



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday October 17, 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 – 5:00pm

Please remember to bring your FY2013 Budget Book

- 2013 Budget Review – White/Brunvand (75min)
 - Council Goals
 - 2012 Accomplishments
 - Water Update (not discussed)
 - Budget Review

Regular Session – 6:30 pm

1. **Call to Order**
 - a. Roll Call

The meeting was called to order by Mayor Hawkeye Flaherty at 6:40 pm.

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

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

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- Remove item #6 regarding the kayak presentation and move to the November 7, 2012 meeting.

Motion by Shelley B., second by Jerry B. to approve the agenda for October 17, 2012 as amended. Motion passed (7-0).

3. Approval of Minutes and Action Report

- October 3, 2012

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

- Action Item Report

Shelley B. asked regarding the status of the OSAC funding; Jim W. stated they are working with Eagle County and anticipated this item to be placed on a November County Commissioner's agenda.

Earle B. asked about the Park Master Plan; Chris C. stated a draft is currently being created and will be reviewed by the Planning Commission over the next couple meetings. Council will have this by January or February.

Jim W. stated the sidewalk on the 100 block of Main will be done in the spring per request from Lafarge.

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

Mr. John Whiterman, Maloit Park Manager for the School District, introduced himself to the Council and noted his duties.

Mr. Tony Aiello, 34 Mann Ave, asked if he was going to be reimbursed for the time he spends cleaning up after dogs? Council stated they would not be reimbursing him. Mr. Aiello recommended that Animal Control work before and after the normal work day. Jim W. stated

Animal Control has been contacted inquiring to change their patrol schedule, Jim W. will report back at the next meeting as necessary.

5. Special Presentations

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: Kayak course discussion and direction – White (20min)

This item was pulled from the agenda and moved to the November 7, 2012 meeting.

7. Discussion/Action Item: Resolution 19 – Series 2012; A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan. Cerimele – (15min)

Chris C. reviewed the Plan with Council. He noted all jurisdictions in the County need to approve the resolution prior to November, once completed the County will approve a similar resolution as the defined authority in the Plan. Chris C. noted there is a general project request specific to Minturn in the Plan which involves removal of some trees to create a fire defense buffer and that some of this can be paid for by a grant through the County. It was noted this will involve working with private property owners to mitigate this request.

Hawkeye asked if this is tied with the USFS pine beetle mitigation. This mitigation is being completed but is not necessarily related to this program. The Pre-Disaster Plan is a regional effort undertaken by the County as the primary resource not the USFS.

Motion by Earle B., second by Jerry B., to approve Resolution 19 – Series 2012; A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan as presented; motion passed (5-2). (John R. and Aggie M. voted nay)

8. Discussion/Action Item: MS 2012 – 02; A Re-Subdivision of Tract A, Maloit Park. Cerimele (20min)

Chris C. updated the Council on the proposal. Chris C. stated Mr. Tom Braun, representing the Eagle Co School District, was not able to be present due to a family commitment. Chris reviewed the Re-Subdivision and detailed how Tract A is for a Human Performance Center, Tract B is to be used for housing and dormitory housing.

Shelley B. asked if this will affect the negotiated water easements on the site. Allen C. stated he did not know and would have to check with the other attorneys involved. Chris C. stated there are two unrelated easements but Staff will need to review the Plat for the specific water easements. Staff will consult with the School District and bring the Re-Subdivision to a future meeting.

Motion by John R., second by Shelley B., to table November 7 2012 MS 2012 – 02; A Re-Subdivision of Tract A, Maloit Park; motion passed (7-0).

9. Discussion/Action Item: Discussion and direction SSCV Human Performance Center regarding a recreation Memo of Understanding – White (30min)

Jim W. outlined the events and negotiations to develop a Human Performance Center/Rec Center. This facility would be located in the Maloit Park area and be a collaborative effort between the SSCV and the Town of Minturn. Jim W. noted that Earle B. and John R. are the Council Representatives. Earle B. outlined the benefits of working with the SSCV to include savings on operational costs. This will allow the Town the opportunity to move forward with this citizen benefit now with the use of a negotiated Memo of Understanding which details the operational aspects of the resource.

