



## Official Minutes

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

**Wednesday December 16, 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

- Work Session: Discussion of speed limits in South Minturn – Powell
- Review Staff recommendation on vacant lots with water taps – Brunvand  
Direction was to consider this in regular session.

### Regular Session – 6:30pm

#### 1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:37pm

- Roll Call

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

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

- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added
  - Move water tap discussion as 8a

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

**3. Approval of Minutes**

- December 2, 2015

Motion by John R., second by Shelley B., to approve the minutes as amended. Motion passed 6-0. Note: Ozzy O. abstained as he was not at the meeting.

**4. Liquor License Authority**

- FM Saloon LTD Annual Renewal of a Hotel & Restaurant License; 146 Main St.; William Campbell Owner/Pres – Brunvand

Jay B. outlined the application and recommended approval.

Hawkeye opened public hearing.

No comment.

Hawkeye closed public hearing.

Motion by Earle B., second by John R., to approve the FM Saloon LTD Annual Renewal of a Hotel & Restaurant License; 146 Main St.; William Campbell Owner/Pres as presented. Motion Passed 7-0.

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

**6. Special Presentations**

- Committee Report

Shelley B. stated the Scholarship application process begins in January.

John R. stated they had the quarterly Minturn Fitness Center. The Center is almost at breakeven and will be with the various recommended membership, renewals, pay classes, and personal trainers. It was noted that any shortfall in the budget is picked up solely by the VSSA.

George B. attended a Battle Mountain Resort meeting.

Willy P noted the Dowd Jct committee had met.

**PUBLIC HEARINGS AND ACTION ITEMS**

**7. Discussion/Action Item: Consideration of Resolution 19 – Series 2015 in support of the Healthy Communities Coalition Plan4Health Grant to the Town of Minturn - Hawkinson**

Janet H. outlined the Resolution with the help of Ms. Katie Haas, Healthy Communities Coordinator of Eagle County Public Health and Environment. Katie Haas outlined the Plan4Health grant. The grant is \$125,000 to be utilized to support healthy communities in Eagle County. Eagle County is making \$5,000 available to Minturn for healthy community projects and Janet H. has proposed the Town match with \$5,000.

John R. asked if the grant was for planning or would it actually affect projects and individual citizens; Minturn's portion of the grant can be used on projects while Eagle County will use grant money on research to prioritize future programs that support healthy choices.

Ozzy O. asked where the \$5,000 Minturn portion would come from; this would come from savings or overall savings in individual line items as it is not included in the 2016 budget. Janet H. stated Minturn would receive the \$5,000 from the County; the Town is not required to match any funding.

Discussion ensued as to which programs such as the Community Garden might receive the money. Shelley B. noted although she supports the Community Garden she does not desire to give money to that specific program. Earle B. stated the Community Garden did not request any funds from the Town, they are however interested in this grant program. He stated the garden is a viable project in the Town and is a benefit to many residents. Shelley B. stated she felt the Planner had moved too far forward on this grant without receiving preliminary approval from the Council.

Matt S. clarified that the County money would need to be spent by the September 2016 deadline, the Town match would not necessarily need to meet that deadline. It was also clarified that the Grant would supply data objectives found as a result of the study work the grant process would provide. In the event the Town desired they could hold the match funds until such direction was given. He felt this would give the Town time to study the data objectives supplied and allocate match funding at that time.

Discussion ensued as to what could and could not be used with the grant proceeds and how future funding could be determined once the grant objectives are received.

Motion by Ozzy O., second by Earle B., to approve Resolution 19 – Series 2015 in support of the Healthy Communities Coalition Plan4Health Grant to the Town of Minturn as amended. Motion passed 7-0.

**8. Discussion/Action Item: April 5, 2016 Election update – Brunvand**

Jay B. outlined the information in the packet on the April 5, 2016 municipal election. Petitions are available January 5 and are due back by January 25, 2016. This is much earlier than in previous elections due to changes at the state level.

Shelley B. asked of the time frame for a citizen initiative, Jay B. will supply that information to her.

**8a. Review Staff recommendation on vacant lots with water taps – Brunvand**

Jay B. outlined the status of the discussion to date.

Discussion ensued as to the possible repercussions of changing the current status quo.

Straw poll to proceed with further approval: Nay: Earle B, Matt S., John R., and Ozzy O. Direction given was to not proceed with this consideration and remain with the current status quo.

**COUNCIL AND STAFF REPORTS**

**9. Town Planner**

- 2016 development projects

Janet H. outlined her report for the Council.

