



## Official Minutes

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

**Wednesday April 6, 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**

- Council transition discussion – Sawyer/Brunvand
  - Staff Introductions
  - Council Orientation
  - Parliamentary Procedure (Res 41-2008)
  - Liquor License Procedure Summary

### **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 and Town Council members, George Brodin, Matt Scherr, Earle Bidez, Johnie Rosenfeld, and Shelley Bellm. Note Shelley B., Jason Osborne was excused absent.

Staff present: Town Clerk/Treasurer Jay Brunvand, Deputy Clerk/Econ Michelle Metteer, Town Planner Janet Hawkinson, and Town Attorney, Michael Sawyer.

- Pledge of Allegiance

John R., George B., and Hawkeye thanked the Town for the privilege of service.

## **2. Swearing in of Mayor and Council Elect – Hon. Judge T. Quinn**

Judge Quinn swore in the Council Members Elect Terry Armistead, Sidney Harrington, and Harvey Craig and then swore in Mayor Elect Matt Scherr.

- Appoint Mayor Pro Tem – Council

The new Council members were seated. Those present included: Mayor Matt Scherr and Town Council members, Harvey Craig, Terry Armistead, Earle Bidez, and Sidney Harrington. Note Jason Osborne was absent excused.

Matt S. thanked the outgoing council for their work.

Matt S. nominated Earle B. for the appointment of Mayor Pro Tem.

Motion by Terry A. second by Sidney H. to appoint Earle B. as Mayor Pro Tem. Motion passed 5-0. Note Jason Osborne was absent excused.

## **3. Approval of Agenda**

- Items to be Pulled or Added

Motion by Earle B., second by Terry A., to approve the agenda as presented. Motion passed 5-0. Note Jason Osborne was absent excused.

## **4. Approval of Minutes**

- March 16, 2016

Motion by Earle B., second by Sidney H., to approve the minutes of March 16, 2016 as presented.

## **5. Liquor License Authority**

- Sticky Fingers Café approval of a new Hotel and Restaurant Liquor license; 132 Main St.; Sage Peirson Owner/Manager – Brunvand

Public Hearing was opened.

Staff presented the background and merits of the license and recommended approval.

Ms. Sage Pierson, Sticky Finger's, spoke and answered any questions.

Public Comment:

Mr. Michael Cacioppo, Business Briefs, spoke in support of the application.

Public Hearing Closed.

Motion by Earle B., second by Terry A., to approve the application for Sticky Fingers Café approval of a new Hotel and Restaurant Liquor license; 132 Main St.; Sage Pierson Owner/Manager as presented with the following findings and conditions. Motion passed 5-0. Note Jason Osborne was excused absent.

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Wednesday March 23, 2016 at least 10 days prior to the hearing, and the publication for the hearing was published in a newspaper of general circulation on March 24, 2016 at least 10 days prior to the Public Hearing.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the physical location where the applicant proposes to exercise the privilege of selling liquor at the retail store, does not appear to be within 500 feet from any public or parochial school or principal campus of any college, university, or seminary.
- That Minturn Police Dept/ECSO has conducted a background investigation on the listed owner(s). This investigation was not able to identify any conditions or information, which in and of itself would forbid the approval of the applicant's license. However, the following considerations will be attached to the approval:
  - The applicant's fingerprints are still being reviewed by the CBI and the FBI and it is foreseeable this process will not be completed in a timely manner. Staff has performed a background check using available resources and is comfortable recommending approval. In the event the applicant fingerprints are returned indicating sufficient reason to dispute good moral character the license will be forfeited.
  - The Local Liquor Authority has duly emphasized the requirement of operating an orderly establishment as related to noise and or live entertainment and the wellbeing of the neighborhood.
  - Staff recommends the establishment maintain server training certification on all servers.

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

Ms. Liz Hubbert, 512 Main St., asked for information on a Code Compliance Officer. The Town does not have a Code Compliance Officer. Complaints are handled by the Planning Office and the Police Department. She asked this to be addressed. Discussion ensued on enforcement and standards.

