



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday November 21, 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

- Presentation by local business owner (20 min) (White)
- 2013 Budget Review – White/Brunvand
 - Budget Review (70 min)
 - Review of 2012 water fund reserves
 - Review of sample increase numbers of commercial and residential water, water tap and trash rate increases, on a sliding scale from 1% up to 5%.

Direction was given to staff to evaluate potential options for commercial water customers to pay on a consumption basis.

Direction was given to staff to confirm the tap size and water line size for commercial units, specifically the Turntable Restaurant.

Direction to staff to refinance the loader following option “a” as referenced below.

Direction to staff to budget for Council I-pads (or a similar product) for 2013.

Direction to staff to coordinate training with Council, Town Manager and Carl Neu, consultant.

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 6:36 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, Deputy Clerk Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

2. Approval of Agenda

- a. Items to be Pulled or Added

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

3. Approval of Minutes and Action Report

- November 7, 2012
- Action Item Report

Motion by Shelley B., second by Jerry B., to approve the Minutes of November 7, 2012 as presented. Motion passed 6-0, John R abstained as he was absent from the Nov 7, 2012 meeting.

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

Mr. Tony Aiello, 30 Mann Ave, has picked up approximately 280 dog feces “growlers” in the surrounding neighborhoods. He again sought reimbursement for his time and work.

Mayor Hawkeye F. explained to Mr. Aiello, that the Town will not be contracting labor for the services of pet waste removal. It was noted that Mr. Aiello has addressed this same issue with the Council on numerous occasions and that he would not be allowed to make comments on the same issue in future meetings.

Ms. Jamie Elmer, 164 Railroad Ave, is the owner of a new yoga studio in Minturn, First Ray Yoga. She introduced herself to the Town Council. The business will be opening in the International Trade Building. www.firstrayyoga.com will have class schedules and information.

5. Special Presentations

EXECUTIVE SESSION

6. **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 the Town's Water Attorney to receive legal advice regarding ongoing negotiations and a general legal update regarding the Town's water issues and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen/Ferguson

Motion by Jerry B, second by Shelley 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 the Town's Water Attorney to receive legal advice regarding ongoing negotiations and a general legal update regarding the Town's water issues 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)

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

Continue to work on Bolts Lake Stipulation...designate Town Water Attorney to sign the agreement on behalf of the Town of Minturn.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

8. **Discussion/Action Item: Resolution No 22 – Series 2012 A Resolution from the Mayor and Town Council authorizing the Town of Minturn to support Colorado Gives Day. – White (5 min)**

Motion by George B, second by Jerry B, to approve Resolution No 22 – Series 2012 a Resolution authorizing the Town of Minturn to support Colorado Gives Day. Motion passed (7-0).

9. **Discussion/Action Item: 2nd Public Hearing on proposed fiscal year 2013 Budget – Brunvand/White (45min)**

The Public Comment portion of the Public Hearing was opened, no public commented on the budget was presented, and the Public Comment portion of the Public Hearing was closed.

Staff clarified the changes made to date are included within the revised budget numbers, as directed by Council

- Community Funding requests:

- \$1,000 for Walking Mountain Science Center
- \$1,000 to Radio Free Minturn
- \$2,500 for Vail Valley Partnership.
- Benefit summary:
 - A 2012 Holiday bonus pool to be disbursed December 15, 2012 by the Town Manager on a merit basis. Pool funding to be set at \$20,000.00, including taxes. This would be a FY2012 expense.
 - Council directed a Cost of Living Allowance (COLA) of 2.5% be included in the 2013 budget. The COLA would increase the annual base pay scale for each employee.
 - Council agreed to review revenues in 2013 to determine if a merit bonus would be affordable for 2013 at the midpoint of the 2013 fiscal year.

10. Discussion/Action Item: Ordinance 13 – Series 2012 (Second Reading) an Ordinance refinancing the 2009 Caterpillar IT38H Tool Carrier – White (10min)

Motion by George B, second by Aggie M to approve Ordinance 13 – Series 2012 (Second Reading) an Ordinance refinancing the 2009 Caterpillar IT38H Tool Carrier as presented. Motion passed (7-0).

11. Discussion/Action Item: Ordinance 14 – Series 2012 (First Reading) 1st Reading An Ordinance Creating a Supplemental Appropriation to the 2012 Town of Minturn Budget – Brunvand (10 min)

Motion by Earle B, second by Jerry B to approve Ordinance 14 – Series 2012 (First Reading), an Ordinance creating a Supplemental Appropriation to the 2012 Town of Minturn Budget as presented. Motion passed (7-0).

12. Discussion/Action Item: Ordinance 15 – Series 2012 (First Reading) 1st Reading An Ordinance Setting the 2013 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10 Min)

Motion by George B, second by Shelley B to approve Ordinance 15 – Series 2012 (First Reading) an Ordinance Setting the 2013 General Property Tax Mill Levy for the Town of Minturn as presented. Motion passed (7-0)

13. Discussion/Action Item: Ordinance 16 – Series 2012 (First Reading) An Ordinance Adopting the Fee Schedule for Fiscal Year 2013 for the Town of Minturn – Brunvand (10 Min)

Hawkeye F. and Aggie M. were both in agreement to not increase the base water fees and in the event of an emergency, would opt to borrow funds as necessary.

