



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

**Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645**

Wednesday September 19, 2012

Work Session – 4:00pm

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 – 4:00 pm

- Retreat to review Council Goals, 2012 accomplishments, and cash funds available for future projects – White/Brunvand (60min)
- Work Session discussion to review scholarship funding with Mr. Dee Wisor, Sherman and Howard – White (90min)

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 Flaherty at 6:33 pm.

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

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Town Clerk/Treasurer Jay Brunvand, and Deputy Clerk, Michelle Metteer.

2. Approval of Agenda

- a. Items to be Pulled or Added

Motion by George B., second by Jerry B., to approve the agenda as presented. Motion passed (7-0).

3. Approval of Minutes and Action Report

- September 5, 2012

Motion by John R., second by Aggie M., to approve the minutes of September 5, 2012 as presented; motion passed (7-0).

- Action Item Report

4. Minturn Liquor License Authority

- Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Tamberino, Manager – Brunvand (10min)

Motion by George B., second by John R., to approve Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Tamberino, Manager; Motion passed (7-0)

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min)

Motion by Earle B., second by George B., to approve Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner; Motion passed (7-0)

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

Mr. Frank Lorenti, 1081 Main St, addressed concerns regarding removal of political signs in his yard during the recent run for the Republican race for County Commissioner. He cited the Minturn Municipal Code and asked why the political signs of a former candidate and Minturn resident are still up months after the election. He asked why the Town has not gone after the individual who still has their signs up even though the signs in his yard were taken and have not been returned.

Direction was given to staff to look into the issue and update the Council at the next Council meeting.

6. Special Presentations

- Presentation by John Cole of SSCV Human Performance Center – White (30min)
 - Actual funding will be an equal funding partnership between the Town of Minturn and Ski and Snowboard Club Vail at \$1,000,000 each. The School District will also be allowing the use of the land where the project will be built.
 - Revenue sharing will be considered between the Town of Minturn and SSCV, and revenues will not be at the cost of higher rec center rates to the Minturn residents.
 - Request by SSCV that Town Council hold a yea or nay vote by October 17th to determine if the proposed project will be approved and supported by the Town.
- Presentation on Eagle County Energy Smart program – White (10min)
 - John Gitchell, Eagle County Government provided a presentation on the Energy Smart program. Contact: 970-328-8777 or info@energysmartcolorado.com for more details.
- Update on Active Energies Solar Garden – White (20min)
 - Megan Gillman, Jason Weingast, Active Energies, 102 Main St.
- Presentation from the Eagle County Ambulance District – White (15min)
 - Chief Morrison & Chief Montera provided an update of the Ambulance District merger.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

7. Discussion/Action Item: Discussion and direction with regard to the Scholarship funds – White (30min)

George B. and Jerry B. both disclosed that they have personal investment relationships with the 1st and Main Investment Advisors. Allen C., Town Attorney, stated this has been reviewed and no conflict of interest exists.

George B. recommends the creation of the 501(c)(3) for the scholarship funds. He also recommends letting the Scholarship Committee decide how the money is invested.

Earle B. likes both proposals but agrees the Scholarship Committee should decide the investment strategy of the Scholarship funds.

Shelley B. agrees with the 501(c)(3) creation, but would like to ensure the Town Council is the overseer of the funds. Shelley B. would like to see a substantial sum of money go to local Colorado Mountain College (more than \$5,000). \$25,000 was mentioned and support for that amount will be considered in future discussions.

Jerry B. would also like to see CMC receive money (\$25,000) and ensures that the Scholarship Committee will not be capable of spending money directly from the Scholarship funds.

Direction to Staff to create a 501(c)(3). Scholarship Committee and to determine the direction of the investment of Scholarship funds.

Recommendation by Town Attorney that the Scholarship Committee hire an accountant for the purposes of writing a letter to the IRS. Town Council concurred.

OTHER MATTERS

8. Planning Department Update

Dead trees at the south end of Town on CDOT ROW and USFS land are in need of maintenance (cutting). Arnold M, Minturn Public Works will be following-up with responsible entities in an effort to find a solution.

Shelley B asked about the letter written to the Railroad regarding the revocable land lease. Shelley's concern is that the Council Railroad Committee was not informed before the letter was sent. She is in agreement of the letter in general, however asks that the Council Committee be updated and involved regularly.

