



2015

Minturn Council Meeting

Wednesday May 6, 2015

Work Session: **5:30pm**
(Town Center)

Regular Session: **6:30pm**
(Town Center)



Agenda

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

Wednesday May 6, 2015

Work Session – 5:30pm
Regular Session – 6:30pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Work Session – 5:30pm

- Funding Discussion – Powell/Brunvand
 - General and BMR Fund outlook with project expenses
 - Entry Way Project
 - Tap Grant match
 - Streets Projects

PG

Regular⁴ Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes

- April 15, 2015

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

5. Special Presentations:

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Supplemental Appropriation for TAP Grant match - Powell

COUNCIL AND STAFF REPORTS

7. Town Planner

- 1108 Main St Gross Residence

8. Town Attorney

9. Town Manager

- Manager's Report
- Action Report

10. Town Council Comments

FUTURE AGENDA ITEMS

11. Next Meeting – May 20, 2015

- Water Rate recommendation

12. Future Meetings:

- 2014 Audit presentation and Acceptance of 2014 Audit
- 2015 Building Code update – Charlie Davis

13. Set Future Meeting Dates

- May 20, 2015
- June 3, 2015
- June 17, 2015

a) Planning & Zoning Commission Meetings:

- May 13, 2015
- June 10, 2015

Pg
15
Pg
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14. Other Dates:

15. Adjournment

TOWN OF MINTURN
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645 Fax: 970-827-5545

William Powell, Town Manager



Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – John Rosenfeld
Councilmember – Jason Osborne
Councilmember – Matt Scherr

To: Town Council
Fr: Willy Powell
Jay Brunvand

Re: Funds Outlook with project expenses of Entryway, TAP Grant Match and Street improvements

Attached you will find a funds outlook with expensing the above mentioned projects, as follows.

Entryway Project with DOLA grant award	\$296,165	(50% match)
Entryway Project without DOLA grant	\$602,330	
TAP Grant match	\$64,020	(20% match)
Streets Projects	\$110,000	

For the analysis it is assumed all street projects are funded from the General Fund. The analysis also assumes the Legal and Consulting portion of the Battle Mountain Fund is untouched.

The DOLA grant request is for 50% of the Entryway project, estimated project cost of \$602,330. The TAP grant is a 20% match for the planning and engineering of sidewalks and drainage improvements from Bellm Bridge to Maloit Park Rd, estimated cost of \$310,100.

The first box on the attachment assumes the Entryway and TAP grant projects are funded solely by the Battle Mountain Fund, both with and without the DOLA grant award for the Entryway Project. The fund can sustain the costs only if the DOLA grant is awarded.

The second and third boxes on the attachment combine the Battle Mountain Fund and unrestricted General Fund reserves. The expenses include the Entryway, TAP grant and street projects. All projects can be afforded by the combined funds.

The last box lists the street projects staff has identified to be most in need of reconstruction. The costs are preliminary.

Final determination of which funds should be utilized for the projects should be made after the town hears of any DOLA grant award in July.

Funds Outlook for Entryway Project and TAP Grant Match

Use of Battle Mountain Fund Only--with and without Entryway Grant Award

	Battle Mountain Reserve Fund	Funding of Entryway/100 Block
	Water and Infrastructure Account	Legal and Consulting
<u>outlook assuming grant</u>		
current balance	533,000	539,000
Entryway Project with grant award	296,165	
TAP Grant Match	64,000	
remaining balance	172,835	
<u>outlook without grant</u>		
current balance	533,000	
Entryway Project without grant	602,330	
TAP Grant Match	64,000	
remaining balance	(133,330)	

Use of Battle Mountain Fund and General Fund

<u>with Entryway Grant Award</u>	Battle Mountain Fund plus General Fund unrestricted
Battle Mountain Reserve	533,000
General Fund Unrestricted	461,000
combined total	994,000
less entryway with grant	296,165
less street projects	110,000
less TAP grant match	64,000
remaining combined balance	523,835

<u>without Entryway Grant Award</u>	Battle Mountain Fund plus General Fund unrestricted
Battle Mountain Reserve	533,000
General Fund Unrestricted	461,000
combined total	994,000
less entryway without grant	602,330
less street projects	110,000
less TAP grant	64,000
remaining combined balance	217,670

<u>Street Projects</u>	
Railroad Ave.	50,000
Norman St.	50,000
County Rd./Main St.	10,000
total	110,000

