



Official Minutes

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

Wednesday May 4, 2016

Work Session – 5:30pm
Regular Session – 6:30pm

MAYOR – Matt Scherr
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
Harvey Craig
Sidney Harrington

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

- Review of Process for Council Candidates – Powell/Sawyer
- Review of Council Committees – Powell

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 6:33pm.

- Roll Call

Those present included: Mayor Matt Scherr and Town Council members, Harvey Craig, Terry Armistead, Earle Bidez, and Sidney Harrington. Note two seats are vacant.

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

- Pledge of Allegiance

2. 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 two seats are vacant.

3. Approval of Minutes

- April 20, 2016

Motion by Sidney H., second by Earle B., to approve the minutes of April 20, 2016 as presented. Note two seats are vacant.

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

Ms. Shelley Bellm, 472 Pine St., announced the recipients of the Minturn Education Fund Scholarship for the fall 2016 term.

- Emma Janusz, attending the Univ of Utah-SLC
- William Mitchell, attending the Rhode Island School of Design.
- Jessica Sullivan, attending Univ of Colorado-Boulder

Ms. Krista Tarrin, 101 Main St, spoke in opposition to closing 1st St. Ms. Tarrin represents the owners of the Minturn Realty property (west side of 100 block of Main St.). Felt closing the street would hurt parking on the property, negatively affect traffic flow to her tenants, and negatively affect emergency access. She stated this would also affect the summer market, snow removal, and she felt the individuals making the decisions were not residents of Minturn looking out for the best interest of Minturn.

Matt S. stated this is a long term project and the decision did not come lightly.

Terry A. asked about the process taken to close the street? She was surprised that this was still an issue.

Ms. Tarrin stated that they had been informed but that they had been given "some misinformation". Mike S. stated that the award of the project and contract included the closing of the 1st Street but the Council did not specifically vote on that one condition separate from all others. Willy P. stated the Town had studied many alternatives. These were shared with Minturn Realty and then sent to CDOT. CDOT stated they would not approve the project with 1st St staying open as it did not provide sufficient clear vision for those entering Hwy 24/Main St. Ms. Tarrin stated that the town does not need colored concrete with paw prints in it and we should

instead spend the money on rock mitigation in the “S” turn area (north of Williams on Hwy 24). It was stated that to change the plan now allowing 1st St to stay open would possibly cause CDOT to deny the project and funding. Earle B. stated the closing was a safety issue and followed a process which does allow for safety equipment to access the parking areas. Harvey C. stated the construction project does need to follow the planned schedule in order to have it finished prior to summer. He stated the Town could look at the one-way direction of Williams and other options. Sidney H. felt the safety improvements were necessary and important. Willy P. stated private property signage is allowed, but that signs in the CDOT right of way were not. He stated there is area and a plan for signage.

Matt S. asked for direction to place this on the current or future agenda for further discussion and action: Council opted not.

Mr. Eric Cregon, Magustos Bar, spoke against the plan. He recommended a half curb or some other way to keep it open for some limited use. He also noted a moveable planter would be more workable than the permanent planter. He noted that a nonpermanent planter for limited use was an option.

Ms. Sage Pierson, 132 Main St, spoke against the plan as well and encouraged further discussion.

5. Special Presentations

- Vail Valley Trails Coalition

Moved to May 18, 2016 Council Meeting.

- Committee Reports

Michelle M. noted the summer events: the complete summer calendar is on www.gominturn.org

- We have the drive-in movies. Tickets are on sale now.
- Economic Dev Committee has a request for proposals for the community board.
- She noted the summer concert series too.

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Discuss and Interview applicants for the vacant Town Council seats – Powell

Matt S. noted we have two Council vacancies and has had eight letters of interest. He outlined the procedure of how the appointment will be made.

Candidate list:

John Widerman – 1951 S Hwy 24 #11
Darin Tucholke – 530 Taylor St

Brad Bickerton – 201 Main St #2
Sage Pierson – 156 Lions Ln
Michael Heaphy – 821 Main St
Gusty Kanakis – 201 Pine St
Shelley Bellm – 470 Pine St
Frank Lorenti – 1081 Main St

Each candidate was given time to introduce themselves. The Council then asked each candidate in round robin format two questions:

- What do you think are the most significant issues facing the town of Minturn?
- Describe any changes, if any that you would like to see here in Minturn. Would you favor seeing development on the valley floor?

Common points were growth, adherence to the code, fairness/consistency, and sustainable growth. Other items included crime, town finances/continued financial stability, bikepath/sidewalks, and limited resources of a small staff.

