



## **Official Minutes**

### **MEETING OF THE MINTURN TOWN COUNCIL**

**Minturn Town Center, 302 Pine Street**

**Minturn, CO 81645 • (970) 827-5645**

**Wednesday September 5, 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 of Holiday Party – White (10min) *Dec 7, 2012*
- Fire District update and Volunteer discussion – White (15min)
- Report from Auditor for recommendations for Battle Mountain escrow funds – White/Brunvand (15min) page 38
- Preparation of FY2013 Budget Calendar – Brunvand (30min) page 39

### **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 6:45pm.

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

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

## **2. Approval of Agenda**

- a. Items to be Pulled or Added

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

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

- August 15, 2012

Motion by Aggie M., second by John R., to approve the minutes of August 15, 2012 as presented; motion passed (5-0). (Earle B absent, excused and Shelley B. abstained as she was absent at that meeting.)

- Action Item Report

John R. requested the Manager to call CDOT or USFS re the trees that are in potential of falling across Hwy US 24 at the south end of Town

George B. noted some of the year to date Town successes to include scholarship fund, release of BMR funds, our market economy is improving , the municipal parking lot, the Pro Challenge bike race, the cleanup of the Town, the Independence Day, Community Garden, Flowers on Main, Pine St paving, new construction, concert series. He noted the Park Master Plan had been given the go ahead but he asked how this was proceeding: Intermountain Engineering has been contracted to do the survey and the Little Beach Park area is being surveyed.

Hawkeye F. asked for a Parks and Rec Master Plan detail update on the Action Plan.

George B. asked where we are on the drainage plan; we have received a bid and are moving forward with a potential DOLA grant to help fund this. North Taylor Parking: a parking plan has been submitted to the Manager from Chris C. to provide 5, 7, and 10 parking stalls. Abandoned vehicles in that area are being removed and a more diligent enforcement program is being undertaken. The Town Manager will be submitting a plan to the UPRR to begin discussion on a parking area lease.

Aggie M. asked if we have heard anything from CDOT regarding the bike/sidewalk in south Minturn; we have not; efforts to meet with CDOT have been unsuccessful to date. Aggie said the hydrant extensions looked good for the bike race.

## **4. Minturn Liquor License Authority**

- Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners – Brunvand

Jay B. noted the report in the packet, no issues have arisen that would preclude approval, and Staff recommends approval.

Motion by John R., second by Aggie M., to approve the Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners as presented; motion passed (6-0). (Earle B absent, excused)

- September 22, 2012 Special Event Permit, Town of Minturn – Brunvand (request that this item be pulled from agenda)

Motion by Shelley B., second by George B., to remove this item from the agenda.

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

Ms. Jill Ryan, candidate for County Eagle County Commissioner from Edwards. She is running from District 1. Ms. Ryan gave a brief outline of her campaign goals.

**6. Special Presentations**

- Presentation of Town Map by the Minturn-Red Cliff Business Association – White

Jim W. outlined the directory light box/map. Jim W. noted this project is a staff level approval but wanted to share with the Council the proposal and the possible location and design concepts. Shelley B. noted that all businesses should be included in the map if the Town is to participate. Since this is an MRBA activity and will be located on private property, this request will be communicated to MRBA.

- Presentation of proposed Eagle County Ambulance District merger – White

This item was mentioned in the Work Session and will be moved to the 9/17/12 meeting.

- Presentation by Mr. Chris Romer, Vail Valley Partnership
  - Economic Council of Eagle County update
  - Group Sales – Sports & Events update
  - FY2013 funding request

Mr. Romer was not present at the meeting. (This item rescheduled to the 10/3/12 meeting).

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**7. Discussion/Action Item: Update on comments made by Mr. Tony Aiello regarding citizens cleaning up after their pets - White**

Jim W. introduced Mr. Aiello and stated that he has been picking up after some of the dogs in Town. Mr. Aiello is requesting remuneration for this service. Jim W. stated that this is not a job the Town is prepared to monetarily reward on an ongoing basis. On an individual basis, Jim W. has rewarded Mr. Aiello personally with a gift certificate.

