



Official Minutes

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

Wednesday July 17, 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

- Update on Eagle Street Construction – White
 - Discussed issues with the survey that caused the project to temporarily shut down demolition. These issues are in the process of being resolved.
 - Discussed that the south end of the project will be included to accommodate a small portion that was missed in the original bid request.
- Review of Water Payments Related to the 2010 Water Settlement – White
 - ERWSD 50cfs of water \$10k due for 2011, \$20k due for 2012, and \$30k for 2013; then \$40k for 2014, and \$50k for 2015.
- Update on Railroad Conditional Use Process – Cerimele
 - Discussion to enforce the Town codes. Direction to continue to discuss the issues with the UPRR and the Railroad Committee
- 1st and Main Advisors/Update on Investments/Minturn Education Fund – White
 - This item has been moved to the August 7, 2013

- Review of Resolution 6 – Series 2013 GASB-54 – Brunvand
- Boneyard Park name change
 - Discussion that this was directed to be put out on a website survey with a September 1st deadline.
- Update on water line drilling accidents (2) that occurred last week. These were not the fault of the Town but the Town helped orchestrate the repairs.
- Update on repairs needed on Nelson Ave (west of Williams St)
- UPRR crossings updates (will be part of the conversation with the UPRR)

Regular Session – 6:30 pm

1. Call to Order

- a. Roll Call

The regular meeting was called to order by Mayor Hawkeye Flaherty at 6:34pm.

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

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

- b. Pledge of Allegiance

2. Approval of Agenda

- a. Items to be Pulled or Added
 - i. Add the reading of Frank Sanders' letter to be read into the record
 - ii. Remove 1st and Main Advisors and place on next meeting

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

3. Liquor License Authority

- Education Foundation of Eagle County Request for Special Event Permit; 800 Cemetery Rd. – Brunvand

Mr. Matt Scherr represented the Education Foundation of Eagle County.

Motion by George B., second by John R., to approve the Education Foundation of Eagle County Request for Special Event Permit as presented with the following findings and conditions. Motion passed (7-0):

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Clerk on July 5, 2013 at least 10 days prior to the Council Meeting consideration.

- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests that at least one experienced T.I.P.S certified, or equivalent, server be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit be monitored to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.
- Refer to Little Beach Park rules and regulations as it applies to security, traffic, parking, and crowd control. The representative from the Foundation agreed to all the stipulations.

4. Approval of Minutes and Action Report

- June 19, 2013

Motion by Shelley B., second by Jerry B., to approve the minutes of June 19, 2013 as presented. Motion passed (7-0).

- Action Item Report

Jim W. updated the Council on recent changes to the current status.

Earle B. recommended we schedule a Work Session on streetscape concepts.

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

Mr. Lee Vazquez and Mr. Patrick Vazquez of 944 Main St. stated the curb and gutter on Hwy 24 is failing and claimed it has caused the retention wall on their property to collapse during the last rainstorm, causing significant damage. He has approached the Town and CDOT. The drainage and existing curb and gutter is in the CDOT right of way and needs to be addressed at his address and further south. Mr. Vasquez built the retaining wall but did not have a building permit.

Direction from Council is for Jim W. to work with CDOT and try to move the repairs forward on the drainage.

Mr. Darrell Wegert 1716 Main St. asked if the building on the USFS property on the north end of Town could be painted. This will be reviewed by Staff.

Jim W. read a letter into the record received by Mr. Frank Sanders. This letter will be included in the official minutes.

6. Special Presentations

- 1st and Main Advisors – White

This item was moved to the August 7th meeting

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

7. Discussion/Action Item: Ski and Snowboard Club of Vail – White

Jim W. updated the Council on the status of the Minturn Fitness Center and noted the Fitness Center is now under its own IRS Code 501(c)(7).

Mr. John Cole stated the SSCV is very excited about the Center and they are confident they will meet their ground breaking date and construction goals.