Council agreed to rules:

- In the first round of voting, each council member cast 2 votes for 2 separate candidates.
- If there were 2 high vote getters receiving at least 3 votes, those candidates would be seated.
- If there was 1 high vote getter receiving at least 3 votes, that candidate would be seated and then there would be a runoff between those candidates receiving a fewer number of votes.
- If there was a three way tie, the three candidates receiving a tie number of votes advanced to the second round.
- In the second round, because two seats were still open, the council members again cast 2 votes for 2 separate candidates.
- When only one seat remained, the council members cast only 1 vote and the person receiving a majority was seated.
- At any time an applicant received zero votes they would not proceed to the next level.

Round one votes:

Move to second round: These three only will be in Round 2 and vote for two

- John Widerman (Matt S., Harvey C., Terry A.)
- Brad Bickerton (Matt S., Earle B., Sidney H.)
- Sage Pierson (Harvey C., Earle B., Terry A.)

Out on first round:

- Darin Tucholke (Sidney H.)
- Michael Heaphy
- Gusty Kanakis
- Shelley Bellm
- Frank Lorenti

Accepted on second round:

- John Widerman (Harvey C., Sidney H., Matt S., Terry A.)

Move to third round:

- Brad Bickerton (Sidney H., Earle B., Matt S.)
- Sage Pierson (Harvey C., Earle B., Terry A.)

Third Round:

- Brad Bickerton (Matt S., Sidney H.)
- Sage Pierson (Harvey C., Earle B., Terry A.)

The final results are that John Widerman and Sage Pierson were appointed for a two-year term each to the Council.

7. Discussion/Action Item: Resolution 10 – Series 2016 consideration of a Resolution appointing individuals to the Minturn Town Council – Brunvand/Powell/Sawyer

Motion by Earle B., second by Harvey C., to approve Resolution 10 – Series 2016 a Resolution appointing John Widerman and Sage Pierson to the Minturn Town Council as presented. Motion passed 5-0. Note two seats are vacant.

8. Discussion/Action Item: Swearing in of appointed Council Members – Scherr

Matt S. swore in John W. and Sage P. and they assumed their seats at the Council table.

9. Discussion/Action Item: Resolution 11 – Series 2016 consideration of a Resolution appointing check signers – Brunvand

Motion by Earle B., second by Sidney H., to approve Resolution 11 – Series 2016 consideration of a Resolution appointing check signers as presented. Motion passed 7-0.

10. Discussion/Action Item: Discussion and appoint by motion Council committee members – Metteer

Matt S. outlined the committees and requested this be done during a near Worksession. Staff will prepare an outline of the duties of each committee. It was requested this be added to the May 18 Worksession.

COUNCIL AND STAFF REPORTS

11. Town Planner

Discussion ensued as to could changes be made to the Entryway Project regarding the closing of 1st St. It is possible that a limited access be utilized but to simply leave it open as it currently exists is not an option. Willy P. stated in order to complete the project on time we cannot have

CDOT approve the changes and still complete the project prior to the summer season. Janet H. ensured the Council that all the lighting and landscaping would be completed by the June deadline. Willy P. noted the Town could investigate changing Eagle St's current south one-way to a north one-way.

Discussion ensued on how the Council can be notified of the decisions the Planning Commission is considering. It was noted several things do not go from Planning Commission to Council but Council can call up any decision the Planning Commission can make.

Janet H. stated she has been notifying all businesses about the construction and reported they are satisfied.

12. Town Manager

- **Manager's Report**

Holy Cross Energy (HCE)

Janet and Willy met with a representative of HCE to discuss their future plans to connect transmission lines from the Gilman to Avon substations. The inter-connect would provide increased reliability of electric service for HCE users. HCE provides all electric service to the county except Minturn and Red Cliff. Only the two business parks at the north end of town are in the HCE service area. The representative explained HCE service to the upper valley was very near capacity in 2012; however, the years since then have not seen as high as demand as 2012. In any event they want to be prepared for the future. The transmission line poles will be 60' high with lines sagging in-between. HCE has reached out to some members of the public who desire the line be underground. However, HCE's policy is that customers within a prescribed area pay for any undergrounding, rather than the entire user base. If the line is above ground, there are generally three alternatives: Over Meadow Mountain, in the valley floor near where existing electric lines are on the hillside east of town, and above the Lionshead area and out of site for Minturn residents. Janet and Willy told the representative the above Lionshead was the preferred alternative of staff and they should do a view shed analysis of such an alignment viewing from Minturn and the Vail ski area. This alternate is complicated by its being a Forest Service Roadless Area. Does Council have any additional input?

Discussion ensued on the confusion and location of the lines. Willy P. stated Holy Cross is still working on a final alignment but they are not at a point to disclose where Holy Cross will locate the lines. Because they are not prepared to disclose the plans they have caused confusion. Willy P. recommended Council direct Staff on how to proceed by making a statement to the community. Mike S. stated that Minturn does not have 1041 rules that determine the permitting process for this kind of development. It was noted the lines are designed as a backup service to Vail and Avon, not Minturn.