Mr. Tony Aiello, 30 Mann Ave., is requesting \$6 per "growler" pick up from the Town and would like a large white shirt recognizing his service. He will also write down and turn in offending dogs and their owners to the Minturn Police.

The general consensus of the Council was to not pursue this service in a monetary fashion. It was stated that we need animal control service in the morning and in the evening. Hawkeye felt this was something we should consider at about \$10 per week; Mr. Aiello stated that was not enough compensation.

A license fee and dog registration was discussed. It was requested the fee be considered during the budget program and goal setting on September 19.

Ms. Suzanna Miranda, 552 Main St, stated she is a responsible dog owner and picks up after her dog. She stated owners need to be more responsible for their dogs.

Council indicated they appreciated Mr. Aiello's efforts and authorized a onetime financial remuneration for Mr. Aiello at the Manager's discretion.

**8. Discussion/Action Item: Fire District update and Volunteer discussion – White**

Jim W. stated this was discussed with a member of the Fire Board during the Work Session regarding the November mill levy ballot question. Items covered included the cost of the proposed mill levy and the cost of this measure not passing. Shelley B. asked all citizens of the District to educate themselves on the reasons to support this ballot question as relates to station closures and other costs that might be realized if this measure does not pass.

**9. Discussion/Action Item: Report from Auditor for recommendations for Battle Mountain escrow funds – White/Brunvand**

Jim W. stated this was discussed during the Work Session. Council directed Town staff to provide absolutely clear tracking and reporting of the Battle Mountain Resort funds. It is important that these funds be clear and transparent. These discussions will be incorporated within the proposed 2013 budget for further review.

**10. Discussion/Action Item: Discussion regarding stipend to businesses as related to the Water outage - White**

Jim W. updated the Council that the water service was interrupted on two occasions during the same week in early August. Jim W. stated the stipend would be by request only, it would be a stipend not an attempt to cover their costs during the closures, and it would only be for business that were directly affected.

Concern was expressed that it would set a precedent and also asked if it would be extended to residents as well. It was determined that a business must have been directly and financially affected.

After further discussion, direction from Council was to not consider a stipend.

**11. Discussion/Action Item: Direction on preparation of FY2013 Budget Calendar – Brunvand**

Direction was to add extra time during the scheduled meetings and work sessions in order to provide adequate time for Council to review their goals and funding of those goals. It was directed that the September 19, 2012 Work Session begin at 4pm in order to begin 2013 goal setting and 2013 budget discussion.

**12. Discussion/Action Item: Direction on preparation of a Holiday Party – White**

Direction was given for Staff to solicit ideas and locations. It was noted by several Council members that the cost would increase as a restaurant would need to close in order to accommodate our small party. Council set the date for the event as December 7.

**OTHER MATTERS**

**13. Planning Department Update**

Chris C. outlined the proposed bus routes for the winter Eco Transit schedule as provided to him by the Transit Authority. The schedule identifies four routes in the morning and five in the evening. ECO Transit is requesting comments be submitted. It was noted this is a degradation of service by cutting out the loop service we currently have. Shelley B. noted the ridership increased with the loop service.

Direction was given to Chris C. to propose the same schedule as winter 2012 and retain the loop bus. Chris C. will pass on the concerns and report back. Aggie M. is the Town representative on the Transit Board and will forward the concerns as well.

Chris C. updated the Council on several of the projects in Town.

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

### **Water Valve Leaks**

On August 6 and again on August 9, 2012, the Town had water outages as a result of two water leaks at the intersection of Mann and Harrison. We recognize the impact on our local business and residents.