Hawkeye stated that the rates were high for a work out center in comparison to prices for a full recreation center. Earle B. stated the rates are very preliminary and have not been reviewed or approved at all. Earle B. noted that Phase II will include a pool and agreed the rates are high for no pool, as that will not come into play until Phase II

Mr. Aldo Radamus, SSVC, spoke to the negotiations and noted the rates which are being reviewed are very much first drafts only. It is not the intention that the operational costs of the facility would be covered by the user fees. These fees will be used only to offset some of the costs. Mr. Radamus stated that all operational costs will be borne by SSCV during Phase 1. The Town Manager distributed a revised fee sheet provided by SSCV showing reduced fees and again noted they were very preliminary and dependent on a complete operations and business plan which is being developed currently. He stated the SSCV students will use the facility as a part of the ski and snowboard program and that they do not receive additional money from the School District. He stated we still needed to work on the Memorandum of Understanding (MOU).

Earle B. asked about a time frame for the fees, Mr. Radamus stated they are working on the financial aspects and should have this completed by early November. Earle B. stated the proposal is to form a foundation with board members from the Town and the SSCV that will govern the facility and its management. Jerry B. stated that if the operation costs were the burden of the Town, we would not be able to operate the program for the fees that are being proposed. This is a benefit for the citizens that will use it.

Hawkeye asked when they will need a go or no go decision from the Town; Mr. Radamus stated as soon as possible but they could wait until early November when the Council will have the Operation Plan to review.

By way of public comment, Mr. Frank Lorenti, 1081 Main St, stated the SSCV has already confirmed they would build this on their own. Mr. Lorenti felt the rates should be cut even more if the Town is to give the project \$1M. He said he would like to hear more about Phase II and what components it will entail. He stated this was a work out facility; it was not a recreation center.

10. Discussion/Action Item: Ordinance 11 – Series 2012 (Second Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation – White (15min)

Allen C. stated there were no changes from first reading and Staff recommends approval.

Motion by Shelley B., second by John R., to approve Ordinance 11 – Series 2012 (Second Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation as presented; motion passed (7-0).

11. Discussion/Action Item: Ordinance 12 – Series 2012 (Second Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions – White/Christensen (15min)

Allen C. stated there are no changes from first reading and Staff recommends approval and detailed this changes the MMC Code for a Planning Commission appeal from 20 days to 30 days. Hawkeye expressed this would be a detriment to the builder.

Motion by Shelley B., second by John R., to approve Ordinance 12 – Series 2012 (Second Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions as presented; motion passed (6-1). Hawkeye voted nay.

12. Discussion/Action Item: to extend the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan – White/Christensen (15min)

Allen C. detailed the reasons for this extension. He noted this stipulation is taking a long time because ERWSD has requested extra time to review the reports which are very complex. Hawkeye stated that this needs to be moved along as it has been taking years already. Allen C. stated this directly affects our water rights and the design of Bolts Lake, the request is for a three week extension and it is not unreasonable.

Motion by John R., second by Shelly B., to extend the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan as presented; motion passed (7-0)

OTHER MATTERS

13. Planning Department Update – N/A (Chris Cerimele noted there was nothing in the packet, but he did have some information to share).

Chris C. noted several new regulations will need to be adopted by ordinance as relates to the Flood Plain. The Flood Plain revisions will need to be approved by January 2014 and he will be bringing this forward to the Council over the next few months. He noted there are currently ten structures in Town that pay flood insurance. Under the new regulations, in the event the building was destroyed it would not be allowed to be rebuilt within the flood plain.

Chris C. stated that the Planning Commission will be reviewing the Parks & Recreation Master Plan over the next few months. Once this plan is completed we can use it for grant applications as well.

John R. asked about wood burning fire places, Chris C. stated that our regulations allow only approved pellet or gas burners or inserts and if a fireplace is upgraded it must be replaced with an approved appliance. The Town Manager and the Town Planner will be meeting with a representative from Western Fireplace regarding EPA approved fireplaces.

14. Town Manager's Report

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

The most recent subcommittee meeting with representatives from SSCV and Battle Mountain was held on Monday, October 1, 2012 and was attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, and Town Attorney Allen Christensen. We addressed issues related to the development of a Memorandum of Understanding for Phase 1 of the Human Performance Center/Recreation Center facility. Further discussion will occur at tonight's meeting. Representatives from SSCV are expected to be present to discuss a proposed rate structure.

Maloit Park Water Tank Repairs

Repairs are now completed on the interior of the Maloit Park Water tank. The water tank has been sandblasted, surfaced filled with epoxy in certain areas and painting. The paint is curing now and the tank will soon be refilled.

