



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday July 6, 2016

Joint Work Session – 5:00pm

Regular Session – 6:30pm

MAYOR – Matt Scherr

MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead

Harvey Craig

Sidney Harrington

Sage Pierson

John Widerman

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.

Joint Work Session – 5:00 – 6:15 pm

- Joint Work Session with Planning Commission. Advisory topics to be reviewed:
 - Commercial code for 100 block of Minturn
 - Master Plan – 3 Mile Plan
 - Future Goals
 - Recreation
 - Boneyard Conservation
 - Little Beach Park Restrooms

Regular Session – 6:30 pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 6:32 pm.

- Roll Call

Those present included: Mayor Matt Scherr and Town Council members, Harvey Craig, Terry Armistead, Earle Bidez, Sidney Harrington, John Widerman and Sage Pierson.

Staff present: Town Manager Willy Powell, 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

Request to change number 9 and 10 for discussion items first, then the remainder of the discussion items.

Motion by Harvey C., second by Sage P., to approve the agenda as amended. Motion passed 7-0.

3. Approval of Minutes

- June 15, 2016
- Page 9 Earle B stated that a variance is not supposed to be based on any economic factors.

Motion by John W, second by Terry A., to approve the minutes of June 15, 2016 as amended. Motion passed 7-0.

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

Mr. David Blakely, representing Holy Cross Utilities, is a Holy Cross employee and engineer for the connection project. He expects August or September for a timeline on presenting a plan to Minturn. The project is a tie between the Gilman substation and the Avon substation by I-70 Interstate. The "benefit" to Minturn will be that the Gilman substation will no longer be a radial station. Right now, there is only a line out to Gilman and no looping connection. The project would improve this situation. Xcel is also a benefactor in this project.

Mr. Lou Meskman, 23698 HWY 24, asked about the Drive-In movies and if the fees can potentially be lowered for attendees and also hopeful that more Minturn vendors will take part next year.

5. Special Presentations

- Committee Reports

John W. discussed the Bolts Ditch legislation and expects to have an update after the next QQ meeting.

Harvey C. updated the room on the Colorado Municipal League and Minturn's position as a municipality seeking businesses. He also spoke on Urban Renewal and life – turning something old into something useful again.

Earle B thanked everyone for coming to the community growth open houses.

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Resolution 17 – Series 2016. A Conditional Use Permit, Wilcon Gas – Hawkinson

This conditional use would be for an underground propane tank located at the north end of the Railroad property to the east side of the northernmost Minturn Bridge. This would be for use with vehicles only. It would be an un-manned station with night-sky security lighting.

Public hearing opened for feedback and comments. No comments or questions were brought before the Council from the public.

Motion by Harvey C., second by Sage P., to approve Resolution 17 – Series 2016 with the condition that the applicant will not allow customers to park on site for purposes other than re-fueling as presented. Motion passed 7-0.

7. Discussion/Action Item: Ordinance No. 3 – Series 2016 (First Reading) an Amendment to the Dimensional Standards for the Cross Creek Character Area – Hawkinson

Applicant seeks an amendment of the dimensional standards for the Cross Creek Character Areas reducing the rear yard setback from 20 feet to 10 feet. The reduction is consistent with most other character areas in Minturn and reflects that the rear yards on the Cross Creek lot will back up to either right of way or Forest Service Lands.

Mr. Matt Giblin, representing Cross Creek Properties LLC, there is an existing building currently encroaching on the current 20' setback which would be removed.

Public hearing opened for comments and feedback. No comments or feedback from the public.

Motion by Sidney H., second by Terry A., to approve Ordinance No. 3 – Series 2016 (First Reading) Amendment to the Dimensional Standards for the Cross Creek Character Area as presented. Motion passed 7-0.

8. Discussion/Action Item: Ordinance 4 - Series 2016 (First Reading) Approval of a Final Plat for the Cross Creek Subdivision – Hawkinson

Mike S added: The preliminary plat that was approved for a development two years ago is not what you will see regularly moving forward. Also, on second reading Council will receive a Resolution for a draft subdivision improvement agreement. A construction impact fee or development impact fee should be reviewed for inclusion in the town fee schedule as there is currently no such provision to help offset costs.