Earle B, offered the idea of saving money gradually over time in an effort to not take out large loans with interest should a water emergency arise.

Motion by Shelley B, second by Jerry B, to approve Ordinance 16 – Series 2012 (First Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2013 for the Town of Minturn as presented. Motion passed (5-2). Hawkeye F. & Aggie M. nay.

14. Discussion/Action Item: Ordinance 17 – Series 2012 (First Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2013 Revenues and Expenses by Fund – Brunvand (10 Min)

Motion by Shelley B, second by John R, to approve Ordinance 17 – Series 2012 (First Reading) an Ordinance Adopting and Recognizing the Town of Minturn’s 2012 Revenues and Expenses by Fund as presented. Motion passed (7-0).

15. Discussion/Action Item: Consideration of mileage reimbursement payments for Council traveling for Town related matters. – White (15 min)

Direction was given to staff to include Council in the Town mileage reimbursement policy. Currently, the Town reimburses mileage to Staff. This change would allow Council Members reimbursement for mileage at the same rate as staff.

OTHER MATTERS

16. Planning Department Update

17. Town Manager’s Report

Memorandum of Understanding related to the Human Performance Center/Fitness Center at Maloit Park

We have circulated a draft Memorandum of Understanding (MOU) for Phase 1 of the Human Performance Center/Fitness Center facility. Concurrently, representatives from SSCV are working with the Town’s consultant, Ken Ballard, of Ballard and King, on a proposed business plan for the center. On November 12, 2012, the Town Manager talked with Ken Ballard to review progress on the business plan.

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 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. On November 15, 2012, we confirmed a time on the Eagle County Commissioners schedule for December 4, 2012 to request formal approval for funding to purchase the property.

Department of Local Affairs (DOLA) Grant

TST Engineering has completed the field work on the Town's Master Drainage project. The Town staff is now working with TST Engineering and with John Volk, Water Quality Control Professionals, on our submittal of a Tier 1 DOLA grant to hit the target deadline of December 3, 2012. Our grant proposal will focus on combined elements of upgrades currently needed to our water distribution system.

Founders Day

We celebrate the remembrance of November 15th as Founder's Day in Minturn. It is the date in history in 1904 that Minturn was incorporated.

UPRR

The Town will be submitting a draft proposal to Kathy Snead with UPRR for a possible trail in the rail yard area from Dowd Junction into downtown Minturn. Town staff is preparing the draft plan for review prior to submitting a formal proposal. We are also working to resolve a land lease for a section of RR property adjacent to Taylor Street. One interest of the Town is the development of a day use trail head for the Game Creek Trail.

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.

Thanksgiving Holiday, November 22, 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.**

18. Town Council Comments

Mayor Hawkeye asked about parking on Taylor St and why residents can't park on the south side of the street.

Direction given to staff to review Town 50' right of way on Taylor St.

Direction given to staff for installation of a dog bag station on Taylor St.

Direction given to staff to improve the railroad crossing on Taylor St.

Condolences were extended to the family of Polly Jeffries, a longtime Minturn resident who recently passed away.

Congratulations to Battle Mountain High School who won the Boys 4A State Soccer Championship.

EXECUTIVE SESSION

- 19. 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. – White/Christensen**

Motion by Shelley 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 SSCV as related to a recreations memo of understanding and regarding information update on the USFS pending land sale. Motion passed (7-0).

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

Direction given to continue negotiations with the SSCV and to work on the Memorandum of Understanding. Direction given to continue negotiations with Eagle County and the USFS regarding the pending land sale and our efforts to purchase the property. Executive Session ended at 8:41pm.

FUTURE AGENDA ITEMS

21. Next Meeting – December 5, 2012

- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2013 Budget Ordinances 14-17 – Brunvand/White 12/5/12 (15min)
- Battle Mountain Resort Update 12/5/12
- TST update regarding Battle Mountain Water Services Agreement (tentative)
- Discussion/Action Item: Continue discussion on Memorandum of Understanding for Human Performance Center

22. Future Meeting

23. Set Future Meeting Dates

- a) Council Meetings:
- December 5, 2012
 - December 19, 2012

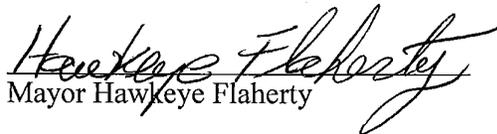
- January 2, 2013
- b) Planning & Zoning Commission Meetings:
 - December 12, 2012
 - January 12, 2012
 - February 13, 2012

24. Other Dates:

- Thanksgiving November 22-23, 2012 – Office Closed

25. Adjournment

Motion by Shelly B., second by George B., to adjourn the meeting at 8:43p.m.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

