



## Official Minutes

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

**Wednesday June 3, 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

- Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee  
Direction from Council was to bring back at June 17 work session and discussion in regular meeting. No action to be taken on June 17.

- Discussion regarding the Town Manager contract – Powell
- Discussion Regarding Town Council Comments and Special Presentations – Powell/Brodin

### Regular Session – 6:30pm

#### 1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:35pm.

- Roll Call

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

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
  - Add discussion re council comments and special presentations to 7a.

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

## **3. Approval of Minutes**

- May 20, 2015

Motion by George B., second by Johnie R., to approve the minutes of May 20, 2015 as presented. Motion passed 6-0. Note: Ozzy O. obtained due to his absence at the May 20 meeting.

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

## **5. Special Presentations:**

- Presentation and update from Battle Mountain Resort

Mr. Tim McGuire spoke of a revised proposal. The combined approximate 4,900 acre Battle Mountain concept would shift from the currently proposed location to the Meadow Mountain area. This proposal is more desirable due to its proximity to the Town, it is easier to develop, easier to phase, and less impact on the environment. This proposal would require in-depth conversation with the Town and the US Forest Service and would extend at least two years. Mr. McGuire noted the importance of working with the Town and having the Town's support.

### **Question/Answer:**

- Regarding continued public access – yes, they would begin working with the various stakeholders to ensure the hiking, snowmobiling, outback skiing, etc. Trails would be preserved and even enhanced. This proposal is a residential development that would be designed to encompass all the amenities of recreation area.
- How will you share the core development with the current public uses – by working with the organizations and aligning the existing trails needs with the uses.
- Although they have discussed the plan with other adjacent municipalities, currently they have only reached out to the Council and the Staff of Minturn. The purpose of conversation with other municipalities is because this land currently is forest land and not annexed into any current municipality. It was stressed that the proposal is designed to work with the Town of Minturn and they have not approached any other municipality for assistance or annexation.

- How much of the proposal does the USFS need to evaluate the plan – The USFS’s main goal is public good and equal value of the land exchanged.
- BMR would like to be prepared to submit a proposal to the USFS within the next month or two.
- Would this proposal connect to Beaver Creek – Vail Resorts is aware of the proposal and currently they are not interested in a connection. This new proposal is designed to be a residential development not a new ski area.
- Bolts Lake and the adjacent property is not proposed to be included in the exchange; it would remain and would be developed as originally proposed due to the water storage and water needs of either project.
- Concern was expressed that the Battle Mountain land remains open in the event the exchange occurs however the project is not immediate. It is important that the area remain open for complete public access not gated shut now, during development, and in the future.
- How would this new proposal affect the current EPA and Tucker Lawsuit – BMR’s diligence will continue. ~~on that~~. That progress relates to the water storage needs regardless of which proposal is developed.

Community Comments:

- Darell Wegert commented on the transparency of the project – the comment was agreed and appreciated.
- Gusty Knakus of the Powder Hound Snowmobile club expressed concern that the existing recreation would be too limited once the development is completed. He expressed the importance to keep access ~~the wilderness~~ open to motorized recreation. Several other community members concurred with the concern that recreation on Meadow Mountain would be closed.
- Rob Davis noted the land was given to the USFS in exchange for Beaver Creek, why does the proposal believe this will now be available for another exchange – there is only a small portion of the proposal that affects the 1976 exchange.

**PUBLIC HEARINGS AND ACTION ITEMS**

6. **Discussion/Action Item: Ordinance 3 - Series 2015 (Second Reading), an Ordinance authorizing the Mayor of the Town of Minturn to enter into a lease agreement with Johnie’s Garden Inc for the lease of real property owned by the Town of Minturn – Powell**

Note: Johnie R. recused himself from the meeting and discussion due to a conflict of interest. He was present only as the applicant of the proposed lease and left the room for deliberation.

Mike S. noted the changes from the first reading

- Lease was extended to the end of June 2018
- Added no personal item storage on the property
- Lease is restricted to sublet only by approval of the council

Motion by Shelley B., second by Ozzy O., to approve Ordinance 3 - Series 2015 (Second Reading), an Ordinance authorizing the Mayor of the Town of Minturn to enter into a lease agreement with Johnie's Garden, Inc for the lease of real property owned by the Town of Minturn as presented. Motion passed 6-0. Note Johnie R. recused himself due to a conflict of interest.

At this time Johnie R. resumed his seat at the dais

**7. Discussion/Action Item: Resolution 4 - Series 2015, a Resolution setting leasing procedures for leases with the Town of Minturn for real property – Powell/Hawkinson**

Willy P. noted the changes incorporated from the prior discussion to include a price schedule included and price based on land impact and size of property requested

Discussion ensued as to the merits of public advertising of the available lease land or is word of mouth enough. Hawkeye stated this was out of respect to the homeowners across the river. Council concurred word of mouth was sufficient.