Public hearing opened for comment and feedback. No comments from the public were submitted.

Motion by John W., second by Earle B., to approve Ordinance 4 – Series 2016 (First Reading) Approval of a Final Plat for the Cross Creek Subdivision as presented. Motion passed. 7-0

9. Discussion/Action Item: Discussion and consideration of a motion to approve a primary option for Section 2 of the Main Street Pedestrian Planning Engineering Project – Powell (re-organized as agenda item #6)

Willy P. introduced Michelle Hansen and Jenna Frye of Stolfus Engineering who presented the updated material (included as attachment to minutes) from the recently held open house and completed survey results.

Matt S. disclosed that he lives within the Segment One section between Meek to Mann that would look to have parking on the west side of the road.

Earle B asked about an 8' sidewalk with parking option and how functional that option is today. Michelle Hansen has done a similar project in Fort Collins and the result appears to be successful.

Earle B. also asked about costs of hardship parking cases and if grant funds can be used to cover those expenses. Michelle Hansen said the engineering would be looking to work with creative options.

John W. and Harvey C. both asked about parking in the bike lanes and the ability of enforcement.

Matt S. read a prepared statement from Deputy Josiah Hart (attached to minutes).

Willy P. expressed that any alternative will come with issues. He also believes it's safer to have a bike lane option. Maintenance is another issue for the parking option and more equipment and labor would be necessary to maintain the area.

Earle B. reminded everyone that parking would be limited to one side of the street for snow removal.

Mr. Gregory Poulos, 781 Main Street, asked about the bike lane going all the way to Dowd Junction. He believes parking is the better option.

Terry A. reminded the council of the goals of the connectivity and the need to allow for safe transportation from south Minturn to many other town areas.

John W. reminded the audience of the location of Vail Ski and Snowboard Academy.

Ms. Nancy Cole, 795 Main Street, explained there is a multi-use path in Vail where path traffic is allowed to go in both directions.

Earle B. expressed the benefits of an 8' sidewalk option for both pedestrians and bicyclists to be off the road. Earle B. would also like to avoid the need for folks to have to cross HWY 24 multiple times.

Matt S. likes sidewalks on both sides of the road for segment two, but recommends 6' rather than 8' sidewalks. Michelle Hansen, maintained the 8' sidewalks would be more user-friendly for both cyclists and pedestrians.

Willy P. is concerned about the wider sidewalks having more backlash from people having to shovel the sidewalks.

Mr. Gregory Poulos, 781 Main Street, asked about the spot in front of the condos (The Enclave) and that parking may not be needed in that section.

Mr. Stan Cole, 795 Main Street, has a house with a driveway and believes a sidewalk on both sides of the street with no parking or bike lane, would be no problem. He also asked about parking further to the north and the need for those owners to park on their own properties. Mr. Cole also expressed that the street sweeping is not conducted often enough to make riding on the shoulder of the road feasible for a cyclist.

Mr. Fraser Horn, 449 Meadow Road, said that bike lanes are the safest, however it's difficult to fit bike lanes in and still be the safest. He prioritized sidewalks as the number one option for safety. He believes the Council's priority should be continuity.

John W. said there have been so many issues with parking up to this point that this issue needs to be addressed within this project and the need for parking be met.

Snow storage for section two would need to be addressed.

Option D received no votes, option E was a unanimous vote with a 6' wide sidewalk.

Michelle Hansen recommended not considering a bike lane in section one since the Council removed the bike lane in section two.

Mr. Gregory Poulos, 781 Main Street, indicated that folks living in the Mann Ave to Cemetery Rd stretch all have on-site parking.

Mann Ave to Cemetery Road: a 2' to 4' shoulder with curb and gutter with a 5' sidewalk and no on-street parking would not require any purchase of property.

Mr. Rob Davis, 1796 Main Street, forgot to bring up the Colorado Revised Statute for clearance a motorist must give to a cyclist during the engineer one-on-one meetings.

Willy P. requested direction from Council regarding prioritization of the project and which segment needs to be done first.