DETAIL	LITTLE BEACH PARK SCHOLARSHIP		BATTLE MTN RESERVE				TOTAL
			CAPITAL FUND		RESERVE FUND		
	LAND PURCHASE	REC CENTER	WATER & INFRASTRUCTURE	Admin Fees	Legal & Consulting	TOTAL RESERVE	
INCOME FROM							
RES 5-2012	250,000.00	350,000.00					28,000.00
Previous Interest	6,088.28	8,523.30					77.07
Interest - 2012	462.60	638.77					7,508.23
Interest - 2013	322.85	16,831.70					20,992.54
Interest - 2014	284.70	4,068.84					6,930.01
MARCH 19, 2014 REALLOCATION*							
Interest - 2015	76.37						8.67
TOTAL INCOME	257,234.80	380,162.41	0.00	1,250,000.00	540,000.00	1,212,000.00	28,119.81
EXPENSES							
PARK DESIGN - 2012							
PARK DESIGN - 2013	1,370.25						1,370.25
PARK DESIGN - 2014	8,382.46						8,382.46
PARK DESIGN - 2015							0.00
SCHOLARSHIP - 2012		732.00					732.00
SCHOLARSHIP - 2013**		49,000.00					49,000.00
SCHOLARSHIP - 2014		9,100.00					9,100.00
SCHOLARSHIP - 2015							
LAND PURCHASE-BONE YARD	236,470.00						236,470.00
REC CENTER - 2012							0.00
REC CENTER - 2013				502,978.52			502,978.52
REC CENTER - 2014				750,000.00			750,000.00
ADMIN FEE - 2012					180,000.00		180,000.00
ADMIN FEE - 2013					180,000.00		180,000.00
ADMIN FEE - 2014					180,000.00		180,000.00
LEGAL AND CONSULTING-2012						391,830.62	391,830.62
LEGAL AND CONSULTING-2013						62,510.19	62,510.19
LEGAL AND CONSULTING-2014						213,461.00	213,461.00
LEGAL AND CONSULTING-2015						4,432.36	4,432.36
TOTAL EXPENSE	9,752.71	58,832.00	236,470.00	1,252,978.52	540,000.00	672,212.64	0.00
BALANCE REMAINING	247,482.09	321,330.41	-236,470.00	-2,978.52	0.00	539,787.36	28,119.81
							1,669,910.43

* Change was made to 2014 budget numbers as a result
 ** includes the \$40,000 scholarship set up at CMC

Water & infrastructure	732,000.00
Plus Interest Earned	40,745.85
Net	772,745.85
Land Purchase	-236,470.00
Rec Center	-2,978.52
Funds Avail	533,297.33



Agenda

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

Wednesday April 1, 2015

Work Session – 5:30pm
Regular Session – 6:30pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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Work Session – 5:30pm

- Entry way/100 Block project update – Powell/Hawkinson

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Pro Tem George B. at 6:30pm.

- Roll Call

Those present included: Town Council members, George Brodin, Matt Scherr, John Rosenfeld, Earle Bidez, Shelley Bellm, and Jason Ozzy Osborne. Note: Mayor Hawkeye Flaherty was excused absent.

Staff present: Town Manager Willy Powell, Town Attorney Michael Sawyer, Town Clerk Jay Brunvand, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added
- Request to add an update on the status of a TAP grant Staff had applied for to the agenda as item 7a .

Motion by Johnie R., second by Ozzy O., to approve the agenda as amended. Motion passed 6-0. Note: Mayor Hawkeye Flaherty was excused absent.

3. Approval of Minutes

- March 18, 2015

Motion by Earle B., second by Johnie R., to approve the minutes of March 18, 2015. Motion passed 5-0. Note: Mayor Hawkeye Flaherty was excused absent and Ozzy O. abstained as he was not present for part of the March 18 meeting.

- April 1, 2015

Ozzy O. requested:

#4 public comments by Darren T, would like more detail

#7 Ozzy wants to amend to say safe passages for the bikes

Motion by Johnie R., second by Ozzy O., to approve the minutes as amended of April 1, 2015. Motion passed 6-0. Note: Mayor Hawkeye Flaherty was excused absent.

4. Liquor License Authority

- Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 Main St.; Tom Ricci Owner/Sec – Brunvand

George B. opened the Public hearing; no comments were made.

Jay B. updated the Council on the license and stated Staff had no concerns with this license and Staff was recommending approval.

Motion by Ozzy O., second by Earle B., to approve the Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 Main St.; Tom Ricci Owner/Sec as presented. Motion passed 6-0. Note: Mayor Hawkeye Flaherty was excused absent.

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

Mr. Berry Clark, 974 Main, read an email that he wrote to the Council in opposition to a proposed lease on the Lease Lot (810 Cemetery Rd) for a greenhouse operation. The lease would be held by Johnie's Garden.

It was confirmed by the Attorney that Johnie R. did not have to step down from the Council during the discussion because the was Public Comment and not a decision item. However, Johnie R. would recuse himself from any vote taken.

Motion by Ozzy O., second by Earle B., to add this discussion to the agenda as item 7b. Motion passed 5-0. Note: Mayor Hawkeye Flaherty was excused absent and Johnie R. abstained.

6. Special Presentations:

PUBLIC HEARINGS AND ACTION ITEMS

7. Discussion/Action Item: Entryway/100 Block Project Update

Janet H. outlined and updated the Council on how staff is working on proposals to increase the safety factor for vehicles, bicycles, and pedestrians in the 100 Block of Main St. The proposals include better traffic flow using Hwy 24 and side streets, safer cross areas, and identified parking. Six concept plans were reviewed and will be further developed based on comments. Staff requested Council direction as to moving forward with the Circulation analysis. By giving affirmative direction Staff will be able to present the concept to CDOT for further approval from them. It was noted that this is NOT the final approval, merely allows the plan to advance to CDOT. It was noted that a community presentation and discussion will be held on April 23 at 6pm at the Minturn Fitness Center. Any member of the community wishing to participate is encouraged to attend.

Mr. Berry Clark, Weston Snowboards, recommended the plan and noted his property is the most impacted.

Motion by Ozzy O., second by Shelley B., to direct staff to move forward with the proposal as presented. Motion passed 6-0. Note: Mayor Hawkeye Flaherty was excused absent.

7a. TAP Grant

Willy P. updated the Council on the proposed grant that was applied for and awarded which would allow the Town partial funding to engineer sidewalks from Bellm Bridge through south Minturn. The grant award is \$324,000 and the Town match is \$64,000. Staff will present a budget proposal for supplemental funding in the 2015 budget at the May 6 meeting to accommodate this project.

Council spoke in favor of moving forward and emphasized the safety matter sidewalks would be resolving and that this has been a priority for a long time.

Motion by Shelley B., second by Johnie R., directing Staff to move forward as presented and to include the grant in the 2015 fiscal year budget. Motion passed 6-0. Note: Mayor Hawkeye Flaherty was excused absent.

7b. Discussion of the Greenhouse lease

Mr. Eric Dyba spoke in favor of the lease and felt any and all funds should be identified to enhance the Town and our economic standing.

Mr. Aggie Martinez, 962 Main St, spoke in opposition of the lease. He asked if there was other land that could be used in the Town. He felt this process should be more public because the lease of the land is to a sitting Council Member.

Ms. Vicky Trujillo, 1192 Main St, works for Johnie's Garden and spoke in support of the lease citing the benefits that the money could be used for to create revenue for the Town.

Willy P. addressed the questions posed by Mr. Berry Clark in his email (Attachment A)

Willy P. outlined the details of the proposed lease and the uses the land has had in the past. He stated this lease is complementary to the other leases on the property and that the land is zoned as light industrial and this would be a use by right. The Town has worked hard to clean up the site to better utilize it for leases such as this. Council has asked that uses such as this not be on the railroad land as you enter town due to sight issues. Willy P. outlined the issues that created the need for the lease. Until such time as the complete lease could be developed, due to needs for the growing plants, a temporary short term lease has been granted to allow one. Currently the Town is investigating the lease, comparable values, etc. Willy noted his communications with Mr. Clark over the past few days. Today, the Public Works crew erected poles to show the estimated height and he stated that he had met with Mr. Clark at his home this afternoon.

Mike S. noted the Town has the right to lease land owned by the Town and the precedent of the past encourages this opportunity.

Shelley B. stated the Town has worked hard to clean the land up, extend and furbish a berm on the site, and noted the Council has requested leases be pursued for this site. She noted that if one desires to have vacant land they need to acquire that land.

Earle B. noted that a long term lease would be presented to Council, reviewed, and potentially approved based on the merits of the proposal. This lease current issue revolves around a short term solution to allow for circumstances resulting from the growing of live plants while a longer term plan can be developed.