Council directed to move forward with the adoption of 1041 rules for Minturn. It was noted this would take time to implement.

Matt S. stated Holy Cross has gone to the community but have not approached the Council. He stated he feels this is not a benefit for Minturn. Holy Cross should be requested to come to the

Council and recommended several members of the Staff and Council attend the next Holy Cross meeting. He felt the Town should pass a declaration if needed for them to come to the Town to present their ideas. Council was unanimous and strongly opposed to the idea and that it would not benefit the town in any way. Willy P. stated they Holy Cross has a big permitting process which they will need to include the County and the USFS.

A letter will be drafted to the Holy Cross Board expressing the points of the concern and discussion.

ANIMAL CONTROL

Minturn contracts with Eagle County for animal control. The county desires municipalities who contract with them to have nearly the same regulations for ease of administrative and enforcement. Please see attached requested ordinance changes. The principal changes from existing Minturn code are that all dogs are required to be licensed after four months instead of three. Additionally, no cat licenses will be offered (now on a voluntary basis). Please note in the cover letter from Nathan Lehnert the county intends to provide a service for on-line dog licensing.

Rural Economic Development Program (REDI)

The town was informed of the REDI program on April 25. Staff is consulting with DOLA representatives to learn more of the program and assess eligibility. Deadline for submittal is May 31. Staff has discussed applying for engineering services to design a water main to the Dowd Junction site. See attachments. If Council decides the town should apply, I will need to get preliminary estimates of engineering costs from Inter-Mountain Engineering.

ICON TWO WEEK SCHEDULE

The following was sent to 100Block business and property owners on April 27

Minturn Entryway Update following weekly Tuesday meeting: Downtown Construction Meeting (no businesses or residents attended)

The town wants to thank business and property owners for their patience in downtown construction, now in its second week. Attached you will find the current two-week schedule. You are reminded the town conducts weekly construction meetings at 9am, every Tuesday, and the public is invited to attend.

Weather permitting you should expect substantial concrete work to progress next week. As usual in Minturn, some below ground "treasures" have been discovered. New curb stops and service line installations will improve water reliability, and delivery to the general area of Magustos, Minturn Country Club and the buildings behind.

While there is some negative information concerning the project, the town remains committed to delivering a quality project with the following enhancements: traffic calming, improved crosswalk safety, improved storm drainage, new sidewalks and preventing trip hazards, and landscape installation.

- Action Report

Janet H. was asked about the Development Agreement plan for the Boneyard. She said she had been too busy to follow-up and it had somewhat fallen through the cracks but Eagle County is working on this as well.

13. Town Council Comments

The Council welcomed the newly appointed members.

Terry A. wanted to discuss with Council Eagle River Park parking and the lack there of. This will be placed on a future Worksession.

Discussion also ensued on the parking use of the municipal lot, the two-hour parking concept but no one to enforce it, parking signage, and other parking concerns. Matt S. stated this would be on the retreat agenda to prioritize.

Matt S. noted the Highway and river cleanup on May 7 and then Minturn Clean up on June 4.

Matt S. reminded Staff that we would review the water income in the Enterprise Fund after 6mo. Staff agreed and also confirmed that if a problem was presenting itself that Staff would inform Council immediately.

14. Town Attorney

EXECUTIVE SESSION

15. Executive Session: An Executive Session 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) and to discuss the purchase, acquisition, lease, transfer or sale of real, personal or other property interest under CRS Section 24-6-402(4)(a) – Dowd Junction and for the purpose of a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Battle Mountain / Sensible Housing / Minturn litigation – Powell/Sawyer

Motion by Earle B., second by Terry A., to convene in Executive Session 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) and to discuss the purchase, acquisition, lease, transfer or sale of real, personal or other property interest under CRS Section 24-6-402(4)(a) – Dowd Junction and for the purpose of a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Battle Mountain / Sensible Housing / Minturn litigation. Motion passed 7-0.

Direction given as a result of the Executive Session: no direction was given to staff.

FUTURE AGENDA ITEMS

16. Next Meeting – May 18, 2016

- Holy Cross Powerline update

17. Future Meetings:

- 2015 Audit presentation and acceptance – Brunvand 06/01/16
- 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

18. Set Future Meeting Dates

a) Council Meetings:

- May 18, 2016
- June 1, 2016
- June 15, 2016

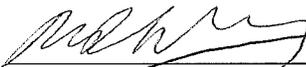
b) Planning & Zoning Commission Meetings:

19. Other Dates:

- Town Cleanup Day – June 4, 2016

20. Adjournment

In that there was no further business the meeting stood adjourned at 10:32pm.



Matt Scherr, Mayor

ATTEST:



Jay Brunvand, Town Clerk