To summarize direction from Council:

- Meek to Mann
 - East side: Varies 5' to 8' sidewalk, no on-street parking
 - West side: 5' sidewalk, 8' parallel parking
- Mann to Cemetery:
 - East side: 5' sidewalk, no on-street parking
 - West side: 5' sidewalk, 4' shoulder, no on-street parking
- Cemetery to Boneyard:
 - East and west side the same: 6' sidewalk, 8' parallel parking

Earle B. recommended segment two (South Minturn) be first to be completed. Council recommended the order of project completion as segment two, then one, then three.

10. Discussion/Action Item: Discussion regarding responsible growth in the valley floor initial feedback and discussion.

Willy P introduced Tom Newland who has been assisting in the facilitation of the community growth process. (Newland memo attached to minutes).

John W. thanked folks for their feedback and participation.

Matt S. explained the need for community feedback, potential opportunities and issues and what Minturn would like to see for development in the future. This was a town initiative to find out what it is Minturn would collectively like to see as a community moving forward.

John W. said he has heard the voice of "no development." Matt S explained that property owners do in fact have rights and development will happen regardless, but better for Minturn to guide development in the direction the community would like to see.

Earle B. believes any development would have to happen in phases. Earle B. also believes Bolts Lake, as a town reservoir, will allow the town to have a secure future with water needs and to better plan moving forward. Earle B. also explained that with a growth in population comes a share of the water rate costs. Water and land costs make affordable housing very difficult in the Bolts Lake area.

Mike S. reminded the Council that this process has been conducted at this time because the owner of the development is under a timeline to consider an agreement with the Bolts Lake area land owner.

Harvey C. sees a desire for the developer to create a relationship with the community in order for everyone to be on the same page moving forward. He also sees the recreational opportunities that would come with Bolts Lake.

Willy P. reminded the audience that if the developer should decide to move forward with a project at Bolts Lake, there will be a public land use process where the community should continue to remain involved.

Mr. Rob Busheski, 560 Taylor Ave, asked about any conceptual sketches or drawings. He was directed to come by Town Hall for review of conceptual ideas and more detailed plans will become available if the project moves forward.

Mr. Jeff Miller, 350 King Ranch Road asked about how much detail is needed to acquire a memorandum of understanding; Matt S. explained that any memorandum of understanding would be a public document open to the public.

John W. explained that if the developer and the town work together in a good manner, then the benefits should outweigh the drawbacks for the Minturn community.

Mr. Gregory Poulos, 781 Main Street, would like to see growth with families, open space and more sales tax.

COUNCIL AND STAFF REPORTS

11. Town Planner

12. Town Manager

- Manager's Report

Main Street Engineering Project

The first open house was held on July 7 from 4-7pm. Turnout for the meeting included approximately 30 residents. Almost all completed survey forms. Important in the forms was the preference between the four alternatives for Segment 2, South Minturn. The strong majority favored alternative D, which includes sidewalks and bike lanes on both sides of Main St. It is important the town designate the preferred alternative in Segment 2 at the July 6 meeting so that the engineering stays on schedule. Designation is needed to meet the overall engineering schedule and to give focus to the individual property owner meetings scheduled for June 29 and 30. Special attention is also being given to the area on both sides of the street where the Enclave accel/decel lanes exist. As mentioned at the previous meeting survey return participation is impressive. Staff has posted on the website answers to some of the more common questions contained in the surveys.

Dowd Junction

Appraisals

The appraisals were finally authorized by the Forest Service two weeks ago. The intent is to receive them by mid-July. We will see.

Request for Qualifications issued

Because the appraisals were finally ordered and we continued recruiting qualified developers, the RFQ was issued today to four firms. See attached for final RFQ. It is the same as you may have previously seen—only the dates have changed. You will want to look at the evaluation and interview weeks to see if you want to attend and your schedule allows. I hope both of you can do both evaluation and interviews.

Water Service to the Dowd site

As you may recall we need to provide domestic water service to the site to assure the parcel stays annexed to town. Jeff Spanel and I are meeting with Linn Brooks of the Upper Eagle Valley Water & Sanitation District to explore their serving the site with water. The District main lines are close to the site and by far closer than Minturn's. However, at looking at the District's regulations, they may be overly onerous with respect to water rights dedications, treated water storage fees, tap fees, etc. So this is an exploratory mission.