Due to the unusual circumstances of two outages in the same week, I am recommending that Town Council consider a stipend up to \$200 to local businesses, upon request from them, to defray the loss of revenues they incurred. Certainly not intended to recover all of those costs, a small "Good Neighbor" stipend, capped at this predetermined amount, would be a gesture to reflect our awareness of their importance to us and our recognition of the difficult week they endured. I would extend this offer to businesses that were impacted and set a deadline for any such requests to be due in by Friday, September 28, 2012.

### **Meeting Regarding the Memorandum of Understanding related to the Human Performance Center/Rec Center at Maloit Park**

The subcommittee meetings with representatives from SSCV and Battle Mountain are attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, Town Attorney Allen Christensen, and Town Planner Chris Cerimele. The current direction of the group is to create lists of the desired amenities to be created by each of the parties. In addition, the Town hosted an Open House on Wednesday, August 8, 2012 to solicit resident input. We coordinated a meeting at the Gypsum Rec Center on August 20, 2012 to look at design features and talk with the firm previously selected by the Town of Minturn in 2008, Barker, Rinker, Seacat. Representatives from the Ski and Snowboard Club Vail (SSCV) and Battle Mountain Resorts attended as well.

### **DOLA Grant**

Greg Winkler, our DOLA field representative, presented DOLA funding options at our last Town Council meeting on August 15, 2012. Subsequently, the Town Manager submitted a request, signed by the Mayor, for approval of an administrative grant from DOLA for a Master Drainage Plan for the Town of Minturn in the total amount of \$34,650, of which the Town of Minturn would have to match 50%, or \$17,325.

### **Maloit Park Water Tank Repairs**

Repairs were in progress on the interior of the Maloit Park Water tank in early August. It became clear that without further repairs, the water tank interior would not withstand the sandblasting process. The Town is now at work with the Eagle School District to assess the necessary repairs and to develop a plan to determine what needs to be done in order to proceed. From the report I received on August 28, 2012 from the engineering firm utilized by the school district, (Base Engineering) no steel structural modifications will be required, yet additional epoxy filler and coating on the interior will be applied prior to painting the interior of the tank and restoring it to use prior to winter.

### **Resident Request**

At the last Town Council meeting, local resident Tony Aiello asked Town Council to consider paying him for picking up feces left by dogs throughout Town. He has been doing this as a volunteer. He has been doing this for several months. I do not recommend ongoing payment for this service. Though it is appreciated, it is the responsibility of dog owners to pick up after their dogs. As a footnote, Tony was previously given a personal gift certificate from the Town Manager to be used at Kirby's BBQ as a symbolic "thank you" for his efforts. This was not from Town coffers.

Stricter enforcement of dog owners in picking up after their dogs would be my first recommendation, as it is each owner's responsibility.

### **1<sup>st</sup> Bank**

Letters drafted by the Town Manager and signed by the Mayor and the entire Town Council were sent to John Ikard, president and CEO of 1st Bank Holding Company and to Mary McDougall, president, 1<sup>st</sup> Bank Vail on Friday August 24, 2012 requesting reconsideration of the closing of the Minturn branch currently planned for October 2012.

### **Bone Yard Property**

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn which the Town is planning to purchase with the assistance of the Eagle County Open Space Advisory Board through its earlier recommendation to move forward to the Eagle County Commissioners. The draft management plan was provided to Town Council for its collective comments. We have scheduled discussion at the September 5, 2012 work session. Staff will also attend and present this project at the next Eagle County Open Space Advisory Committee meeting on Monday, September 10, 2012. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. Dave Neely, USFS District Ranger, called to inform me that the Environmental Assessment by the USFS came back recently. Due to the fact that no comments were received, the process will be accelerated by at least 45 days. I have been in touch with the USFS to discuss the process and timetable.

### **XCEL Energy**

Following the last Town Council meeting, I contacted Todd Anderson from XCEL Energy to recite the list of issues presented at the last Town Council meeting. We are awaiting follow up from him.