Mr. Jack Snow, RKD Architects, stated they have an RFP that will be available tomorrow (July 18, 2013) to go out. The RFP will have a three week turnaround time. The RFP has been distributed to the Council. Mr. Snow outlined how the selection of the General Contractor and the construction process will be undertaken.

Shelley B. stated the International Building Code as adopted by Minturn is adopted only through the 2009 Code, not the 2012 Code, as stated in the RFP. Jack Snow will amend the RFP accordingly.

John R. stated for the public that the RFP is for the Minturn Fitness Center. He stated tonight is to inform Council on the RFP schedule. John R. stated that the process has been very up and down, but commended everyone on the commitment and the way the group has cooperated together to form a very good project for the citizens of Minturn. It is very positive.

Earle B. stated the Minturn Community Fund has agreed to work very close with the community and the project leaders in order to inform the community.

Mr. Darrell Wegert, 1716 Main St, requested any information available be put on the Town's website.

8. Discussion/Action Item: Resolution 6 – Series 2013 a Resolution authorizing the Town Council or its designee to designate the assigned portion of all Market Fund Balances for the Town Financial Statements for 2013 and subsequent years – Brunvand

Jim W. stated this Resolution is a result of a request from the Town's audit firm to designate the Market Funds as appropriate for the annual Financial Statements.

Motion by Shelley B., second by John R., to approve Resolution 6 – Series 2013 a Resolution authorizing the Town Council or its designee to designate the assigned portion of all Market Fund Balances for the Town Financial Statements for 2013 and subsequent years as presented. Motion passed (7-0).

OTHER MATTERS

9. Planning Department Update

Chris C. stated that he had submitted his resignation from the Town and his last day will be August 30, 2013.

10. Town Manager's Report

Police Car

The Town of Minturn acquired a 2007 Charger from Avon Fleet maintenance. It's black and white and driven by Chief Brad Lamb. Brad negotiated the deal with the Avon Fleet manager. The base cost was \$3500; we also paid \$300 to have the car painted.

Eagle Street Project

Finishing touches on planning issues and survey staking have been completed on the Eagle Street Project. Some work is expected to start on Monday, July 15, 2013, including mobilization and staging efforts.

LaFarge Acquisition

The LaFarge Concrete acquisition by United Companies, a.k.a. Oldcastle has been cancelled.

Fitness Center

The fitness center progress went to the Town's Planning and Zoning Commission following approval at the School District's Land Resource Committee. Several issues carried over to the P&Z, including enhanced landscaping, roofing reflectivity, and parking. The Town and SSCV continue discussions related to planning, and future construction of Phase 1 of the Human Performance Center/Fitness Center facility.

Camp Hale Meeting

The Camp Hale working group meetings were held in Minturn on July 8, 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. When the committees conclude their efforts, a report will be provided to the USFS to review.

Water Line Break

On Wednesday, July 10, 2013, CGRS, working on Norman Street near Main Street, hit a water line which resulted in water outages for several local properties on Norman Street. A local contractor was called to make the repairs. We are investigating the incident.

New Hires in Public Works

Michael Martinez, from Minturn, has been hired full time and Mike Sellers, from Red Cliff, has been hired part time in Public Works. Both are scheduled to start on July 16, 2013.

Chris Cerimele Announces Resignation

Chris Cerimele, Town Planner, announced his resignation, which will be effective August 30, 2013. He began working for the Town of Minturn in January of 2007. Chris has a list of projects he plans to finish or substantially complete before his departure.

Scholarship Subcommittee

The plaque has been posted on the wall outside classroom #249 at Colorado Mountain College, named in honor of the Town of Minturn' endowment for future scholarships. CMC is requesting some dates we might consider to host a meeting in the new room.. We are working with the college to find a date to celebrate the naming of the room too!

Camp Hale Meeting

The Camp Hale working group meetings were held in Minturn on July 8, 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. When the committees conclude their efforts, a report will be provided to the USFS to review.

Upcoming Events:

- Great job on the Independence Day Celebration and on the first several markets!!!
- The Minturn Market continues Saturdays, 9am-2pm through September 14, 2013.

11. Town Council Comments

Shelley B. stated that on Market days there is open parking within the Town even when it is full in the Railroad area.

Upon request from the Council, Allen C. responded to Mr. Sanders' letter. Allen C. reminded the Council that the issue of ownership of the land between Eagle Street and the Eagle River to include the Eagle Street right-of-way has been resolved on a number of occasions in the past years. The ownership issue has been determined by the state to belong to Minturn. Additionally, over the years, the Town has been to court over the issues several times and each time it has been determined that the Eagle Street and the disputed area of right-of-ways is owned by the Town.

Aggie M. asked regarding the 100 block sidewalks. Chris C. stated the land has been surveyed and studied. As a result it has been found that the street needs to be milled down to a reasonable level before sidewalks are installed. For the Town to install sidewalks now would result in them being significantly higher than the street once CDOT rebuilds Hwy 24/Main St. Therefore, the sidewalk will not be done until CDOT rebuilds the highway. CDOT has stated that Hwy 24 is a priority for reengineering and will be done, hopefully within the next three years or so. It was noted that this is the same issue in the south part of Minturn. If CDOT overlays the road, as opposed to reengineers the road, it will only make things worse for drainage and water flow.

Jerry B. informed the Council that effective August 7 he will be resigning from his Council seat.

Aggie M. updated the Council on the ECO Transit meeting he attended recently.

Shelley B. stated the trail maps are very well done and expressed her gratitude to Michelle M. for her work.

FUTURE AGENDA ITEMS

12. Next Meeting –August 7, 2013

- Work Session – Eagle Street Construction Update - White
- Special Presentations 1st and Main Advisors – White
- Discussion of Consideration of a Leash Law - White
- Nuisance Ordinance discussion - White

13. Future Meeting

- Work Session – Eagle Street Construction Update - White
- Work Session – Continued work on the Town Council Vision Statement - White
- Special Presentation – Water Rate Study – White 8/21/13
- Marijuana Law discussion – White 9/4/13
- Discussion with Xcel Representative – White

14. Set Future Meeting Dates

a) Council Meetings:

- August 7, 2013
- August 21, 2013
- September 4, 2013

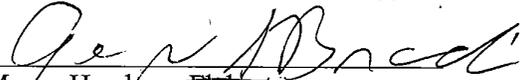
b) Planning & Zoning Commission Meetings:

- August 14, 2013
- September 11, 2013
- October 9, 2013

15. Other Dates: National Night Out/Tuesday, August 6, 2013

16. Adjournment

Motion by Jerry B., second by Aggie M., to adjourn the meeting at 7:51pm.


Mayor Hawkeye Flaherty *Mayor Pro Tem*

ATTEST:


Town Clerk, Jay Brunvand



Public Record No 1

My name is Frank G. Sanders Jr. I am sending this letter to the council to be read to the people. I want the people to know that I am not the bad guy here. The reason I don't go to the council, because they hear but don't listen to their people. The land on the 100 block + 200 block has a document that covers in people on the 100 block as homesteaders, Sig Nelson knew this.

In the 1950's the town of Minturn and the state asked residents of the 100 block to provide a place behind their houses to park. This request was due to problems with plowing and deliveries on main street. So, the 100 block residents brought in railroad ties and filler to build the alley and extend the river bank. This gave us room to park back there and made it easier for the town and the state to plow snow.

The land was extended for parking use only, since they didn't want us to park on main street, parking was for people of the 100 block only, it was not intended for easement for the town of minturn.

Public Record

NO 2

it was maintained by the people of the 100 block for more than 50 years. any response from the town of minton should be in writing.

I seen the town manager the people who put in new roads july 1, 2013. I told them I wouldn't do it. I warned the town in 2006 when they took the land.

my advice to the town is to talk to the people who was here before jacks map of 74. From the 100 block to the bone yard and find out why. It's not over tell it's over. Have a nice day, more to come if need be.

Frank G Sanders Jr