Shelley B. suggested the Town look at options to bring in more competitively priced homes. Hawkeye stated we need to develop our Deed Restricted guidelines now so that they are ready in the future. Discussion ensued as to the merits of location, another layer of government process, public/private, and property rights.

Direction was to have staff work within the County on options and bring them and their concepts forth to a future Work Session.

**10. Town Manager**

- Manager's Report

**TAP Grant Request for Qualifications**

The pre-proposal meeting was held on Nov. 24<sup>th</sup>. Seven engineering firms were present. Proposals are due on December 17.

**Speed Limits, South Minturn**

Council requested an estimate of providing a traffic report of speeds, average daily traffic and peak hour traffic information. The cost of providing the study ranges from \$4000-6000,

depending on length of study. If performed in the winter it must be for a limited duration because of snow plowing.

South Minturn representatives will present a petition to have speed limits lowered from 45MPH to 35. Phil Cusick and I have met with Terry Armistead, Lorenzo Martinez and Jeff Grimmer to discuss the situation. Initially the group wanted the town to submit the request to CDOT. However staff has warned the group that, if CDOT were to be approached, they would likely perform a study and the 85% rule applies. When CDOT reviews speed limits they measure the speeds and set the limits at 85% of the average speeds recorded during the study. Thus any request of CDOT could backfire and speeds raised. I have been told this is exactly what happened in the past. I have suggested to the group the town conduct a study, not CDOT, given Council direction. See estimate of cost above.

### **Street Projects**

Please see attachment for current construction numbers. The totals are complete for Norman St. and Railroad Ave. The Entryway is nearly complete. The remaining Entryway work of the contractor is for lighting, valued at far less than the retainage. Additional costs related to landscaping will be paid by the town in 2016.

### **2015—2016 Projects**

I have attached a list of projects of the town which will require consider time of Town Manager and staff. I hope this helps in determining the duration of any further contract with the Manager. The 100 Block and TAP grant schedules are largely in the hands of the town, with CDOT review and influence. The Dowd Junction and South Minturn schedules are dependent on Forest Service tasks, thus the time schedules are best estimates at this time.

- Action Report

Shelley B. stated the lights are out on the Town sign at the north end. Active Energies is on the schedule to address this.

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

All wished Merry Christmas.

Matt S. asked about snow shoveling and how it is being enforced. Staff will step up the enforcement and education.

### **12. Town Attorney**

## **EXECUTIVE SESSION**

13. **Executive Session:** An executive session for the purpose of conferencing with the Town Manager for the purposes of receiving direction and advice on the purchase,

**acquisition, lease, transfer or sale of any real property or other property under C.R.S. Section 24-6-402(4)(a) and for the purpose of discussing specific legal questions with the attorney for the purposes of receiving legal advice 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) and for the purpose of discussing personnel matters and instruction of negotiators related to manager contract under C.R.S. Section 24-6-402(4)(f) – Town Manager review, Dowd Junction, and Entryway Project – Powell/Sawyer**

Motion by Ozzy O., second by George B., to convene in executive session for the purpose of conferencing with the Town Manager for the purposes of receiving direction and advice on the purchase, acquisition, lease, transfer or sale of any real property or other property under C.R.S. Section 24-6-402(4)(a) and for the purpose of discussing specific legal questions with the attorney for the purposes of receiving legal advice 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) and for the purpose of discussing personnel matters and instruction of negotiators related to manager contract under C.R.S. Section 24-6-402(4)(f) – Town Manager review, Dowd Junction, and Entryway Project. Motion passed 7-0.

**Direction given as a result of the Executive Session:**

To continue defending the lawsuit filed by Eagle River Properties and to put together amendments to the contract with the Town Manager for services in 2016.

**FUTURE AGENDA ITEMS**

**14. Next Meeting – January 6, 2016**

- Discussion/Action Item: Annual Resolution setting posting sites – Brunvand
- Work Session: Review of Job descriptions – Powell

**15. Future Meetings:**

- Work session: consideration of approving retail sales of marijuana – Powell/Sawyer/Brunvand 1/20/16
- Work Session on housing – Hawkinson 1/20/16

**16. Set Future Meeting Dates**

a) Council Meetings:

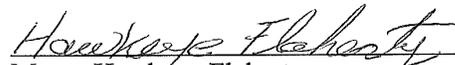
- January 6, 2016
- January 20, 2016
- February 3, 2016

b) Planning & Zoning Commission Meetings:

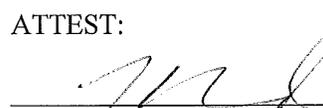
**17. Other Dates:**

**18. Adjournment**

In that there was no further items for discussion the meeting stood adjourned at.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