Janet H. noted some of the history of the land in that it is to be used for public use and for light industrial use. The buildings proposed have been reviewed by the Town Building Inspector and all permits have been submitted and paid.

Mr. Berry Clark noted the land was given to the town for light industrial and recreation. He felt in the interest of transparency the land is owned by the town which is made up by the citizens. He stated he felt the actions to this point have been inappropriate.

Matt S. asked if we have followed proper channels; Willy P. noted that what staff did is consistent with past leases. Matt S. asked if we need to develop a more formal process. Matt S. noted a lease will be forthcoming within 60 days and a complete review will be done as the process proceeds.

Ms. Melissa Clark, 974 Main St, asked the Council to encourage individuals and companies to come to town that provide potential to the Town and not allow unattractive things on the hill side.

Ozzy O. stated we are stewards of the Town and that we need to find a way to inform and make a win for everyone involved.

Johnie R. addressed the meeting from the podium as a citizen residing at 1141 Main St. He has been researching other sites as his current leased property has been for sale. He felt it was best for his business and for the community that he stay in Town. He provides taxes, jobs, and value to the Town as a vibrant business.

George B. summarized that the process was not completed and we would also review possible changes to the lease process.

COUNCIL AND STAFF REPORTS

8. Town Planner

Reported to Council two Design Review applications that were considered and approved by the Planning Commission.

- Design Review Approval – 98 Mann Ave
- Design Review Approval – 64 Harrison Ave

Janet H. answered questions on the various projects.

9. Town Attorney

- EPA Feasibility Study Update

Mike S. outlined the point that BMR had submitted an updated study. Holland and Hart had prepared a memo that was included in the packet.

10. Town Manager

- Manager's Report

Reviewed his report and opened for questions.

Willy P. outlined the open position at the Town offices. Questions asked about the conflict of interest with one writing a ticket and then being in court as the Court Clerk. Shelley B. stated the Code Enforcement Officer should be out in the Town not in the office. Willy P. stated the direction from Council was to code enforce by complaint and that will affect the time commitment of the position. Discussion ensued as to the definition and time commitment of each position.

It was requested that this discussion should be added to a near future Worksession.

- Action Report

Willy P. reviewed and opened for questions. He stated the TAP grant would take some time, would require a lot of conversation with CDOT on their paving commitment and depth of asphalt, and would include an IGA with CDOT.

11. Town Council Comments

Shelley B. updated the Council on the Scholarship Fund program. They have two applications for review. She also stated that April 21 6pm will be a re-dedication of Bellm Bridge.

Matt S. reminded the audience of the Open House to review the design concept for the 100 block of Main St. This Open House will be held April 23 from 6-8pm at the Minturn Fitness Center.

Earle B. state the Minturn Garden is taking shape for the season. Those interested in getting a plot should stop by 160 Main St. and sign up.

EXECUTIVE SESSION

12. Executive Session: An executive session for the purpose of conferencing with the Town attorney for the purposes of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Battle Mountain

Motion by Ozzy O., second by Shelley B., to convene in Executive Session for the purpose of conferencing with the Town attorney for the purposes of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Battle Mountain. Motion passed 6-0. Note: Mayor Hawkeye Flaherty was excused absent

Direction given as a result of the Executive Session: No direction was given as this was informative not directive.

FUTURE AGENDA ITEMS

13. Next Meeting – May 6, 2015

- Tap grant supplemental budget
- Staffing issue and finance issues of the staff position and the tap grant \$64k matching funds.
- Water Rate recommendation

14. Future Meetings:

- 2015 Building Code update – Charlie Davis

15. Set Future Meeting Dates

- May 6, 2015
- May 20, 2015
- June 3, 2015

a) Planning & Zoning Commission Meetings:

- May 13, 2015
- June 10, 2015
- July 8, 2015

16. Other Dates:

17. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn the meeting at 9:30. Motion passed 6-0.
Note: Mayor Hawkeye Flaherty was excused absent.

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

To: Town Council
Fr: Willy Powell
Town Manager

Re: **Supplemental Appropriation for the TAP Grant match**

Background

In July of 2014 the town submitted to CDOT a grant application for the Transportation Alternative Program (TAP) in the amount of \$320,100 and with a 20% match of \$64,020. Minturn did not fund the match in 2015 because of the uncertainty of having the grant awarded. The town received notice of the grant award on April 13, provided the town could provide positive affirmation that its portion of the grant is funded. Following the Council meeting of April 15 town staff informed CDOT staff that Council unanimously supported the grant and Minturn's match. Staff also indicated a supplemental appropriation for its share would be considered at the May 6 meeting.