Mr. Michael Cacioppo, spoke to if the Council should comment on the public comment given. He stated citizens speak in Public Comment in order to participate and be involved, they should be replied to and they should be listen to. Mr. Cacioppo also thanked the outgoing Council Members.

#### **7. Special Presentations**

- Committee Report

### **PUBLIC HEARINGS AND ACTION ITEMS**

#### **8. Discussion/Action Item: Discussion and direction to award construction contracts for Phase II Entryway Project – Hawkinson/Inter-Mtn Eng**

Janet H. updated the Council on the project. Marty G., Inter Mountain Engineering, outlined the technical aspects of the project. It was recommended by the Council that notice of the construction be given to CDOT and the Town of Leadville to warn travelers of the road construction. Discussion ensued as to the grants that have been received. Janet H. introduced Mr. Albert Quintana, ICON Inc, who will be doing the construction road work. Janet H. reviewed the accommodations that have been made to the local business owners and how this project is being worked to enhance their properties.

Motion by Earle B., second by Terry A. to approve and award the construction agreement for Phase II to Icon Inc and to instruct the Town Manager to sign the agreement upon CDOT approval as presented. Motion passed 5-0. Note Jason Osborne was excused absent.

### **COUNCIL AND STAFF REPORTS**

#### **9. Town Planner**

- Planner Report
  - A) Entry Project Design
  - B) Minturn Code Re-write Phase II
    - Phase I: residential code changes and diagrams, resolution passed, 2015
    - Phase II:
      1. Old Town Commercial Zoning Codes

Earle B. recommended this be worked with the Planning Commission to get the best results and maintain the atmosphere of the Main Street character. Janet H. stated the goal would be to better

define the area to better protect the character. Harvey C. asked about and encouraged the historical value of the Old Town Area and recommended this be considered.

2. Appendix B Design Standards & Guidelines – Commercial Guidelines
  3. Article 16 – PUD’s
  4. Subdivisions – Chapter 17
- C) Town Master Plan

#### **10. Town Manager**

- Manager’s Report

Jay B. updated the Council on several items in the Manager’s absence.

Jay B. and Mike S. updated the Council on one vacancy caused with the election to Mayor of Matt S. and possibly one other. Options were outlined and direction was requested from Council. Mike S. stated we should put this in to the Community and request Letters of Interest. Matt S. recommended Town Public Posting boards, the website, and in the newspaper.

- Action Report

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

Earle B. wished farewell to the outgoing Council members for their service to the Town and welcomed the newly elected members.

All agreed with the fond sentiments.

It was noted two council openings and two Planning Commissioner openings.

#### **12. Town Attorney**

### **EXECUTIVE SESSION**

**13. 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 and for Eagle River Properties v. Town of Minturn Case No. 15CV30293– Powell/Sawyer**

Motion by Sidney H., second by Earle B., to convene in 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) – for Eagle River Properties v. Town of Minturn Case No. 15CV30293. Motion passed 5-0. Note Jason Osborne was excused absent.

### FUTURE AGENDA ITEMS

#### 14. Next Meeting – April 20, 2016

- Work session on legal training – Sawyer
- Update on council appointment process

#### 15. Future Meetings:

- Council board and sub-committee positions – May 4, 2016
- Work Session – Review of Job Descriptions – Powell
- Work Session on housing – Hawkinson
- Clear Vision areas on Town street corners – Hawkinson
- Consideration of Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor St. – Hawkinson

#### 16. Set Future Meeting Dates

a) Council Meetings:

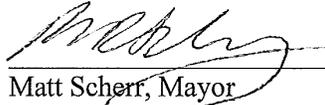
- April 20, 2016
- May 4, 2016
- May 18, 2016

b) Planning & Zoning Commission Meetings:

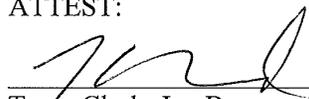
#### 17. Other Dates:

#### 18. Adjournment

In that there was no further business the meeting stood adjourned at 10:33pm.

  
Matt Scherr, Mayor

ATTEST:

  
Town Clerk, Jay Brunvand

