



## Official Minutes

### MEETING OF THE MINTURN TOWN COUNCIL

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

**Wednesday January 20, 2016**

**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

- VVTC 2016 update from a representative – Powell
- Discussion about ballot language and referring the question to the voters of Term Limits for Mayor, Council, and Planning Commission seats – Sawyer/Powell/Brunvand
  - Put on Ballot?
    - Yea: Shelley B.,
    - Nay: Matt S., John R., Earle B., Ozzy O., George B., Hawkeye F.
  - Direction to investigate a future election in November 2016 or by Council Ordinance
- Eagle River Fire Protection District training facility options – Powell  
Direction was to move this to Special Presentation as Work Session time expired.

## Regular Session – 6:30pm

### 1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:43pm.

- 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
  - Continue the fire district discussion to 6a.

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

### 3. Approval of Minutes

- January 6, 2016
  - Note that the executive session was not held.

Motion by John R., second by Earle B., to approve the minutes of January 6, 2016 as amended. Motion passed 7-0.

### 4. Liquor License Authority

- Magustos Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon Owner/Pres – Brunvand

Jay B. outlined the issues for the Council and recommended approval.

Public hearing opened.

No Comments

Shelley B. commented that the lease is current for the 1<sup>st</sup> St deck is active and valid

Public hearing closed.

Motion by John R., second by Earle B., to approve the Magustos Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon Owner/Pres however, they are not allowed to use the 1<sup>st</sup> St area unless and until it is leased as presented. Motion passed 7-0.

Note: The motion was modified and amended by the First and Second to read as stated.

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

Mr. Randy Milhoan, 141 Williams St. asked why 1<sup>st</sup> St is now treated as a street. He asked how the dumpster is allowed to extend into the street right of way; Hawkeye noted this was a mutual agreement between the Town and the property owner and cleared years ago in an effort to work with the property owner to clean up the area.

**6. Special Presentations**

- Committee Report
- Continuation of Worksession discussion regarding a possible Eagle River Fire Protection District training facility

Mr. Dominic Mauriello was present as a representative of the Eagle River Fire Protection District (ERFPD).

Matt S. noted that because some of the information was not previously shared with the Town and because some of the concepts have changed between meetings that some of the Town's numbers are not as solid as the Council had hoped.

Willy P. clarified that the current proposal is that the ERFPD would install the utilities at their cost, we would give them the land requested for 99-years (original proposal was for 50 years).

Shelley B. felt this was an added benefit for the Town to work with ERFPD and as a result we could rent the land for a higher rate.

Discussion ensued as to the length of the lease. Concern was expressed that the lease should be 25years, not 50-99. Although the lease could be longer, a lease payment would be assessed after the initial lease. It was discussed the length of amortization of the utilities. Willy P. noted this is an opportunity to extend utilities to that area at no cost while still allowing the Town to pursue other extensions in other areas. It was confirmed that the proposal would not go forward if the ERFPD bond issue does not pass in May 2016.

Council was in support to move forward with the details to be worked out. Council expressed a need to offset the construction costs over an amortized period and then require a remuneration lease thereafter. Willy P. noted the direction and felt Staff could work with the details and bring forth a proposal to the Council.

Discussion ensued as to what the ERFPD bond would cover.

**PUBLIC HEARINGS AND ACTION ITEMS**

**7. Public Hearing/Discussion/Action Item: Consideration of Resolution 04 – Series 2016 an Resolution approving the Preliminary Subdivision Plat for Applicant Intermountain Landscape & Maintenance, Inc. for property owned by the Union Pacific Railroad – Hawkinson**

Earle B. recused himself from the Council as he is a Board member of the Meadow Mountain Business Park which is directly affected by this proposal.

Janet H. outlined the proposal. She noted this is a Preliminary Subdivision they will come back for final Subdivision and for a change in zoning to match the adjoining property to the north.

Mr. Rick Pylman, Pylman & Associates, presented for the applicant. Others present included Mr. Gary Brooks, Alpine Engineering,

Public Hearing opened.

Public Hearing closed.

Discussion ensued as to access to the property from Hwy 24 from CDOT and the aesthetics of the property. ILM asked if the Council wanted landscaping that would block the view from the highway or if they wanted to maintain the river view. Concepts were discussed. Concern was discussed of water flowing off the property into the river and how that would be mitigated. This plan was detailed by Alpine Engineering. It was noted that the site would be graded and graveled, it would not be paved. This would assist in the drainage plan.

Hawkeye requested that a condition be included at final to require installation of a storm sceptor if the site is paved.

Motion by John R., second by George B., to approve Resolution 04 – Series 2016 an Resolution approving the Preliminary Subdivision Plat for Applicant Intermountain Landscape & Maintenance, Inc. for property owned by the Union Pacific Railroad as presented. Motion passed 5-1. (Nay: Ozzy) Note: Earle B was recused due to a conflict of interest.

Conditions:

If in the future the site is paved the owner must install a storm sceptor.

**8. Discussion/Action Item: Consideration of Resolution 05 – Series 2016 a Resolution approving an Intergovernmental Agreement with the Colorado Dept of Transportation regarding the Transportation Alternatives Grant (TAP Grant) and affirming Minturn has appropriated and budgeted the local match – Powell/Hawkinson**

Willy P. presented for Staff stating that we have allocated our match portion of \$66,540 in our budget, authorizes the town manager to sign the agreement, and the resolution will become exhibit A of the IGA.

