



Official Minutes

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

Wednesday August 3, 2016

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.

Work Session – 5:00 – 6:30 pm

1. Discussion – Water issues – Powell/Brunvand
Put this on the next agenda worksession
2. Discussion of Fire District Training Facility and upcoming lease IGA – Powell
3. Update on TAP grant application – Powell
4. Council Priorities, as discussed at Retreat – Powell

Regular Session – 6:30 pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 6:40pm.

- Roll Call

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

Staff present: Town Manager Willy Powell, Town Attorney, Mike Sawyer, Town Planner Janet Hawkinson, and Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Harvey C., second by Terry A., to approve the agenda as presented. Motion passed 7-0.

3. Liquor License Authority

- The Bunkhouse approval of a new Tavern Liquor license; 175 Williams St.; Ryan Richards, Owner/Manager – Brunvand

Council convened as the Liquor Authority.

Jay B. outlined for the Authority the application, noted the dates the Liquor Notice had been posted on the premises (7/14/2016) and in the newspaper (7/15/2016) and that there had been no calls or letters regarding the application in the interim period.

Mr. Ryan Richards, owner/manager, was available for council and public questions. Discussion ensued as to the establishment's business plan.

Mr. Ryan Richards, applicant, was available for questions.

The Public hearing was opened,

Mr. Brian Sipes, 102 Nelson, stated lived up the street from the property and had a business in 175 Williams St building. He stated that none of the neighbors were approached by the Bunkhouse to discuss prior to submittal and the liquor hearing at the Town. He expressed his concerns that he did not see the application prior to the packet and that no findings of the needs of the neighborhood were discussed. He noted this business was originally approved as a drug and alcohol free location and now they want to change that.

Jay B. reiterated that the premises had been posted and that he had not received any inquiries. It was noted that it was legal for the guests to consume liquor on the deck with the owner's permission as long as it was not sold.

Mr. Richards addressed the concerns. He stated he runs a clean, professional establishment. He stated that with an approved liquor license guests would not be able to bring outside liquor on the location. Jay B. confirmed this. He stated they do not have the space to run a full food establishment. Because of the health code requiring a commercial kitchen they would not be able to serve full meals as was proposed in the original business plan. When they learned this they were required to modify their business plan.

Mr. Matt Holmes, 175 Williams St, shared the concerns of those that spoke prior. Felt the applicant should have discussed the application with the building neighbors. Encouraged the Council to hold off on the liquor license until the establishment has had an opportunity to prove themselves as a responsible establishment.

Ms. Nancy Richards, 175 Williams St, co-applicant, ensured the council that any issues that were brought to her attention by the neighbors have been promptly addressed.

Mr. Ryan Richards, applicant, stated this establishment was a huge undertaking and felt they had stepped up to the plate and delivered a quality establishment. He has and continues to address the various concerns with employee conduct.

Mr. Kevin Banker, 175 Williams St, expressed his concern for the safety of the area. He felt the upstairs units need to be blocked off from access to alleviate the concern of guests or public wandering the upstairs of the building. He felt that adding alcohol to the establishment needs to be carefully considered.

Mr. Ryan Richards noted again that currently guests currently can bring personal liquor in to the establishment; however, with a liquor license on the establishment this would be unlawful and further it would be his responsibility to control the established premises not only for over service and issues of that nature but also secondary liquor introduction.

Mr. George Brodin, 273 Boulder St, stated the burden of enforcing the law is the responsibility of the owner. He felt this was a great opportunity for the establishment. It is not required that the applicant go to his neighbors and because he did not, he should not be penalized.

Public comment was closed and the Mayor entertained Council questions.

It was confirmed that liquor cannot be introduced to a licensed premise, smoking is limited to outside and not less than 10ft from any door or window of the premises. Further, although it is legal to possess personal marijuana but not to publicly consumed and it would not be consumable on the licensed premise.

John W. stated although he felt the communication could have been better amongst the neighbors but we should not limit the establishment opportunities unduly.

Matt S. asked regarding the background checks; they were done and no issues were uncovered.

Mike S. reviewed the criterion of the license approval per state statute for the Council:

- Is there an undo concentration of liquor license in the neighborhood. The neighborhood is historically defined as the entire town.
- Are the reasonable needs of the neighborhood being met? Are the desires of the adult population being met? A survey is not required and this can be determined during the public hearing process.
- The application needs to meet zoning requirements. However, parking considerations were not figured in to review.
- The tavern license is appropriate but Mike S. would like to be able to consider the possibility of a Hotel/restaurant license.
- Conditions approved with the license are allowed.

Mike S. stated the council can approve, deny or continue the consideration to a date certain.

Council members stated they felt the establishment was a nice addition to the town, they felt it would be a benefit to allow further time to consider and respond to the concerns raised.

Note: the public comment section was closed; the liquor hearing was not closed in the event this is continued.

Motion by Sidney H., second by Sage P., to continue to the August 17, 2016 Council Meeting a new Tavern Liquor License for the Bunkhouse, 175 Williams St, Ryan Richards, Owner/Manager as presented. Motion passed 7-0.

- Town of Minturn-Minturn Market Request for Special Event Permit; 175 Williams St.; Michelle Metteer, Town Economic Dev Coordinator – Brunvand

Jay B. presented the license request.

Public hearing opened

Mr. Pat Whitehurst, 175 Williams St, spoke for the application.

No staff concerns

Public hearing closed

Motion by Harvey C., second by John W., to approve Town of Minturn/Minturn Market Request for Special Event Permit; 175 Williams St.; Michelle Metteer, Town Economic Dev Coordinator as presented. Motion passed 7-0.

The Mayor reconvened as Council.

4. Approval of Minutes

- July 20, 2016

- Page 55 to continue to work with Stolfus rather than CDOT

Motion by John W., second by Harvey C., to approve the minutes of July 20, 2016 as amended. Motion passed 7-0.

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

6. Special Presentations

- 2016 State Legislative Update – Rep Diane Mitsch Bush, District 26

Rep. Mitsch-Bush outlined the happenings at the State during the 2016 session. She then answered questions from the Council.

- Committee Reports

Earle B. stated the BMR Committee is reviewing the proposed MOU and will be working with that

Discussion ensued as to the ECO system and the stops in Minturn.

Matt S. noted the CML Policy Committee. He is an alternate and requested Council to let him be Primary and Sage will be alternate; this was so directed.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

7. Discussion/Action Item: Resolution 20 – 2016 a Resolution approving CUP 05-2016 at 107 Williams St. – Hawkinson

Janet H. outlined the application. Four parking spaces will need to be secured prior to utilizing the use. It was noted this would be a condition as well as that the parking agreement be maintained. This was already a condition in the Resolution, it would not be listed as a supplemental condition.

Ms. Taffy McLaughlin, applicant, was present for questions.

Discussion ensued to the process of the CUP and how they are reviewed for conformance once they are approved.

Motion by Sidney H., second by Sage P., to approve Resolution 20 – 2016 a Resolution approving CUP 05-2016 at 107 Williams St. as presented. Motion passed 7-0.

**8. Discussion Item: Boneyard Conservation Easement Management Plan –
Hawkinson**

Janet H. outlined the Conservation Easement Management Plan for Council. Janet H. introduced Mr. George Brodin, 273 Boulder St, who is willing to lead the project for the Town and the County. Mr. Brodin informed the council that the County Open Space has some money to assist with some of the implementation of the project which he will utilize. Mr. Brodin also requested the volunteers be honored by Council for their service in the future.

Willy P. noted the Plan has not been approved by Council but stressed the desire to continue with parts of the Conservation Easement Management Plan by allowing Mr. Brodin to begin the cleanup of the site and define the parking. Willy P. stated he nor the attorney had reviewed the Conservation Easement Management Plan proposal.

Discussion ensued as to how strict the Conservation Easement Management Plan was and when approved how difficult it might be to amend it in the future. Willy P. stated the Council had the authority to do some of the minor beginning steps. Willy P. stated he would like to use Mr. Brodin to assist in setting up the jobs, costs, and priorities for the site as well as his beginning concept ideas.

Motion by Harvey C., second by Terry A., to approve and assign project facilitation for the Boneyard Improvement Project to volunteer Minturn citizen George Brodin, with oversight, progress, updates, necessary decisions, conditions, and communication lines as appropriate and allowed by Eagle County Open Space, the conservation easement and the Minturn Town Council. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

9. Town Planner

- PUD Concept Plan for 947 Main
- Zoning Code Text Amendment

Janet H. updated the Council on the two items.

10. Town Manager

- Manager's Report
 - Budget Calendar review and direction

Jay B. reviewed the Budget Calendar.

Direction given:

- Staff will budget the same amount as last year. Applicants reapplying this year from last year will be told they can apply for the same amount and that, unless they desire, they will not need to present to the Council in November.
- New applicants will need to present.

- Council will review the budget on more of a Fund bases with the oppotunity to drill down deeper with questions.
- Earle B., Harvey C., Willy P., and Jay B. will meet prior to the next meeting as the Water Committee to discuss water issues and rate structure.

Willy p. stated he had talked with CDOT, it does not appear they will want to move to area across from the Vail Boneyard.

Willy P. stated the Action List is being revised to match what we agreed with at the retreat. It will come back to the agenda as new and improved.

11. Town Council Comments

- Terry A.: Concert tomorrow night at Little Beach Park
- Sidney H.: Eagle River park looks very nice kudos to Public Works
- Terry A.: Missoula Children's Theater, Minturn Community Fund, and the Town of Minturn will be performing Rumpelstiltskin on Saturday 5:30pm at Little Beach park
- John W.: Maloti Park mosquito spraying is commencing

Matt S. would like to modify the code/agenda to have the Council Comments at the beginning of the meeting and have Liquor hearings after special presentations. Mike S. will confirm if any code needs to be changed.

Matt S. updated on the Council/Staff Retreat

12. Town Attorney

FUTURE AGENDA ITEMS

13. Next Meeting – August 17, 2016

- Water rates in worksession

14. Future Meetings:

- Review of Minturn Water Rates
- Review of overnight parking at Eagle River Park
- Boneyard Management plan and conservation easement
- Work Session on housing

15. Set Future Meeting Dates

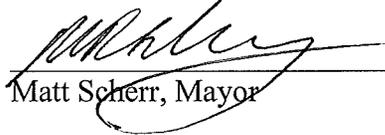
a) Council Meetings:

- August 17, 2016
- September 7, 2016
- September 21, 2016

16. Other Dates:

17. Adjournment

Motion by Earle B., second by Harvey C., to adjourn the meeting at 11:00pm. Motion passed 7-0.



Matt Scherr, Mayor

ATTEST:


Jay Brunvand, Town Clerk