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 requesting reconsideration of the closing of the Minturn branch planned for October 2012. A meeting was held with 1st Bank representatives, the Mayor, the Mayor Pro Tem, and the Town Manager on Monday, October 1, 2012. The Mayor Pro Tem and the Town Manager went to Denver on October 2, 2012 for a second meeting. **Despite all our efforts, the 1st Bank branch in Minturn closing was set for October 12, 2012.**

Bone Yard Property

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn. We are doing this with the assistance of the Eagle County Open Space Advisory Board and the Eagle County Commissioners. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. I continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property.

UPRR

Kathy Snead from Union Pacific Railroad stopped by on Friday, October 12, 2012 to look at the site proposed by the Town for a possible trail in the rail yard area from Dowd Junction into Town.

Battle Mountain Infrastructure Meeting

Staff met with Sam Otero from Battle Mountain on Friday, October 12, 2012 to review prospective infrastructure plans in an effort to coordinate planning efforts between the two parties.

DOLA Grant

TST Engineering has begun its work on the Master Drainage project.

Scholarship Committee

Our scholarship investment options were reviewed at the study session on Wednesday, September 19, 2012 by the Town Council. We had presentations from 1st and Main Advisors and SRS Capital Advisors. The subcommittee met on Thursday, September 20, 2012 and will have a recommendation to Town Council soon, pending legal review by Sherman & Howard attorney, Dee Wisor.

ICMA Conference

I attended the International City Manager's Conference from October 5-9, 2012 in Phoenix, AZ.

Upcoming Events:

Minturn Halloween Celebration, Tuesday, October 30, 2012.

Veterans Day Holiday, Monday, November 12, 2012.

Town offices will be closed.

Minturn Winter Markets

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012 and 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.**

John R. asked for an update on the dead trees along Hwy 24 in south Minturn that if fall will hit the road; Jim W. stated yes this is being addressed and things are progressing.

Hawkeye requested that when he goes to the Scholarship Committee that we could divide the money between the two companies rather than give it all to one investment company. He requested this be taken to the committee to discuss

15. Town Council Comments

Shelley B. extended her condolences to the George Jaramillo.

Jerry said that Xcel has come out with new rules that Towns cannot put flags on the phone poles anymore. Jerry requested the flags be in place for Veterans Day and that a letter be written to Xcel stating our objection and requesting an exemption. On second thought, he asked to hold off on a letter until the circumstances call for it.

Hawkeye stated that Hank Lovato passed away, he was a long time resident and extended his condolences.

Aggie extended his condolences to Richard Martinez. He also noted he attended the ECO Transit meeting today and updated the Council on the meeting. He stated the schedule for the winter was discussed and noted they had received a lot of comments from Minturn residents regarding the schedule and will review it to see if more can be done for the working citizens and an earlier bus.

Earle B. thanked all the volunteers that worked the rummage sale this year on behalf of the Minturn Community Fund. Because of the volunteer work the Minturn Community Fund will receive \$2,700. He noted the success of the Minturn Community Garden this summer and stated the gardens are down and stacked away ready for next season. He thanked the Town for its assistance.

Hawkeye reminded citizens about Halloween. Minturn will have a lot of kids in town on Tuesday, October 30 and he asked that all be aware of the kids and use extra care to keep them safe.

EXECUTIVE SESSION

- 16. Executive Session - To convene in 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 Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen – White/Christensen**

Motion by Jerry B., second by George B., to convene in 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 Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake; motion passed (7-0). Executive Session started at 8:25pm.

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

The Executive Session ended at 8:56pm. Direction was given to the Town Manager to work with the consulting attorneys regarding billing issues and review with subcommittee members. Regarding the SSCV, the Town Manager was directed to provide the business plan to the Town Council as soon as it is available.

FUTURE AGENDA ITEMS

18. Next Meeting – November 7, 2012

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2013 Budget – review public funding requests – Brunvand/White 11/7/11 (45min)

19. Future Meeting

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2013 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2013 Budget Ordinances – Brunvand/White 12/7/11 (15min)

20. Set Future Meeting Dates

- Council Meetings:
- November 7, 2012
- November 21, 2012
- December 5, 2012

21. b) Planning & Zoning Commission Meetings:

- November 14, 2012
- December 12, 2012
- January 12, 2012

22. c) Other Dates:

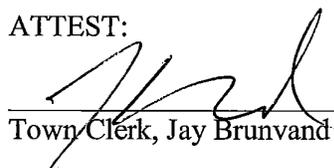
- Minturn Halloween – Tuesday, October 30, 2012
- Veteran's Day November 12, 2012 – Office Closed

23. Adjournment

Motion by Jerry B., second by Aggie M., to adjourn at 8:57pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