The IGA purpose is to provide engineering services for future improvements on Hwy 24/Main St from Toledo St to Maloit Park Rd. The study will include travel lanes, sidewalk/trails, This will include a lot of public outreach and public comment periods as it will affect everyone along the route at some level.

Motion by Ozzy O., second by Shelley B., to approve Resolution 05 – Series 2016 a Resolution approving an Intergovernmental Agreement with the Colorado Dept of Transportation regarding the Transportation Alternatives Grant (TAP Grant) and affirming Minturn has appropriated and budgeted the local match as presented. Motion passed 7-0.

Willy P. requested further direction to begin negotiations with Stolfus Engineering, it was given.

**9. Discussion/Action Item: Consideration of Resolution No. \_\_ – Series 2016 A Resolution approving ballot language and referring to the voters the question of Term Limits for Mayor, Council, and Planning Commission seats – Sawyer**

It was determined that it was too close to the election and did not have the council support to progress this further. It was noted Council will pursue other alternatives.

No action was taken on this item.

**10. Discussion/Action Item: Consideration of Resolution No. 06 – Series 2016 A Resolution approving an IGA for an Operations Agreement between the Eagle River Water and Sanitation District and the Town of Minturn. – Brunvand**

Jay B. updated the Council and noted any concerns that citizens might have can be directed to the Clerk's office for questions.

Motion by John R., second by George B., to approve Resolution No. 06 – Series 2016 A Resolution approving an IGA for an Operations Agreement between the Eagle River Water and Sanitation District and the Town of Minturn as presented. Motion passed 7-0.

**COUNCIL AND STAFF REPORTS**

**11. Town Planner**

Shelley B. noted that Planning Commission approvals need to be in the Council packets in case of the need for Call-Up.

## **12. Town Manager**

- Manager's Report

### **Bolts Ditch Lobbying**

The Mayor, Manager and Tom Glass spent Jan. 11—13 lobbying congressmen and staffers to allow authorization for the use and maintenance of the Bolts Ditch within the 450' of the Holy Cross Wilderness Area. We met with Senators Gardner and Bennet and Representative Polis, congressional staff, legislative staff and USFS legislative staff. We received positive response from all. Senator Gardner has agreed to be the original sponsor and Senator Bennet a co-sponsor. Representative Polis will sponsor on the house side. We also visited with Representative Lamborne's legislative aide (R-Colorado Springs) to gain their support. We will attempt to meet with Representative Tippet, as his district is to the west and includes the western portion of the wilderness area. Senator Gardner's office has already sent the legislation to committee. The timetable for any passage is unknown at this time, but we will continue to advocate for early adoption. We have been counseled both houses do not perform as much work during a presidential election year. However, after the election, many legislation bills pass.

George and Willy met with UEVWSD on Jan. 6 and they committed to send letters of support from the two water authorities. We expect to receive a letter of support from the Colorado River Water Conservation District after the governing board meets next week.

### **TAP Engineering**

Willy P., Jason O., and Jeff Spanel met on Jan. 5 to review the six proposals submitted. The committee shortlisted four firms to interview and check references. The interviews were conducted on Jan. 15. We plan to check references Jan. 19 and 20. The committee may have a recommendation of the preferred firm for the Council meeting.

### **100 Block Engineering**

Jeff and Willy met with Eagle CDOT staff on Jan. 7 to discuss the 100 block engineering and stressed the importance of a timely CDOT review so we can keep to schedule. CDOT pledged to work with staff, but we will need to keep the heat on.

Mr. Randy Milhoan, 141 Williams St, introduced Kristen McLofland of Minturn Realty.

- Action Report

## **13. Town Council Comments**

Ozzy O. noted an ECO Transit meeting and will brief the Council at the next meeting.

There is a meeting at Red Sandstone Elem to discuss the school. This meeting is Jan 28 6-8pm at Red Sandstone. It was noted that Dave Neeley of the USFS is moving to Washington, D.C. Parking needs to be addressed and enforced. Vehicles need to be moved for snow removal. Shelley B. recommended that we extend the parking regulations to the side streets.

George B. updated on the One Book One Valley.

Hawkeye noted that we have had feet of snow and the skiing is fabulous to extraordinary and should be enjoyed!

George B. reminded the Council and the citizens of the worksession on Saturday morning January 23 from 8-12.

#### 14. Town Attorney

### FUTURE AGENDA ITEMS

#### 15. Next Meeting – February 17, 2016

- Work session: Housing - Hawkinson
- Consideration of Resolution No. 2 – Series 2016 A Resolution appointing individuals to the Planning Commission – Hawkinson
- Fire District Training Center discussion

#### 16. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Consideration of realignment of Taylor Ave.
- Term Limit discussion and election alternatives

#### 17. Set Future Meeting Dates

a) Council Meetings:

- February 3, 2016
- February 17, 2016
- March 2, 2016

b) Planning & Zoning Commission Meetings:

#### 18. Other Dates:

#### 19. Adjournment

Motion by John R., second by Ozzy O., to adjourn at 8:55pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

