-thru facility open.

Earl B. and other Council members expressed the need to have a bank in Town and the option of signing a petition indicating customers do their banking at any new bank that might move into the Minturn area.

The July 4th Town Council meeting will be cancelled.

Direction to Staff to schedule a tour of the Eagle Mine facility.

Direction to Staff to investigate the Forrest Service Hwy 24 closure arm at the Dowd Junction location and report to Council. In the event this arm is used it will close the highway to local traffic going south into Minturn.

John R, thanked Jimmy Medril for his dedication and service to the Town of Minturn.

John R, reminded Minturn residents that the fire restrictions have been heightened.

Earle B, announced that the Minturn Community Fund will be holding an Open House 5:00-7:00 pm, Monday, June 25th.

Earle B, suggested it might be of interest to review the dog safety laws within the Town.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. **Discussion/Action:** Motion to accept the Fiscal Year 2011 Minturn Financial Audit - Brunvand (30min)

Motion by John R, second by George B, to accept the Fiscal year 2011 Minturn Financial Audit. Motion passed (7-0).

Direction to Staff to add account liability of the escrow funds to the July 18, 2012 meeting.

10. **Discussion/Action Item:** Ordinance 7 – 2012 an Ordinance (Second Reading) an Ordinance banning the sale of Medical Marijuana within the Town of Minturn – Metteer/Brunvand (20 min)

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

11. **Discussion/Action Item:** Resolution: 17 - 2012 A Resolution approving a parking agreement between Barney Ltd Condominium Subdivision and the Town of Minturn – Cerimele/Christensen (15min)

Motion by John R, second by Aggie M, to approve as amended, Resolution: 17 - 2012 A Resolution approving a parking agreement between Barney Ltd Condominium Subdivision and the Town of Minturn. Motion passed (7-0)

Greg Perkins, 30 Bunker Way, Eagle, representing the Barney Ltd acknowledged the Subdivision's approval of the amendments of the agreement.

EXECUTIVE SESSION

the Town's Attorney and receive legal advice regarding an update on the Battle

Mountain Resort regarding ongoing negotiations and an update on the EPA and the USFS Environmental Assessment discussions. White/Christensen

Motion by John R, second by Shelley B, 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 an update on the Battle Mountain Resort regarding ongoing negotiations and an update on the EPA and the USFS Environmental Assessment discussions. 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 – July 18, 2012

- Excel Energy – Todd Anderson
- Discussion of Public Comments
- Discussion of the escrow funds and the tracking of the monies

15. Future Meeting

- Evaluation of the Town and prosecuting Attorneys

16. Set Future Meeting Dates

a) Council Meetings:

- July 5, 2012 (CANCELED)
- July 18, 2012
- August 1, 2012

b) Planning & Zoning Commission Meetings:

- July 11, 2012
- August 8, 2012
- September 12, 2012

c) Other Dates:

17. Adjournment

In that there was no further business to conduct, the meeting stood adjourned.


Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand