



Official Minutes

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

Wednesday March 16, 2016

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

- Holy Cross Powder Hounds – Powell
 - 81 signatures have been obtained on a petition to reopen areas of the Meadow Mountain/Grouse Creek area to snowmobile access.
 - Holy Cross Powder Hounds are seeking a letter of support from the Town of Minturn to the United States Forest Service
- Recommendation to schedule training for new Town Council after election.

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor Hawkeye F. at 6:34 pm.

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

Staff present: Town Manager Willy Powell, Deputy Clerk Michelle Metteer, Town Planner Janet Hawkinson, and Town Attorney, Michael Sawyer.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added
 - Add Action Item to consider a Letter of Support for the PowderHounds.

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

3. Approval of Minutes

- Feb 17, 2016

Discussion of potentially providing meters and time limits for the 100 Block parking options, to be added to the Planner Update section.

Motion by Johnie R., second by George B., to approve the minutes of Feb 17, 2016 as amended. Motion passed 7-0.

- March 2, 2016

Page 19 question marks – Remove entire sentence.

Matt Scherr made same point of order (also page 19, paragraph 4)

Page 14: 340 acre feet (not 348)

Motion by George B., second by Johnie R., to approve the minutes as amended. Motion passed 7-0.

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

Deputy Josiah Hart, 302 Pine St, discussed the March 7, 2016 snow storm. A photo of a large truck was shown on the presentation screen. The new landscaping, as part of the entryway project, saved the truck from hitting the Weston Snowboards building at 106 Main St and its gas meter. The trucking company will be covering the cost of damages. A report is on file with the police department.

Mr. Ken Mintz, 167 Williams St, is concerned about the imminent problem that can affect the character of Minturn. With the potential sale of the 100 Block, Mr. Mintz is concerned about the zoning of the 100 Block as well as the 5-year old Community Plan. He urges the Council to look at this carefully and to plan/protect the character of the 100 Block. He requests a master plan be developed ASAP and continue to protect the 100 Block.

5. Special Presentations

- Committee Report

The Minturn Scholarship Fund gave a reminder to Minturn residents that the Scholarship Fund is accepting applications through March 31, 2016.

The Battle Mountain Committee updated that Crave Development will be taking a step back to review all the potential development options available. Crave provided answers to additional questions which will be posted on the website for viewing.

Minturn Fitness Center Board met and discussed an operating loss. The Center is constantly looking to improve as it moves forward. It was Aldo Radammus' last Board Meeting and he was thanked for his services. Red Cliff memberships will now be included at the "local rate price."

The Minturn Candidates Forum will be held March 21, 2016, 5:30-7:00pm at Minturn Town Hall. This event is sponsored by the Vail Valley Partnership.

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Letter of Support from the Town of Minturn to the United States Forest Service for an adjustment to the Travel Management Plan, allowing additional access for snowmobiles.

Earle B. provided an overview of the history of the topic.

George B., and Ozzy O., explained that this is an attempt to open back up what has been historically accessible to snowmobiles.

Motion Shelley B., second by Ozzy O., to prepare a letter in support of the Holy Cross Powder Hounds to the USFS for an amendment to the current Travel Plan. Motion passed 7-0.

7. Discussion/Action Item: Consideration of Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor St. – Hawkinson

Janet H. reviewed maps provided within the packet. In order to lessen practical difficulties, and there are also extraordinary conditions which pertain the neighbors retaining wall, which is considered incompatible/practical difficulty. This variance is viewed as an improvement to the neighborhood by the Planning Commission.

Mr. David Clapp, 392 Taylor St, applicant and property owner was available for questions.

George B asked if this would create a “domino” type effect. Janet H. said that is a possibility. On-site parking is still a requirement, however Janet H. believes this is a standard that needs to be met anyway and may begin to improve other areas of the street.

George B. asked David Clapp about the ten foot setback and how that will affect the neighborhood moving forward. David Clapp indicated that the neighborhood would essentially look exactly the same.

Mr. Clapp also indicated that this new plan would allow for future development to include garages that would house eight vehicles.

Michael S., updated that the Model Traffic code most recently adopted allowed for the Taylor Street area to address the neighborhood on a case by case basis. This variance will address this issue for this property.

Mayor Hawkeye F. asked about the practical difficulty and how that would pertain to one of the properties in question. Janet H explained the situation on the left side of the lot and creating proper on-site parking with a garage.

Janet H. also acknowledged that the area of the zoning code has not been updated since 1986 and is outdated for the current needs of the neighborhood.

Hawkeye F. asked about the ownership of the drainage easement. David Clapp updated the Council that the easement was replaced. Hawkeye F asked if the easement was still valid, David Clapp believes it is. It was asked if the utility company was asked about the approval of this project, and David Clapp said he is awaiting the approval of Council first.

Water lines run through David Clapp’s property and would need to be addressed.

Janet H. indicated that the Land Use application that would go through the Design Review process would have to have approval from the owners of any easements on the property.

Mr. Karl Kreuger, 362 Taylor, does not live there, but owns the property. He was soured a bit by the Taylor St Townhome project and the way the Taylor St Townhomes handle the drainage issues, as well as parking in the town’s right of way. He is not against anyone getting ten more feet to work. He said he did not receive a certified letter and is concerned the process is not being followed to proper protocol. He has comments in regards to this being the wrong reason for a variance. He argues there are no proposed drawings included in the variance application. He said the retaining wall slants back and is not a safety issue or viewing issue. There is also no grading in the plans and he does not believe the objectives of the chapter fall in line with the argument being presented as “mumbo jumbo.” Mr. Kreuger continued to argue that this is not a hardship. Mr. Kreuger also argues that this variance has not been shown that there is a parking problem. He feels like this lowers the “bar” even lower than it already is. He feels this does not meet the criteria for a variance and that the proper procedure for notifying the neighboring area was not provided.

Shelley B. requested that the code be changed to remove the practical difficulty definition in the code. She also said that having to plow an additional 20' is not a "hardship." Shelley B. recommended the variance be tabled as the neighbors were not properly notified. In addition it should be sent back to the Planning Commission for a second review.

Mike S. said a new application would not need to be assessed any additional fees.

It was noted that as per the policy and practice in the Code, Mr. David Clapp sent out notifications using the County GIS system as an acceptable method for determining the 250' radius of determining notifications.

Mr. Karl Kreuger said his property is approximately 100' away from the Clapp residence in question and he did not receive notice. It was noted, based on the USPO Certified Mail receipts, that this was the only property missed.

Shelley B. reiterated the variance needs to be tabled in order to maintain the integrity of the process.

Mr. Kelly Toon, 531 Main Street is 50' away from another project currently being built and he indicated he was not notified about the project either. Michael S. updated that a site plan review/new house construction would not necessitate a public notification within a certain radius.

Motion by George B., second by Johnie R., to continue Resolution 07 – Series 2016 a Resolution approving Variance request 16-01 at 386/392 Taylor St until the date of a new public hearing can be established and properly noticed and the easement questions can be answered. Motion passed 7-0.

Matt S. asked about the specific reasons for the needed setback.

Earle B. asked about a ten foot setback being appropriate for the entire area.

Mayor Hawkeye F. called a five minute recess at 7:53 pm.

Mayor Hawkeye F. called the meeting back to order at 8:00 pm.

8. Discussion/Action Item: Consideration of Resolution 08 – Series 2016 a Resolution in support of the Eagle River Fire Protection District's bond proposal - Powell

Willy P gave a brief background of the offer being provided by the ERFPD in exchange for the use of the land.

Mr. Darryl Wiegert, 1716 Main St., representing the Eagle River Fire Protection District, is seeking support from the Minturn Town Council for the May 3rd bond issue up for vote. This bond will add new fire stations in Avon and in Edwards, CO in addition to the Minturn training

station. The Edwards station is very expensive to operate and the Avon station has a tank in the way of the firetruck parking, The Avon station would be at the main roundabout in Avon behind the new health facility on Metcalf Road. Mr. Wiegert believes this will improve the response time to Minturn. This will be a 25 million dollar bond issue. The mill levy from the last ERFPD ballot issue is sun setting as the debt is paid and this new bond should result in little tax increase.

Hawkeye F. asked what the timeline is for the project. Mr. Karl Bauer, Fire Chief, Eagle River Fire Protection Dist. said the Avon facility would be built first and would take about one year to complete. The design of the project is done.

Shelley B. asked about the Avon building and what would happen if the Avon fire station was approved, but not the portion for the police station. Chief Bauer said they would still be able to move forward independently.

Willy P. asked about the IGA and when the Minturn building would take place. Chief Bauer would like to see the District's training take place within the area and would also want to confirm the timeline.

Johnie R. asked about the supplemental decrease from 1.13 mils to 1.18 mils and another scheduled. The mills do not sunset for this, but would end after 30 years when the bond came to completion.

Mr. Ken Mintz, 167 Williams, asked how many times in the last 2-3 years a truck has come to Minturn from Avon. Chief Bauer said he can obtain those numbers and that it happens quite a bit. Mr. Ken Mintz also asked about the ladder truck and how often it has to come to Minturn. Chief Bauer again reiterated he would be get exact numbers. Mr. Mintz further said Minturn already has a traffic problem and a noise problem and that additional trucks coming through town would only add to the problem. Mr. Mintz asked of other training facilities within forty minutes. Chief Bauer said there are training facilities in Dotsero and Summit County. Chief Bauer educated the room on the rotation of fire trucks and equipment when at training facilities and that when a call is made for help, those trucks have to respond from the physical training facilities. Mr. Mintz asked if members of the Council were aware of any benefits the ERFPD would provide by adding the indicated infrastructure. Jason O. and Shelly B. listed the many stakeholders that would benefit from the addition of infrastructure on Cemetery Road, including the Public Works facility, Little Beach Park, the lease lot, Riverview Cemetery and more.

Motion by Jason O., second by Shelley B., to approve Resolution 08 – Series 2016 a Resolution in support of the Eagle River Fire Protection District's bond proposal. Motion passed 7-0.

Ms. Tracey LeClaire, ERFPD, asked that the electronic version of the flyer be sent out in an email blast or the town newsletter.

COUNCIL AND STAFF REPORTS

9. Events Update

Michelle M. updated the Council on the many successes of the Minturn Skijoring event.

10. Town Planner

- Planner Report

Gardino's Mexican Restaurant sign was approved and is now open on Main Street.

Janet H. said that she adopted the Minturn code book from 1986, and the Master Plan that is seven years old. Janet H recommends/requests funding for a contractor to rewrite the code faster than small sections at a time. She does not know the finance numbers.

Shelley B. said the code has been recodified at least twice since she has been on Council. The zoning codes are constantly changing and the process is typically long. Shelley also indicated it may be unlawful to take away someone's property rights/development rights in the middle of purchasing a property.

Shelley B. asked about the P&Z minutes from March 9, 2016, under the entrance to town paragraph two. Minturn Bridge needs to be corrected to show the correct name of Bellm Bridge.

Matt S. asked about the costs for an outside contractor to assist in the updating of the code.

Willy P. believes some clean-up of the code could be advantageous to everyone. He believes it is timely and cost estimates for outside consultants can be acquired. Staff to get estimates and revisit.

Note: the Minturn Municipal Code was recodified in 1986 and again in 2008. The MMC has been modified by Ordinance since then. Currently the Town is on Supplement #6 of the 2008 recodification.

11. Town Manager

- Manager's Report

Willy P. updated the Council that Cemetery Bridge has recently been inspected and it is in good condition with 80,000lb trucks driving over it frequently.

The 100 Block plans are being submitted to CDOT and out to bid. Willy P. only expects minor changes from CDOT if any. Contract to be awarded at the April 4cxcvvvv, 2016 meeting. Pre bid meeting to take place March 23 and all property owners in the 100 block to also be invited to a meeting.

Open House to be a regular occurrence during the two-month construction period.

Jason O. asked about the planned construction on the west side of the 100 block and if the owners of the Minturn Country Club are still opposed to the project. Willy P. updated the Council that not all parties within the businesses themselves are in agreement. There is no clear vision for vehicles on 1st St to see the flow of traffic on the west side of Main Street and this project will be improving safety.

A hearing by the US Senate will take place in April or May of this year regarding the Bolts Lake Ditch.

Earle B asked about the TAP grant and the projected timeline to begin? Willy P. estimates around a year. Efforts are being made to apply for a second grant involving the construction of the engineered project.

- Action Report

Shelley B. asked about the Action report and that the term limits discussion be added to the report.

12. Town Council Comments

Earle B. thanked Shelley B. and all the excellent work she has done over the years, it will be missed.

Matt S. agreed and included the Battle Mountain work.

Shelley B. thanked the residents of the Town for the last ten years. She will remain in town and be diligent in holding Staff and Council accountable. Shelley B. felt that Crave should have come and provided an update to the residents of Minturn rather than going through a Council committee member. Shelley B. said she felt she had experienced disrespect from both Council and staff at times. She stated she had two reasons for not running for Town Council; she felt she was disrespected a Council member and that she felt the Town Manager does not work well with women.

Jason O. thanked Minturn and said it has been an honor and privilege to serve the residents.

Mayor Hawkeye F reminded folks there is a candidate forum this Monday, March 21, 2016 at 5:30 pm here at Minturn Town Hall.

Reminder to vote April 5, 2016 here at Minturn Town Hall.

13. Town Attorney

Michael Sawyer is prepared to provide an update to the Minturn Town Council regarding the Battle Mountain agreement status. Council recommended waiting for the new Town Council. No Executive Session needed.

EXECUTIVE SESSION

14. Executive Session: An executive session 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 CRS Section 24-6-402(4)(e) – Battle Mountain Resorts/Crave Communities Corp – Powell/Sawyer

As no Executive Session was needed, none was held. This agenda item was not taken up.

FUTURE AGENDA ITEMS

15. Next Meeting – April 6, 2016

- Swearing in
- Committee appointments
- Battle Mountain update

16. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Work Session on housing – Hawkinson
- Clear Vision areas on Town street corners – Hawkinson

17. Set Future Meeting Dates

a) Council Meetings:

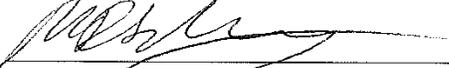
- April 6, 2016
- April 20, 2016
- May 4, 2016

b) Planning & Zoning Commission Meetings:

18. Other Dates:

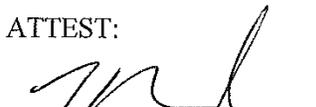
19. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn the meeting at 8:57 pm.



Mayor

ATTEST:



Town Clerk, Jay Brunvand

