



**Official Minutes**

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

**Wednesday December 5, 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 970/827-5645 302 Pine St. Minturn, CO 81645

**Work Session – 5:00pm**

- Battle Mountain Resorts Update – White (30 min)
- Eagle Valley Land Exchange (EVLEX) Discussion--White (20 min)
- Eagle Mine Concerns Discussion--White (20 min)
- Continuation of Local Business Owner Discussion – White (20 min)

Recommendation to convey to CDOT that CDOT staff is welcome in Minturn, however; trailers are against code.

Recommendation to request that CDOT mitigate impacts to local residents while construction of the maintenance facility takes place.

Direction to staff to verify if any past Resolutions were approved regarding the Eagle Valley Land Exchange at Dowd Junction.

Request for staff to provide information regarding the results of the previous contamination of the Eagle River (a few months ago).

Request for an analysis from H&H to determine if the science is available to actually “fix” the superfund problem to the extent that there is no more management of the site needed.

The Town Manager suggested formation of a subcommittee to study our water rate structure. Request to see comparative costs of water rates for communities outside of ERWSD.

Request to Mayor Flaherty by Earle B. to recuse himself from the discussion of commercial water rates as they pertain to a specific local business.

### **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 6:41 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, Deputy Clerk Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

#### **2. Approval of Agenda**

- a. Items to be Pulled or Added

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

11a. Addition of Resolution 23 – 2012 a Resolution in support of the Colorado Department of Local Affairs Financial Grant to the Town of Minturn, Colorado.

11b. Addition of item: Consideration of a subcommittee to review the water rate structure for the Town of Minturn.

Addition of Special Presentation by CDOT

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

- November 21, 2012
- Action Item Report

Motion by George B., second by Jerry B., to approve the Minutes of November 21, 2012 as presented. Motion passed (7-0).

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

Mr. Michael Cacioppo, Business Briefs, requested the Council to direct staff to notify people by e-mail, upon request, for all scheduled government meetings.

Lorenzo M. requested assistance for the Salvation Army Food Drive. Toys and donated items should be delivered by Friday, Dec 14, 2012 to Town Hall.

**5. Special Presentations**

- Little Beach Park Master Plan – Introduction and Overview of Improvement Design Plan by Zehren and Associates – White (15min)

Mr. Pedro Campos, 48 East Beaver Creek Blvd, Avon, CO , of Zehren and Associates, provided information as to the goals, timeline and process for consideration of improvements to Little Beach Park. He requested several community meetings to receive feedback for desired improvements. The first of these meetings will be an “Open House” to discuss this topic will on December 20, 2012 from 4pm-7pm.

Request by Council to get the Little Beach Park subcommittee organized before moving forward with the public. The subcommittee will meet on Wednesday, December 12, 2012.

- Colorado Dept of Transportation presentation – White (15min)

Ms. Martha Miller, CDOT Representative, 714 Grand Ave, Eagle CO provided a presentation on why transportation matters to the State of Colorado. Ms. Rebecca White from the CDOT office in Denver assisted with the presentation.

Mr. Michael Cacioppo, Business Briefs, gave a brief historical overview of road repair history by CDOT and the lack of improvement within Eagle County. He encourages local representatives to ensure Eagle County is within the scope of repairs if/when CDOT proposes any tax increases for needed road repairs.

**6. Liquor License Authority**

- FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St.; Steve Campbell, Owner/Manager – Brunvand (10min)

The Town Clerk, Chief of Police, and Town Attorney all reviewed the application and are recommending approval.

Motion by George B, second by Shelley B, to approve FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St. Motion passed (7-0).

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

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

Motion by Shelley B, second by George B, to approve Ordinance 14 – Series 2012 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2012 Town of Minturn Budget. Motion passed (7-0)

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

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

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

Motion by George B, second by Shelley B, to approve Ordinance 16 – Series 2012 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2013 for the Town of Minturn. Motion passed (6-1) Hawkeye F nay.

10. **Discussion/Action Item:** Ordinance 17 – Series 2012 (Second 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 George B, to approve Ordinance 17 – Series 2012 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2013 Revenues and Expenses by Fund. Motion passed (7-0)

11. **Discussion/Action Item:** Continue discussion of the Memorandum of Understanding for Human Performance Center – White (20 Min)

Concern over the use of the word “initial” was expressed, and it was recommended to remove it in order to state a clearer definition of the rates moving forward.

Question regarding the cost of construction and “if it does not exceed \$1,000,000 then would the excess funds provided by the Town of Minturn I be allocated as the parties determine?”

Direction to Staff to incorporate requested changes to the MOU before submission to Ski and Snowboard Club Vail.

**(11a) Discussion/Action Item: Resolution 23 – 2012 a Resolution in support of the Colorado Department of Local Affairs Financial Grant to the town of Minturn, Colorado. – White (20 Min)**

Motion by John R, second by Aggie M, to approve Resolution 23 – 2012 a Resolution in support of the Colorado Department of Local Affairs Financial Grant to the Town of Minturn, Colorado. Motion passed (7-0)

**11b. Discussion/Action Item: Consideration of the Water Rate Sub Committee**

Hawkeye F, acknowledged his interest to serve on the sub-committee, George B, Earle B. and Aggie M. also expressed their interest to serve.