Matt S. stated he felt this was a solution in search of a problem and that this was too much government process for a relatively elementary undertaking that Staff has handled in the past. Further he felt this could in fact reduce our ability to negotiate or require negotiation when none was necessary.

Motion by Ozzy O., second by Shelley B., to approve Resolution 4 - Series 2015, a Resolution setting leasing procedures for leases with the Town of Minturn for real property as presented. Motion passed 6-1. (Matt S. Nay)

**7A: Council Comments and Special Presentations – Brodin**

Council Comments - George B. reviewed the information that was included in the packet. Council felt this was a worthy Endeavour. Shelley B. noted the agenda is structured on the requirements of the Charter and Code. She felt it was important to have Committee Reports near the beginning of the meeting.

Council was in favor of this and George B. will come back with further notes and concepts on this. Council direction was to add Committee Reports under Special Presentations from now on.

Special Presentations – George B. felt it was important that the Council hear from the various groups in the community such as the USFS, County Commissioners, etc to meet with the Council on an annual basis throughout the year.

Council was in favor of this and George B. will come back with further notes and concepts on this.

## COUNCIL AND STAFF REPORTS

### 8. Town Planner

Janet H. updated the Council on events in the Planning Office. Address verification with the County 911 system is being confirmed. Charlie Davis will be at a near meeting to update the Council on the new Int'l Building Code. Safebuilt has applied and been confirmed by the State to be the Town's Electrical Inspector. This will begin in July. The Vail Ski and Snowboard Academy is in search of an environmental project that will assist the Town.

Janet H. notified the Council that we did not get the GOCO Grant for Little Beach Park.

### 9. Town Attorney

### 10. Town Manager

- Manager's Report

#### Mineral and Energy Impact Grant

Janet and Willy met with DOLA representative Greg Winkler on May 27 to discuss Minturn's grant application for the Entryway/100 Block project. Staff will need to make a presentation to the advisory committee in Steamboat Springs on July 20 or 21. Awards are to be announced in late July. Contracts will not be ready until late August of early September. This schedule places the project in jeopardy for any Fall construction, likely the project will be in Spring of 2016.

#### Towing vehicles

Darin Tucholke has submitted to me all necessary paper work to use West Vail Shell for towing and storage of vehicles. I have informed ESCO and they will use these services to add convenience and lower transport costs to individuals whose cars have been impounded.

Street Lights – send in your Council Comments to Janet H. Hawkeye felt it important to have the lights on the inside, away from the curb. This would allow for plowing and snow removal needs.

- Action Report

### 11. Town Council Comments

Matt S. asked if Public Works was going to finish street sweeping in the 500 block and south – Willy P. will look into it.

Ozzy O. asked for an update on Minturn Road grading – it is still on the radar, costs are being sought and the work is being scheduled.

Shelley B. gave her condolences to the Olson Family. The memorial will be Saturday at 1:30pm at Little Beach Park.

Shelley B. stated the Battle Mountain HS Principal has resigned and the District will begin searching for a new Principal.

### 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 – Powell/Sawyer**

Motion by Ozzy O., Second by Shelley B., to convene 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 7-0.

No direction came forth as a result of the Executive Session.

### FUTURE AGENDA ITEMS

**13. Next Meeting – June 17, 2015**

- 2014 Audit presentation and Acceptance of 2014 Audit (Work Session and Action Item) - Brunvand
- Discussion Regarding Town Council Comments and Special Presentations – Powell/Brodin
- Boneyard update
- Water Committee again – put in work session and public discussion – no vote
- Set time and date for the Marijuana discussion in work session

**14. Future Meetings:**

- Discussion regarding Human Resources
- 2015 Building Code update – Charlie Davis
- Marijuana discussion in a meeting in 2015
- Discussion regarding Town’s code enforcement approach

**15. Set Future Meeting Dates**

- June 17, 2015
- July 1, 2015
- July 15, 2015

**16. Planning & Zoning Commission Meetings:**

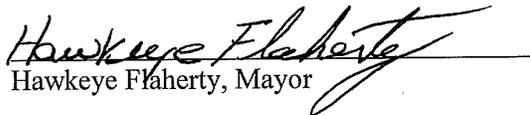
- May 13, 2015
- June 10, 2015
- July 8, 2015

**17. Other Dates:**

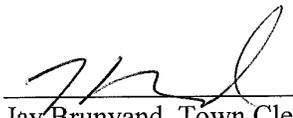
- Minturn Market June 13, 2015

**18. Adjournment**

Motion by Ozzy O., second by Shelley B., to adjourn at 10:20pm.

  
Hawkeye Flaherty, Mayor

ATTEST:

By:   
Jay Brunvand, Town Clerk