CDOT staff informed town staff an intergovernmental agreement will be drafted by the state and funds will be available either this state fiscal year or next. The state fiscal year is July 1. Thus an IGA and funding will become available in the upcoming months, likely sometime in June or July.

Recommended motion

I move a supplemental appropriation in the amount of \$64,020 be made for the General Fund 2015 budget and for the Town of Minturn's match for the CDOT Transportation Alternative Program grant. Such supplemental appropriation shall be reflected in the town's ordinance for the re-appropriation of 2015 funds, such ordinance to be considered in the Fall of 2015

TOWN OF MINTURN
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William Powell, Town Manager



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Manager’s Report May 6, 2015

Administrative Staffing

Staff has interviewed for the open administrative/court clerk position. We have also reworded the Job Description for the position to better reflect the duties. It is the intention of staff to hire a replacement during the week of May 4.

Procedure for Renting the Lease Lot

Preliminary Work

The Public Works staff has much work to perform to make the entire site ready for additional tenants and leasing. Janet, Willy and Arnold have decided on a site plan which we believe will best utilize the site for existing and future tenants, better screen the site from nearby properties, construct an improved berm with landscaping, and move excess fill on the site to create additional useable land. The plan relocates the Wilcon LPG facility, provides a site for Johnnie’s Garden business (subject to issuance of a Conditional Use Permit and land lease approved by Council), an area for public works storage, and area for additional tenants. Staff plans to define the areas leased by each tenant with concrete block so that tenant creep does not occur outside of the agreed upon lease area.

Johnnie’s Garden Use

Staff and applicant are agreed upon the leased area. Staff is still collecting comparative rent information. Conditional Use Permit hearings are being scheduled. When staff believes a fair rent schedule is agreed upon, a lease agreement will be drafted for Council approval.

Additional Uses

Staff intends to conduct the preliminary work outlined above before any additional uses and tenants, other than Wilcon and Johnnie’s Garden, are considered.

Advertising Spaces

Following improving the Lease Lot to the goals of the site plan, staff intends to advertise the site to the public for light industrial uses. Considerations of whether to grant necessary permits and leases will include such factors as: height of facilities, trips per day, sound and fume characteristics and area of land requested.

Conditional Use Permit Required

All uses will need to obtain a Conditional Use Permit, which require notice and public hearing.

Land Lease Required

All tenants will be required to have a Land Lease approved by Town Council. The land lease will occur after or concurrently with any issuance of a Conditional Use Permit.

ACTION ITEMS REPORT

From: Town Manager
15-Apr-15

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	sidewalk poured week of 4/13 Design for educational portion beginning
Rec Property Clean-up	Martinez	berm constructed. Continue grading, cleanup and beaufication lease lot cleaned up, need road with rotomill, leasing
Boneyard	Hawkinson	slash piles cleaned, VSSA and boy scouts site plan reviewed by PZ on 1/15, Council County has given comments on site plan, mgmt plan
Little Beach Park perfect ownership	Powell Sawyer	quiet title action has been filed
Memorialization Guidelines	Metteer	staff presented Jan. 21
Minturn Fitness Center	Powell Rosenfeld Bidez	achieve property tax exemption--application is submitted achieve 501.c.7 non-profit status
Minturn Education Fund	Powell Bellm	achieve 501.c.3 non-profit status annuity monies to be tranferred around April 20 scholarships to be awarded in Spring
Zoning Code Amendments	Hawkinson Powell Sawyer	phase 1 complete and adopted by Council phase 2 schedule to be decided
Guide Sign Plan	Metteer	staff presentation on April 1 Take to CDOT for approval
Water Rate Structure and Rates	Powell water committee	continued discussion on May 20 Potential Amendments to Water Ordinance
Entryway/100 Block Project	Powell Hawkinson Inter-Mountain Engr.	concept plan complete and reviewed by stakeholders staff and engineers reviewing comments of stakeholders Mineral and Energy Impact Grant submitted April 1, July awards
South Minturn Engineering	Powell Hawkinson Inter-Mountain Engr.	TAP grant to be awarded with IGA, likely in June or July Spanel and Powell discussing scope and details of project