



## Official Minutes

**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

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 – 5:30pm

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

### Regular Session – 6:30pm

#### 1. Call to Order

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

- Roll Call

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

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

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

## **3. Approval of Minutes**

- April 15, 2015
  - Change the date to 4/15 on title page; right minutes just the wrong date.
  - Mike Sawyer: Page 4 under Willy P. Comments, use by right should state conditional use.
  - Public Comments, Barry Clark's name is misspelled throughout

Motion by John R., second by Shelley B., to approve the minutes of April 15, 2015 as amended. Motion passed 7-0.

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

Mr. Dave Manzenares asked if the marijuana ban would be discussed this year? At this point it is not scheduled for any agendas.

Mr. Bruce Yankee, APeak Asphalt, spoke regarding the Lease Lot that he has a lease on. He stated we should have a mix of businesses and homes and stated the current Lease Lot site is smart asset management on the part of the Town and of which the town derives a reliable income. He noted there are few locations at this end of the valley and that makes it a more important asset for both the tenants and the Town. He stated in a community we have residents, businesses, and industry which should work together.

Mr. Matt Morrison, Wilcon Energy, also stated the Lease Lot location is an asset to the Town and all the leases held by the Town should be looked at an asset. He added the leases up there and proposed for the site are low impact light industry.

Mr. Eric Dyba, Johnie's Garden, noted the visual disturbance of the Garden site is minimal.

Mr. Barry Clark, spoke in opposition of the leases and felt it was an eye sore and an imposition on the owners and citizens of the Town which will bring down property values. He stated the property was always designed to be used for recreation or public use and the light industry is in conflict with the restrictions placed on the land when it was originally deeded to the Town.

Mr. Dave Sigal 1012 Main St, spoke in opposition to the lease lot uses feeling it is short sighted.

Ms. Sidney Harrington, 532a Taylor St and the Administer of the Cemetery District, spoke in support of the land leases. As a resident of Taylor St she lives across the street from the Rail Road and sees daily what they have done to their property and how they will lease to anyone, with few restrictions, and the Town has little say. She stated although it is light industry, if the land was taken back by Vail Resorts they probably would move their boneyard to that site which would make for a much worse scenario.

Mr. Daren Tacholke, 530 Taylor, has seen a lot of change since he moved to Town in the early 1990's and remembers the train and how industrial that was. He spoke in support of the lease lot uses and felt the Town Council was doing a great job to support the citizens of the Town.

Hawkeye noted this topic would also be discussed with Council during the Manager's report when they review the preliminary site plan. He noted it would be presented as a report to Council and not an open discussion topic.

Matt S. noted at that time we would also discuss some of the questions with the Vail Resort deed and try to answer some of the concerns.

#### 5. Special Presentations:

### PUBLIC HEARINGS AND ACTION ITEMS

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

Motion by Ozzy O. second by Shelley B., to approve 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. Motion passed 7-0.

### COUNCIL AND STAFF REPORTS

#### 7. Town Planner

- 1108 Main St Gross Residence
- Toby Sprunk, Eagle County Open Space, informed Janet that the County will be building and installing a sign on the Boneyard Park for the Town.
- Johnie R. asked for an update of the report of someone backfilling dirt into the river at 1108 Main St. Janet H. reported this had been investigated and corrective actions were implemented.

#### 8. Town Attorney

## **9. Town Manager**

- Manager's Report

### **Administrative Staffing**

Staff has interviewed for the open administrative/court clerk position. We have also re-worded 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. It was noted this position has been filled.

### **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.

During the meeting Janet H. presented a proposed allocation of the Lease Lot area which allows for up to 9 sites of light industry. It was noted that some of the sites are currently under a lease

that began up to many years ago but renew every so often. Willy P. noted the berm is still under construction and when completed will help to screen the light industry.

Mike S. updated the Council on the restrictions of the site placed at transfer of the deed in the late 1970's. He noted the only restriction on the property is public use purposes. He noted this is a broad term and providing a location for income producing light industries is considered a public use. He noted Vail Associates is aware of the uses and we have no reason to believe the current uses are in opposition to the spirit of the agreement. Mike S. noted the site has been used for decades as light industry to even aggregate mining on the site and never has a question been raised by Vail Associates.

Matt S. stated he is not aware of anyone that has brought forward this as discussion during any previous leases or discussions. He noted that the leases currently on that land have been on the land for a long time and they have leases that automatically renew with review every few years. He noted this will be a discussion item when land use is discussed in the future.

George B. noted he has owned property in other town's that is no longer the use he had due to zoning changes. He noted he does not see this as a permanent use but at this time this is the best use for the site and for Minturn.

Earle B. reminded everyone that 20 years ago the Town was almost bankrupt, because the council made tough decision we were able to avert and grow financially. He felt the current uses for the lease lot are appropriate for the community at large and noted some of the prior uses that were on the site and were proposed for the site far exceeded the imposition of the current leases. He felt this current scenario is a very good mix.

Willy P. stated that the Town is not proposing any new leases other than what is currently on the site and Johnie's Garden Landscaping until the process can be refined and agreements made on the allocation map.

Shelley B. stated the prior discussion regarding the site did not include irrigation. Willy P. stated the intent is to be native grasses, etc.

Janet H. noted in the past the site has been a dump site for concrete, tons of spoiled dirt, etc. The Public Works Department has spent a lot of time over several years cleaning the site up and building the berm. It is anticipated a lot more clean up needs to be done.

Hawkeye asked if the Town owns the land, yes, we do own it. It was deeded to the Town by Vail Associates however the Town holds the deed and we do own it. He concurred that the site has been used for many, many years as light to heavy use. We have tried to maintain the land and improve it. He stated the intent was to have it a recreation site and that is still the long term intent. This is demonstrated with the five year renewals of the contracts in order to review them upon renewal. He noted how the concrete plant has always been a good neighbor, they show up for and help at the Town clean up, they supply aggregate when we need, they help us with concrete. Hawkeye stated the contract with Johnie's Garden will be discussed at the next meeting.

- Action Report

### 10. Town Council Comments

Matt S. stated Rocky Mountain renovation HGTV May 31 12pm will air a new show that highlights a renovation that was done in Minturn.

Shelley B. updated that we have two applications for scholarships and they are being reviewed and will be awarded in the next couple weeks. Shelley B. outlined how the scholarships are funded and awarded and encouraged citizens to apply if they have the need.

### FUTURE AGENDA ITEMS

#### 11. Next Meeting – May 20, 2015

- Water Rate recommendation
- Ord to approve Johnie's Garden Land Lease
- Review the Lease Lot site plan
- Review town manager contract (begin

#### 12. Future Meetings:

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

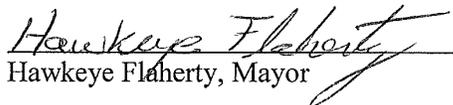
#### 13. Set Future Meeting Dates

- May 20, 2015
  - June 3, 2015
  - June 17, 2015
- a) Planning & Zoning Commission Meetings:
- May 13, 2015
  - June 10, 2015

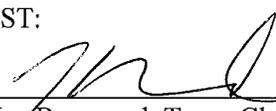
#### 14. Other Dates:

#### 15. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn at 7:45pm.

  
Hawkeye Flaherty, Mayor

ATTEST:

By:   
Jay Brunvand, Town Clerk

