



**Official Minutes**

**MEETING OF THE MINTURN TOWN COUNCIL**

Minturn Town Center, 302 Pine Street

Minturn, CO 81645 • (970) 827-5645

**Wednesday June 5, 2013**

**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**

- Discussion regarding the Conditional Use Permit process for business operations in the UPRR property – Cerimele

Proceed with follow up on current businesses, Town will use Conditional Use Permits to monitor the property, our hope is that the UPRR will work with the Town to ensure we have the information we require when they lease property. An update to the Town's 3-mile plan was recommended.

Council discussed issues of health and safety of failing buildings and requested staff to consider condemnation/ and or demolition, if warranted. Discussion ensued about what is our enforcement practice, who is in charge of enforcement, and how is the enforcement done fairly and consistently. Town Council also recommended the involvement of the Fire Department and the Building Official.

- Update on Eagle Street Construction – White

Steve Humann, TST Engineering, was introduced to address this topic. He discussed the revised costs for the project is \$270,479 for Eagle Street and Toledo Ave, plus approximately \$5,000 to \$7,000 to lower the sewer line and to install a drop manhole Eagle Street would still need to be closed for a week during construction. Initially, Steve suggested the project would start the last week of June and run 5-6 weeks. No holiday or Saturday work. Council directed the construction to start AFTER the July 4<sup>th</sup> holiday weekend. The Engineer was directed to check cost reductions and implications if Eagle Street repairs were reduced to 12 feet width rather than the proposed 14 feet.

The DOLA grant for water system improvements was discussed. The intent is to do the upgrades predominantly without water system interruption.

- Begin review of Future Funding Agreement with BMR – White/Christensen

Due to recent developments this item was moved to an Executive Session at the end of the Regular meeting.

- GOCO Grant/Land Ownership Update- a brief update was provided by the Town Manager on land use issues being discussed with Vail Resorts.

### **Regular Session – 6:30 pm**

#### **1. Call to Order**

- a. Roll Call

The regular meeting was called to order by Mayor Hawkeye Flaherty at 6:30pm.

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

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

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

- a. Items to be Pulled or Added
  - i. Add consideration of appointment of Town representatives to the Fitness Center Board to Discussion/Action agenda items
  - ii. Add an Executive Session to the end of the meeting

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

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

- May 15, 2013

Motion by Shelley B., second by Aggie M., to approve the Minutes of May 15, 2013 as presented. Motion passed (5-0) Note: George B. and Jerry B. abstained.

- Action Item Report

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

- Town of Minturn 4<sup>th</sup> of July Request for Special Event Permit; 800 Cemetery Rd.; Jim White, Town Manager – Brunvand

Conditions:

- At least one experienced T.I.P.S certified, or equivalent, server is to be present at all times while alcoholic beverages are sold. We would like that the servers and their certifications be provided to us in advance.
- Refer to Little Beach Park rules and regulations as it applies to security, traffic, parking, and crowd control.

Motion by Shelley B., second by George B., to approve the Town of Minturn 4<sup>th</sup> of July Request for Special Event Permit; 800 Cemetery Rd.; Jim White, Town Manager as presented. 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, emphasized that he feels the \$1m Town contribution to the Fitness Center is too much due to the fact that it is on School District property, not what we need, and the School District is not interested in Phase 2, and the money should be used toward sidewalks in South Minturn. He brought up the fact that there is significant parking on the UPRR of construction vehicles at one of the buildings (400 N. Main). He stated this is something that the Council has expressed they do not want this kind of impact. Shelley B. stated this is leased property from the UPRR to a private company; however, Staff would look into it. After Frank's comments, Councilman Earle B. clarified that the Fitness Center will be owned by a 501(c)(7), not the Eagle County School District.
- Mr. Vern Brock introduced himself. He will be doing consulting and engineering work for the Town to work for us with CDOT, and Eagle County to ensure the Hwy 24 projects move forward. Jim W. noted Mr. Brock will ensure we do not miss the CDOT funding cycles and that our projects stay on the CDOT radar. Mr. Brock's services will be very specific to the state projects on Hwy 24 such as the rock fall area, paving, multi-model travel, congestion, and safety issues.
- Mr. Tom Sullivan, 116 Nelson Ave, addressed the Council on an issue he had with a new fence at 376 Pine St. He said he used 6ft stock material and the fence was 6ft 1.5in at the highest point. Mr. Sullivan noted the Town Hall fence is 6'3", the fence at the Town Manager's house is over 6'. He also stated that the property at 64 Harrison Ave was

always four 25x100 ft wide lots but he was required to sell the lots as two lots of 50x100 ft wide. Mr. Sullivan stated that there are many lots in town that are 25ft wide and that MMC 16-17-20 states no lot can be so restricted to a point that it cannot be occupied by one single-family dwelling. Mr. Sullivan also stated the Town had gone behind his back as the real estate agent and contacted the owner directly and he felt because we didn't buy it we were trying to depress the price of the lots. Mr. Sullivan stated he felt the Town had broken the law and it had negatively affected this property.

## 6. Special Presentations

### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

#### 7. Discussion/Action Item: Eagle St Project Contract Review and Approval – White

Mr. Steve Humann gave a presentation on the Eagle Street/Toledo Avenue project to rehabilitate, create drainage, and pave. This project was considered last year, however, more information and an understanding of the needs in the area were required. Elam Construction will be used as they were the bid winner from last year. Steve H. recommended moving forward on the project.

Shelley B. asked when and how the neighborhood residents will be informed; Jim W. stated this has begun and will continue now that we have firm numbers, an approved plan, and confirmed start. This will be a 5-6 week project, it will start after the July 4<sup>th</sup> Holiday, and will require Eagle St to be closed for approximately one week. Hawkeye asked that TST engineering investigate a reduction in the width of the street from the estimated 14 feet to 10 or 12 feet.

Motion by Hawkeye, second by George B., to approve the proposed agreement and award the contract to Elam Construction and to come back with a cost estimate to reduce the width of the road as a Change Order which Council could supplementally review; motion passed (7-0)

#### 8. Discussion/Action Item: Consideration to appoint town representatives to the new Fitness Center Board - White

John R., Earle B., and Jim White have volunteered. The Board will consist of the three appointments from the Town in addition to three representatives from the Ski and Snowboard Club Vail: Mr. Aldo Radamus, Mr. John Cole, and Mr. Glen Davis

Motion by Shelley B., second by Jerry B., to appoint John R., Earle B., and Jim W. as Town representatives of the Fitness Center Board; Motion passed (7-0)

### OTHER MATTERS

#### 9. Planning Department Update

Chris C. stated Staff will be stepping up the enforcement of unsafe buildings and letters will go out as properties are identified.

Chris C. updated the Council on the new construction at 376 Pine St.

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

### **LaFarge Acquisition**

LaFarge Concrete is being acquired by United Companies, a.k.a. Oldcastle. Steve Fisk and Jody Bernal, the Town's primary contacts, will remain in the same positions that they have held with LaFarge and the local staff will remain the same. Bill Arrasmith, the General Manager, will be moving to a different position and a new General Manager will be assigned from within the ranks of the new company. They are maintaining the same lease we have with LaFarge. Allen Christensen is reviewing the Landlord and Estoppel Certificate document. His recommended revisions were accepted by United Companies.

### **Fitness Center**

The fitness center progress is currently in the hands of the School District's Land Resource Committee and SSCV to continue discussions related to planning, and future construction of Phase 1 of the Human Performance Center/Fitness Center facility. We are all working on parking issues and supporting SSCV in its efforts with the School District. We also continue to work with Kelly Lyle, CPA, to determine the correct IRS entity needed to oversee the facility. The Eagle County School District Land Resources Committee will reconvene on June 5<sup>th</sup>, or soon thereafter, to address parking requirements and any other outstanding issues related to Phase 1 at the Minturn Fitness Center site.

### **Scholarship Subcommittee**

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) entity. We have also submitted the payment for the scholarship endowment fund (\$40,000) with Colorado Mountain College here in Eagle County. We will be securing a room at the college to be named after the Town of Minturn. CMC is requesting some dates we might consider to host a meeting in the new room once it has been secured.