Nomination of George B and Aggie M to the Water Rate Subcommittee. All voted in favor.

Goals include:

1. a true comparison of SFE rates as they compare to other non-ERWSD municipalities
2. a full and accurate understanding of what it costs to operate the water system including emergency issues and future system improvement costs
3. review of loan pay-offs forecasting

**OTHER MATTERS**

**12. Planning Department Update**

DOLA grant has been submitted. Planning is also looking to Council for direction regarding an Open House on Dec 20, 2012 for public feedback on initial concepts for Little Beach Park improvements. Refined concepts from the Open House will be presented in mid-January.

Recommendation by Council to have more than one open house, and approval was given to begin the open house process on Dec 20, 2012.

Request by Council for Little Beach Park subcommittee to review progress to date before the Open House on Dec 20<sup>th</sup>.

Recommendation to potentially consider the Town contributing funds, as well as Battle Mountain, in order to better leverage grant funding for Little Beach Park.

**13. Town Manager's Report**

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

We continue to work on 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, and members of the Town's subcommittee on a proposed business plan for the center.

### **Bone Yard Property**

We are working in conjunction with the Eagle County Open Space Advisory Board (OSAC) and the Eagle County Commissioners in an effort to secure the purchase of the Bone yard property in Minturn.. We are also working with the Eagle Land Trust on developing a conservation easement on the site. Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn which will help which outlines the plans for the property. I continue to be in touch with the Eagle County OSAC director and a representative of the USFS to discuss the process and timetable for submitting a bid to purchase the property. 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**

Town staff completed our application for a Tier 1 DOLA grant. Staff collaborated with TST Engineering and with John Volk, Water Quality Control Professionals, on our submittal. We 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.

We titled our grant: "Potable Water System Reliability, Redundancy and Modernization Improvements."

### **Building Inspector Resignation**

On November 27, 2012, Chuck Lanci, of Alpine Building Consultants, Inc., submitted a letter terminating our contractual agreement with Alpine Building Consultants, effective March 17, 2013 per the stipulations of our contract agreement. He has been with Minturn for fifteen (15) years and indicated he decide to take another step closer to full retirement. He resides in Glenwood Springs. CO

### **Northwest Colorado Council of Governments (NWCCOG)**

The Town of Minturn will be hosting the Northwest Colorado Council of Governments meeting on Thursday, December 6, 2012.

### **La Playuela (Little Beach) Park Improvements Planned**

The Town has secured the services of Zehren and Associates to lead the design phase of improvements for Little Beach Park. Meetings to involve Town residents, the Planning Commission and the Town Council will be scheduled. Pedro Campos of Zehren and Associates will be present at tonight's meeting to briefly outline the first steps in the process to secure community input for the project.

### **UPRR**

The Town staff submitted a draft proposal to Kathy Snead with UPRR for a proposed trail easement in the rail yard area from Dowd Junction into downtown Minturn. We are awaiting her response. A formal proposal will follow. 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 committee is working to formally complete the documents and register with the State of Colorado as the Minturn Education Foundation as a formal 501 (c) 3. Investment options will then be pursued by 1<sup>st</sup> and Main Advisors, on behalf of the Town. Town Council has also discussed a smaller scholarship fund (\$25,000) to be considered with Colorado Mountain College here in Eagle County. We have secured the services of Kelly Lyle, CPA, to assist with the financial aspects of our preparation and planning.

### **Upcoming Events:**

#### **Christmas on Main Street and Tree Lighting**

Saturday, December 1, 2012 6pm-8pm

Dr. Seuss' "How the Grinch Stole Christmas" will be shown at 6pm.

#### **Minturn Winter Markets**

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012** and **Saturday, December 15, 2012.**

#### **Christmas Holiday, Tuesday, December 25, 2012.**

Town offices will be closed.

#### **Christmas Tree Bonfire**

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

Request for staff to review possible CDOT funding for improvements to the "Narrows."

## **FUTURE AGENDA ITEMS**

### **14. Next Meeting – 5:00 p.m. December 19, 2012 (no work session)**

- MOU for Human Performance Center

### **15. Future Meeting**

- Work Session: Portable device disbursement and review session (60 min)
- TST update regarding Battle Mountain Water Services Agreement – White (30 min)
- Discussion/Action: Resolution 1 – Series 2013 A Resolution setting the official posting sites for the Town of Minturn – Brunvand (15 min)
- Eagle River Water and Sanitation District overview of CBS/Viacom superfund site. – White (30 min)
- Historical Society

### **16. Set Future Meeting Dates**

- a) Council Meetings:
- December 19, 2012
  - January 2, 2013
  - January 16, 2013

b) Planning & Zoning Commission Meetings:

- December 12, 2012
- January 12, 2013
- February 13, 2013

17. Other Dates:

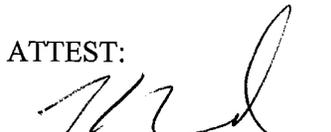
- Christmas, December 25, 2012 – Office Closed
- New Year's Day, January 1, 2013 – Office Closed

18. Adjournment

Motion by Jerry B, second by Shelley B to adjourn the meeting at 8:55 p.m. All voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