Meeting with Attorney Mike Sawyer and consultant Tom Glass

We have scheduled a meeting with Mike and Tom. I would like you to attend if your schedule allows. If the appraisals for the Eagle properties are acceptable to the sellers, it will set off a flurry of activities and we need to be prepared.

Dowd to Minturn Bike Trail

Janet and Willy met with Inter-mountain to review the alignment of the trail. We are looking at some changes at the north end, where there are several uses and property ownership complications. More specifically we need to see if we can have easements through the gas compressor station and the State Land Board property.

- Action Report

13. Town Council Comments

Council brought up the need for more consistent street sweeping on a regular basis. Staff to obtain information for which Council to base a decision.

Recommendation to not have not-for-profits present at this year's budget meetings. Decisions to be based off of the non-profit applicant submission.

Matt S. asked what our scenarios are if the project discussions should fall apart. He would like a list in advance of any final decisions being made and potential outcomes based on the developer's needs. Earle B provided a brief update regarding the input for the review of the draft document.

14. Town Attorney

- Discussion about “in lieu” fee for water rights dedication. Resolution to be presented at the second July 2016 Town Council meeting.

EXECUTIVE SESSION

15. Executive Session: An executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)– Eagle River Properties v. Town of Minturn et al

Motion by Harvey C., second by Earle B., to enter into executive session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)– Eagle River Properties v. Town of Minturn et al. Motion passed 7-0.

FUTURE AGENDA ITEMS

16. Next Meeting – July 20, 2016

17. Future Meetings:

- Boneyard Management plan and conservation easement
- Work Session on housing
- Council retreat July 25, 2016 8:30am-3:00pm

18. Set Future Meeting Dates

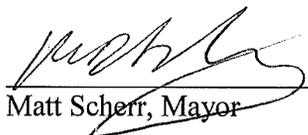
- a) Council Meetings:
- July 20, 2016
 - August 3, 2016
 - August 17, 2016

19. Other Dates:

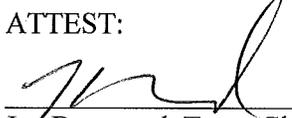
- Council retreat July 25, 2016 8:30am-3:00pm

20. Adjournment

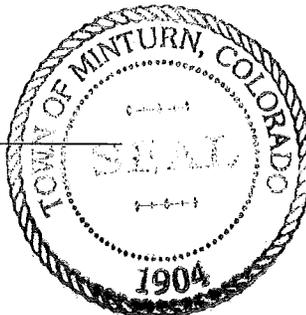
Motion by Earle B., second by Harvey C., to adjourn the meeting at 11:30pm. Motion passed 7-0.



Matt Scherr, Mayor

ATTEST:


Jay Brunvand, Town Clerk



I DEPUTY HART WOULD LIKE TO ADD MY VOICE AND OPINION TO THE NE PURPOSED PLANS FOR A SIDEWALK AND BIKE PATH. ACCORDING TO THE PLANS I SAW, I HAVE SOME CONCERNS FROM THE LAW ENFORCEMENT SIDE AND SAFETY,

ACCORDING TO THE PURPOSED PLANS I SAW, I FORSEE MANY PARKING PROBLEMS WITH CARS PARKED IN THE BIKE LANE ALONG THE CURB.

I ALSO FEAR THAT CARS PULLING OUT OF THEIR DRIVEWAYS AND OR BUSINESS WILL NOT SEE A BIKE COMING DOWN THE STREET AND WE WILL HAVE CAR VS BIKE ACCIDENTS.

ALSO A BIKE LANE ONLY FOR A MILE DOES NOT MAKE SENSE AND I DON'T BELIEVE IS A SMART THING TO PUT IN FOR ONLY THE FEW MONTHS IT WILL BE USED. HAVING THE PARKING ALONG THE SIDEWALK WHICH CAN BE USED ALL YEAR LONG WILL HELP THE TOWN OF MINTURN MORE.

YOUR DEPUTIES WOULD APPRECIATE OUR VOICES BEING HEARD

THANK YOU

JOSIAH HART