We will be convening another scholarship committee meeting soon.

### **Camp Hale Meeting**

The next Camp Hale working group meetings will be held in Minturn on June 5, 2013 and on June 12, 2013. Two working groups are discussing future plans for Camp Hale by reviewing Camp Hale history, current uses, and future planning efforts. Two committees were formed to discuss water rights issues; and history, culture, land stewardship, and recreational uses.

### **Little Beach Park Improvements Planned**

We are now working on land issues related to the project. We plan to submit a GOCO grant by the August, 2013 cycle for park improvements. We have made some progress on the land issues and will be providing an update to Town Council.

### **Bone Yard Property/Railroad Subcommittee**

We are planning for a community cleanup day at the Minturn Bone yard property on Saturday, June 8; 2013. We will also have a B.B.Q to help celebrate the occasion!

### **Upcoming Events:**

- Minturn Boneyard Property Cleanup/ Saturday, June 8, 2013
- Locals Week in Minturn, June 17 through June 22, 2013
- Colorado Municipal League Annual Conference, June 19-21, 2013/Vail, CO
- Minturn Market starts Saturday, June 29, 2013 through September 14, 2013

Jim W. announced that Ralph Brodin of the Minturn Public Works Department has resigned, effective June 14, 2013

Jim W. asked Council if they would entertain canceling the July 3, 2013 meeting as it is the night before the July 4<sup>th</sup> Holiday; direction was to tentatively move the meeting to Tuesday July 2<sup>nd</sup> and at the June 19 meeting reconsider if it should be canceled all together.

John R. requested at a future meeting we have an Xcel representative to meet with Council to discuss recent outages.

### **11. Town Council Comments**

Aggie M. asked if something could be done with the Post Office sidewalk as it is starting to deteriorate; Jim W. said this would be taken care of this summer.

John R. thanked all those that came out to the Town Clean Up Day last Saturday, June 1, 2013.

Hawkeye reminded the citizens of the Bear Ordinance now that the bears are awake and out. Hawkeye stressed that trash cans are allowed out only the morning of trash day. He also stated that kids are riding their bikes around at night with headlights trying to chase the bears. This is not a good idea.

## **EXECUTIVE SESSION**

### **12. Executive Session – To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) to determine positions relative to matters subject to negotiations, to develop strategy for negotiations, and to provide instructions to negotiators (relative to future Battle Mountain funding). – Christensen/White**

Move by Shelley B., second by Jerry B., to go into executive session pursuant to C.R.S Section 24-6-402(4)(b) to determine positions relative to matters subject to negotiations, to develop strategy for negotiations and to provide instructions to negotiators (relative to future Battle Mountain funding).

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

Executive Session began at 7:42pm and ended at 7:55pm. Direction given after the Executive Session for staff to continue to work with Dave Kleinkopf and Battle Mountain lawyers/consultants on issues related to the project.

**FUTURE AGENDA ITEMS**

**14. Next Meeting – June 19, 2013**

- Work Session – Eagle Street Construction Update
- Work Session and Action Item: 2012 Audit Review and Acceptance
- Action Item to Review the Municipal Code as to lot size requirements Respond to allegations made under Public Comment

**15. Future Meeting**

- Work Session – Eagle Street Construction Update
- Work Session – Continued work on the Town Council Vision Statement
- Discussion with Xcel Representative

**16. Set Future Meeting Dates**

- a) Council Meetings:
- June 19, 2013
  - July 3, 2013
  - July 17, 2013
- b) Planning & Zoning Commission Meetings:
- June 12, 2013
  - July 10, 2013
  - August 7, 2013

**17. Other Dates:**

- June 8, 2013 – Boneyard Clean up
- Locals Week – June 17-21, 2013

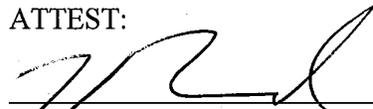
**18. Adjournment**

Motion by Jerry B., second by Aggie M., to adjourn the meeting at 7:56pmpm.

  
Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