### **Scholarship Committee**

The final two scholarship letters were sent during the final week of August. We have now depleted our original \$3600 minor scholarship fund. We are now \$732 dollars into the Battle Mountain/Town of Minturn Scholarship dollars. Our scholarship committee continues 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. We have had a presentation from 1<sup>st</sup> and Main Advisors and we have received inquiries from Jeffery Apps and the Colorado Mountain College in the past two weeks asking if the Town Council has selected an investment strategy or investment firm.

### **Water Treatment Update**

(see attachment provided by John Volk, Water Quality Professionals, Inc, our consulting water operator).

### **Pine Street Rehab Project**

Elam began work on Monday, August 6, 2012. We have had negotiations with Elam and saved just shy of \$3000 by considering value engineering cost saving measures that have been applied to the project. Several negotiations resolved driveway grade issues that developed as the project continued. Final paving occurred on Wednesday, August 29, 2012. This benchmark project included sidewalks, storm drainage, and paving.

### **Upcoming Events:**

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

The Town of Minturn hosted the stage of the race that passed through Minturn on **Thursday, August 23, 2012.**

#### **Minturn Summer Market**

Only one more market this weekend! The Minturn Summer Market continues to be successful. New umbrellas and some additional tables have spruced up the Minturn Market. Attendance continues at a steady pace. The market will continue through September 8, 2012. Please stop by to visit and shop!

#### **Fall Festival/Lettuce Bowl**

The Town of Minturn and the Minturn Community Fund will be teaming up again to provide the Fall Festival on Saturday September 22, 2012.

Additional direction was given to Jim W. to follow up with the Shop n Hop spill and make sure the clean up is still progressing. Jim W. will contact the state for an update or possibly a site visit with the State.

### **15. Town Council Comments**

George B. wished a Happy Birthday to the Mayor, Hawkeye.

Hawkeye reminded the citizens that school is in session and the Town has a zero tolerance stance on passing school buses.

Shelley B. stated the District consolidated bus stops so you will see more kids congregating at the bus stops.

## **EXECUTIVE SESSION**

### **16. 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 ongoing negotiations with**

**Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and to discuss a pending agreement for fee dispute with Martin and Woods and to provide direction to the negotiating team – White/Christensen**

Motion by Shelley B., second by George B., to convene in 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 ongoing negotiations with Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and to discuss a proposed Department of Local Affairs grant.

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

The Executive Session ended at 9:53pm. After the Executive Session, staff was directed to continue negotiations related to purchase of the USFS parcel, to continue ongoing negotiations with SSCV regarding the Human Performance Center/Rec Center and invite a presentation at the next meeting on 9/19/12, and to verify that we can accept the grant funds from the Department of Local Affairs to complete a Master Drainage study.

**FUTURE AGENDA ITEMS**

**18. Next Meeting – September 19, 2012**

- Start 9/17 with 4pm retreat for discussion on Town goals, last year's accomplishments, and cash funds available for projects. Also add a dog license fee discussion.
- Work Session and Discussion/Action for scholarship to give direction or hire a company to manage the money.
  - Sherman and Howard representative, Dee Wisser-during work session
- Ambulance District merger presentation during the regular meeting.

**19. Future Meeting**

- October 3, 2012 Eagle River Fire District special presentation

**20. Set Future Meeting Dates**

a) Council Meetings:

- September 19, 2012
- October 3, 2012
- October 17, 2012

b) Planning & Zoning Commission Meetings:

- October 10, 2012
- November 14, 2012
- December 12, 2012

c) Other Dates:

- September 22, 2012 – Fall Festival

**21. Adjournment**

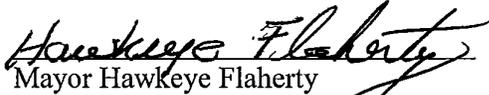
Motion by Jerry B., second by John R., to adjourn the meeting at 9:55pm.

c) Other Dates:

- September 22, 2012 – Fall Festival

**21. Adjournment**

Motion by Jerry B., second by John R., to adjourn the meeting at 9:55pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

