



## Official Minutes

### MEETING OF THE MINTURN TOWN COUNCIL

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

**Wednesday September 3, 2014**

**Work Session – 5:00pm**  
**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

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

- Joint meeting between the Town Council and the Eagle County Commissioners
  - Discussion of Vail Resorts Boneyard status, CDOT relocation status. County will report back on what can be stored on the VR land.
  - Discussion of ECO bus coming into Town on a more consistent and employee friendly schedule.
  - Property values are anticipated to be flat in 2015 and up 12-15% increase in 2016
  - Discussion on the successful partnership to acquire the USFS Boneyard
  - Various grants and how the Town and the County can work together.
  - Discussion regarding help from the County to grade the portion of Minturn Road where it meets the County Road. The County will follow up on this approximate 600 yards.
  - ECSO contract and working together. Willy P. stated it appears we are receiving less service due to unfilled staffing needs. This is addressed in the contract and our cost will be reduced to compensate this.

- Augustana/Castle Peak Senior Care fundraising is wrapping up and they anticipate a ground breaking yet this year.

- Resolution 17 – Series 2014 a Resolution intent to develop Bolts Lake water rights and to exercise Eminent Domain to acquire necessary property rights – Sawyer – Not Discussed
- Ordinance 6 – Series 2014 an Emergency Ordinance regarding a building moratorium within the Town of Minturn – Sawyer – Not Discussed
- Ordinance 7 – Series 2014 (First Reading) an Ordinance regarding extending a building moratorium within the Town of Minturn – Sawyer – Not Discussed
- Council Room Acceptable Use – Metteer
- Discussion of Town Priorities – Powell (Time permitting)

### **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:40pm.

- Roll Call

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

Staff present: Acting Town Manager Willy Powell, Town Attorney Mike Sawyer, Event Coordinator/Deputy Clerk Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

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

- Items to be Pulled or Added

Amend to add 9a to: Discuss Council Room acceptable use – Metteer

Motion by Shelley B., second by Ozzy O., to approve the agenda as amended. Motion passed 7-0.

#### **3. Liquor License Authority**

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand

Matt S. stated he has had concerns of sales to visibly intoxicated customers. It was reported that this has been discussed previously with the applicant and will be reiterated. Council felt it very important that this not get out of control.

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- Resolution 17 – Series 2014 a Resolution intent to develop Bolts Lake water rights and to exercise Eminent Domain to acquire necessary property rights – Sawyer
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Hawkeye opened the Public Hearing, no comments were expressed whereby the public hearing was closed.

Motion by John R., second by Earle B., to approve Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner as presented. Motion passed 7-0

**4. Approval of Minutes and Action Report**

- August 20, 2014

Motion by John R., second by George B., to approve the minutes of August 20, 2014 as presented, motion passed 7-0

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

Mr. Billy Horak, 541 Main St Discussed the need for Medical Marijuana and the benefits of having an outlet for this investment. Willy P. noted for the public that this item will be brought up in December 2014.

**6. Special Presentations**

- Colorado Mountain College Minturn Scholarship Recipient Ms. Emily Martinez

This item will be moved to a future agenda.

**PUBLIC HEARINGS AND ACTION ITEMS**

**7. Action Item : Resolution 17 – Series 2014 a Resolution intent to develop Bolts Lake water rights and to exercise Eminent Domain to acquire necessary property rights – Powell/Sawyer**

Mr. Michael Cacioppo, Avon, CO, inquired of the resolution and the location of the potential site(s). Mike S. updated the Council that this was a resolution to express the Town's ability and intent to implement the water rights held by the Town. This Resolution does not commit the Town to exercise Eminent Domain to acquire property interests, rather the Town maintains that right if the need arose to protect and implement our water rights. The Town has previously enacted a similar resolution. This is related to the Water Court case involving Bolts Lake.

Motion by Shelley B., second by George B., to approve Resolution 17 – Series 2014 a Resolution expressing the intent of the Town to develop the Bolts Lake Water Right and intent to exercise its powers of Eminent Domain to acquire necessary property interests as presented. Motion passed: 7-0

**8. Action Item: Ordinance 6 – Series 2014 an Emergency Ordinance regarding a building moratorium within the Town of Minturn – Sawyer**

It was noted this only covers applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types so as to enable the Town to undertake review. It does not include single family homes or remodels as long as the remodel does not increase the exterior size of the structure or include an accessory unit. Mike S. noted this is an Emergency Ordinance and does require a unanimous vote and does not require a public hearing.

Discussion ensued as to the desire of Council to tackle this Code review in pieces rather than as one large overhaul.

Mr. Michael Cacioppo, Avon, CO, spoke in opposition to this Ordinance due to the number of people this will affect. He felt anything more than 60 days would be detrimental to the Town's economy.