9. Town Manager's Report

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. At tonight's meeting, we will hear from John Cole, representing Ski and Snowboard Club Vail (SSCV).

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.

We have been awarded the grant for the Master Drainage study in the amount of \$17,325.

Maloit Park Water Tank Repairs

Repairs are now in progress again on the interior of the Maloit Park Water tank. The water tank is being sandblasted, filled with epoxy in certain areas and prepared for painting. Additional epoxy filler and coating on the interior will be applied prior to painting the interior of the tank and restoring it to use in the next two weeks.

Based on the report I received on August 28, 2012 from the engineering firm utilized by the school district, (Base Engineering) no steel structural modifications were required.

1st Bank

Letters drafted by the Town Manager and signed by the Mayor and the entire Town Council and were sent to John Ikard, president and CEO of 1st Bank Holding Company and to Mary McDougall, president, 1st Bank Vail on Friday August 24, 2012 requesting reconsideration of the closing of the Minturn branch currently planned for October 2012. A meeting will be held with 1st Bank representatives listed above, the Mayor, the Mayor Pro Tem, and the Town Manager on Monday, October 1, 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 and retain as open space. We are doing this with the assistance of the Eagle County Open Space Advisory Board and the Eagle County Commissioners. The Town Manager and the Town Planner presented this project at the Eagle County Open Space Advisory Committee meeting on Monday, September 10, 2012. We received OSAC's formal endorsement for **\$2,068,000** to augment Town funding to purchase the Bone yard parcel from the USFS. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. I will continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property.

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 received written follow up from him (see attached).

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 investment options will be reviewed at the study session at tonight's meeting so the Town Council can eventually set policy for disbursement of the scholarship funds we now have available. We will have a presentation from 1st and Main Advisors and SRS Capital Advisors. In addition, Sherman & Howard attorney, Dee Wisor, will be available to answer Town Council questions on the investment options presented.

ECO Transit

ECO Transit plans to maintain the loops and fares again this year in Minturn as they were last year. Staff was asked to follow up with ECO following the last Town Council meeting.

Upcoming Events:

Minturn Winter Market

Our Minturn Winter market is planned for Saturday, December 15, 2012.

Christmas Tree Bonfire

The Town of Minturn Christmas Tree Bonfire is planned at Little Beach Park on Friday night, January 4, 2013.

10. Town Council Comments

Earle B. would like to see the Xcel Representative's timeline on the improvements that have been outlined by Xcel.

John R. is concerned about the outcome of Xcel's "switch-over" process and has doubts the system will be functional.

There is no sunset clause for the upcoming proposed Fire District Mill Levy increase.

EXECUTIVE SESSION

- 11. Executive Session - Motion to convene into Executive Session pursuant to CRS 24-6-404 (b) for the purposes to consult with the Town's Attorney and receive legal advice regarding ongoing negotiation with Ski and Snowboard Club Vail (SSCV) as related to a recreation center Memorandum of Understanding and to discuss Elam Construction final payment 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 into Executive Session...Motion passed (7-0).

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

Direction to staff to continue negotiations with SSCV; set a meeting with Barker, Rinker, Seacat and the subcommittee; consider relief of payment amount to Elam Construction, and continue negotiations toward the purchase of the Minturn Bone yard property with the USFS and Eagle County Open Space.

FUTURE AGENDA ITEMS

13. Next Meeting – October 3, 2012

- Ord 11, 2012 – Fire Ban
- Ord 12, 2012 – Planning Commission Appeals Period
- Discussion/Action – Ski & Snowboard Club Vail Rec Center
- Work session – Budget goals
 - Water update
 - Staff recommendations

- Discussion/Action - Kayak Course support or denial
- Special Presentation – Eagle River Fire Protection District
- Special Presentation – Mr. Chris Romer, Vail Valley Partnership
 - Economic Council of Eagle County update
 - Group Sales – Sports & Events update
 - FY2013 funding request

14. Future Meeting

15. Set Future Meeting Dates

a) Council Meetings:

- October 3, 2012
- October 17, 2012
- November 7, 2012

b) Planning & Zoning Commission Meetings:

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

c) Other Dates: N/A

16. Adjournment

Motion by Jerry B., second by John R., to adjourn the meeting at 9:545pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