Motion by Ozzy O., second by George B., to approve Ordinance 6 – Series 2014 an Emergency Ordinance regarding a building moratorium within the Town of Minturn as presented. Motion passed 7-0.

**9. Action Item: Ordinance 7 – Series 2014 (First Reading) an Ordinance regarding the extension of a building moratorium within the Town of Minturn – Sawyer**

Mike S. noted this Ordinance is identical to Ordinance 6 – Series 2014 but for the moratorium is extended to expire on March 18, 2015 to allow the necessary time to complete the review process.

Hawkeye opened the Public hearing, no comments were expressed and the Public hearing was closed.

Motion by Shelley B., second by Ozzy O., to approve Ordinance 7 – Series 2014 (First Reading) an Ordinance regarding the extension of a building moratorium within the Town of Minturn as presented. Motion passed 7-0

## COUNCIL AND STAFF REPORTS

### 9a. Economic Coordinator

- Council Room Acceptable Use – Metteer

Michelle M. outlined Staff's recommendation for public uses of the Council Room. Because this is a policy change, Council's direction and comments are requested. Michelle M. noted that the Turntable, as well as other local establishments, the Catholic Church, Town parks, the Minturn Fitness Center, and Maloit Park buildings through the school district all have areas for public use. Further many events held at the Town Hall are costing the Town a high amount in staff time as well as cleaning and maintenance.

Hawkeye felt this room was designed and built to be a community space and it should remain such. Shelley B. felt the fees could be increased to exclude a Minturn Resident discount.

Council direction was to make fee changes but continue renting as able.

- Michelle M. noted September 6 is the last Minturn Market and invited all to come out.

#### **10. Town Manager**

- Interviews for the Court Clerk/Code Enforcement Officer position are proceeding and it is anticipated an offer will be made tomorrow.
- Town Staff met with the UPRR and they will work with the Town to clean up specific aspects of the railroad property. Their corporate philosophy is to not sell land at this point in time and it is doubtful that will change. They are hesitant to lease land for a trail. Discussion ensued as to discussions that were held during the meeting with UPRR. Willy P. noted that we have an application submitted for a natural gas storage facility.
- Willy P. noted that Mr. Berry Clark, GET ADDRESS, has paved a significant portion of the CDOT ROW in front of his home along the ROW. Willy P. asked Council for direction to contact CDOT to address this issue. Council direction was given to mitigate this issue.
- Johnie R. asked about the need to talk to Xcel regarding the regular outages the Town has been experiencing. Note: Council requested this to be addressed over the past several years and was never acted on.
- Action Item Report
- Town Priorities worksheet
  - Shelley B. noted that a number of the items the Council has requested is not on the list such as the Conservation Easement, the Zoning Code, and the marijuana ordinance. She stated, and the Council agreed, that the intent was to clean up the entry, not create a new entry.
  - Council felt the Zoning Code was a very high priority.
- Boneyard – Willy P. asked for direction from the Council on what is desired on the site that should be included in the Management Plan and Site Plan.
- Granting of Motion, strikes the Discovery Request, and orders that the Town is not required to respond to the Discovery Requests.

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

Shelley B. reported that several residents had expressed frustration to her that they did not feel welcome at the Fitness Center. They feel the design of the facility was built for elite athletes and the Ski Academy. Earle B. said the residents he spoke to were thrilled and noted this was not designed to be a recreation center but rather a fitness center. He noted that once demand for classes is identified, class schedules will be created to best fit the needs.

Ozzy O. reminded everyone to slow down in Town.

Matt S. said he had had positive comments on the Fitness Center and asked if we could request the ECSO to monitor traffic during school bus times; this will be done.

Willy P. noted he would be out of Town for the next few weeks and Michelle M. would be acting in his stead.

## 12. Town Attorney

### FUTURE AGENDA ITEMS

## 13. Next Meeting – August 20, 2014

- **Action Item: Ordinance 7 – Series 2014 (Second Reading) an Ordinance regarding the extension of a building moratorium within the Town of Minturn – Sawyer**
- **Worksession:** Boneyard Conservation Easement, Management Plan, and Site Plan
- **Worksession:** Discussion of 2015 priorities

## 14. Future Meetings:

- Ordinance \_\_\_\_ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer (December 2014)
- Colorado Mountain College Minturn Scholarship Recipient Ms. Emily Martinez

## 15. Set Future Meeting Dates

- a) Council Meetings:
  - September 17, 2014
  - October 1, 2014
  - October 15, 2014
- b) Planning & Zoning Commission Meetings:
  - September 10, 2014
  - September 24, 2014
  - October 8, 2014

## 16. Other Dates:

- Final Market – September 6, 2014

## 17. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn the meeting at 9:11pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand