



Official Minutes

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

Wednesday August 17, 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
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 – 5:30 – 6:30 pm

- Budget Discussion – Water Rates – Brunvand/Powell/Water Committee

Regular Session – 6:30 pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 6:35pm.

- Roll Call

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

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Add: An Executive Session to receive legal advice at the end of the meeting.

Motion by Terry A., second by Sage P. to approve the agenda as amended. Motion passed 6-0. Noted Sidney H. was excused absent.

3. Approval of Minutes

- August 3, 2016

Changes: Modify Mr. Sipes comments as discussed.

Motion by John W., second by Sage P., to approve the agenda as amended. Motion passed 6-0. Noted Sidney H. was excused absent.

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

Michelle Metteer, outlined some of the upcoming events of the drive in movies, Thursday concert which will feature Hazel Miller next week, ERFPD open house 11-2, Vail Symposium movie series begins this Saturday, the annual rummage sale this weekend and next weekend, the Minturn Market which will also be adding an additional market on the September 10 and Yoga in the park.

5. Special Presentations

- Committee Reports
 - Boneyard update from George Brodin

Mr. George Brodin, 273 Boulder St., updated on the Boneyard Park. The fence should be started this week and take only a day or so.

- Trail Update – Metteer

Michelle M. reminded all that Friday 9am is the Minturn Mile adopt a Trail clean up. She outlined the program and how it is volunteer rather than USFS cost.

Michelle M. introduced Mr. Bill Hoblitzell, Vail Valley Vail Mountain Bike Association who is assisting on the proposed Minturn Mini Trail project which is an easy loop soft surface trail that begins and ends in the Cemetery Road area. The trail will be taken on and completed using the Vail Resorts Epic Promise Day. This program is a volunteer based community service operation and will work collaboratively with Vail Valley Mountain Bike Association (vymba.org) to build the trail. The volunteer day is Saturday September 17.

Other items discussed by Mr. Hoblitzell included the Cougar Ridge bike/hike trail will be cleaned up on October 1 and 2. This project does require volunteers to sign up at Outdoor Colorado.

Other trails were discussed and updates were given that connect to other soft surface trails to Minturn.

- Council Comments

John W. attended an Eagle Mine meeting today at which the environmental issues were discussed.

Sage P. updated on the EDAC meeting at which Michelle M. presented a draft Econ Dev plan for the Town.

Terry A. noted the school buses will start running tomorrow (08/18/16) for the ensuing school year. She noted the recent and very successful Missoula Children's Theater production of Rumpelstiltskin which was presented at Little Beach Park.

Earle B. Congratulated Bravo Vail on the performance they did at Maloit Park. They had over 1200 attendees.

Matt S. noted the bears are still out and to make sure your trash cans are secured and put away.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

6. Discussion/Action Item: Zoning Code Text Amendment – Hawkinson

Janet H. noted this had been posted and published as a Public Hearing but requested this be continued to the next meeting (September 7) to allow the Planning Commission to continue their review.

Public Hearing was opened.

Motion by Terry A., second by Harvey C., to continue the Public Hearing and the Discussion/Action on the Zoning Code Text Amendments to the September 7, 2016 Council Meeting. Motion passed 6-0. Noted Sidney H. was excused absent.

7. Discussion Item: 947 Main St Concept Plan – Hawkinson

Janet H. presented the Planned Unit Development Concept review. Staff is asking Council to review, comment and approve the PUD Concept Plan. Decision is based on if the PUD is consistent with the Community Master Plan and the character area of the town. Janet H. stated 947 Main will be subdivided into separate lots. The concept is to build a \$400-450k price point and includes eleven Duplex homes on the site. The PUD is requested as the

existing code in South Minturn allows up to nine duplexes (18 units) on this size site and a duplex is a Use by Right, the PUD will allow eleven duplexes (22 units) and this plan meets the criterion of a PUD.

Mike S. noted this is being considered at Concept Plan. The council will give feedback. Based on that feedback the developer will potentially move forward with a Preliminary PUD.

Applicant Greg Sparhawk outlined his proposed project. He noted some of the updates he has included based on the discussions with Staff and the Planning Commission. The Planning Commission stated the overall project looked more urban in which all the buildings looked the same. Mr. Sparhawk stated the theme would be consistent but he felt the urban look could be mitigated with differing materials. Based on discussion the single car garage was extended from 19 to 25 feet deep and the driveway could be modified to allow additional parking or a patio. He noted the price point was \$360k to about \$650k and included one, two, and three bedroom units.

Council Comments:

- How does he secure the price point; he is planning at marketing them locally and he feels the first phase will come in at that price.
- All were pleased with the price point, but were concerned with the density of 22 units and the urban uniformity of the project.
- On street parking; parking is required to be on-site not along Hwy 24 and the access road is too narrow for parking. It was unclear if the hammerhead turnaround was required by the Fire District or the Town and would need to be researched by Staff to determine if it could be foregone with a Town Variance.
- The effort to have more units costing less vs. less units costing more was commended. The limited parking as a result of the density was a major concern. Janet H. stated he is meeting the parking code per unit and we do not require guest parking. The parking will be affected by larger work vehicles and recreation vehicles as well. The HOA covenants can help mitigate some of the concerns by requiring owners to keep yards neat and the garages available for parking; however, HOA covenants are enforced by the HOA not by the town. The Parking will be a major factor on this project. It was noted that between official and nonofficial patio parking, they have over 60 parking spaces project wide.
- It was noted the houses could be moved toward the rear lot lines and then allow the access street to be enlarged for parking. The developer is concerned with the shadows cast on the neighbors. The developer stated one of the positive aspects of the project is the abundance of green space.
- Concern was expressed that if the Town would give on the density and the parking what assurances would the developer give to hold cost price point?
- Janet H. recommended short term rental should not be allowed in this development. Willy P. stated this should be in the PUD guide not in the HOA declarations.

Mr. Kelly Toon, 531 Main St, liked the concept and gave ideas on how the urban feel could be softened with minor changes in textures.

Mr. George Brodin, 273 Boulder St, liked the concept and felt the town would normally see only the first two houses not the entire street scape.

Motion by Harvey C., second by Sage P. to approve the Concept Plan amended to include the findings as presented. Motion passed 6-0. Note: Sidney H. was excused absent.

Findings:

- The PUD addresses a community need for more “locals housing”.
- The PUD creates various housing.
- The PUD creates various designs and follows the Minturn design guidelines.
- The PUD needs to address the concerns listed as a result of the comments discussed with Staff, the Planning Commission, and the Town Council as relates to parking, design, density, short term rentals, and snow storage.

8. Discussion Item: Res 21 – Series 2016 A Resolution approving and authorizing the Mayor to sign a Rural Economic Development Grant through the Colorado Dept of Local Affairs – Powell

Willy P. outlined that the Resolution will adopt the proposed contract. The contract is for a REDI grant and is a 50/50 split between the Town and the State. Willy P. noted the exhibits to the contract that tailor it to this specific project. The town’s share of this Project will come from the Enterprise Fund, it will begin on Sept 15 and extend through June 2017 and is to engineer plans for a water line to Dowd Junction.

Discussion ensued as to how the project will take place and what would happen if we did the study but the projects never materialize. Willy P. outlined the possible scenarios.

Motion by Harvey C., second by Terry A., to approve Resolution 21 – Series 2016 A Resolution approving and authorizing the Mayor to sign a Rural Economic Development Grant through the Colorado Dept. of Local Affairs as presented. Motion passed 5-0. Note: Sidney H. was excused absent and Sage P. had stepped out and did not vote.

9. Liquor License Authority

- Vail Symposium request for a Special Event Permit; 801 Cemetery Rd.; Ashley Cawthorn event manager – Brunvand

Convened as the Liquor Authority.

Jay B. outlined the special Event permit and noted for the record the findings. Staff is recommending approval of this permit.

Ms. Ashley Cawthorn was present as the applicant. She outlined the events to be movies in the park on three Saturday evenings; August 20, 27, and September 3. Crazy Mtn Brewery will be providing the beer.

Public Hearing was opened

No comment

Public hearing was closed

Motion by Harvey C., second by Sage P., to approve the Vail Symposium request for a Special Event Permit; 801 Cemetery Rd.; Ashley Cawthorn event manager as presented. Motion passed 6-0. Note: Sidney H. was excused absent.

- The application was received on August 5, 2016 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on August 5, 2016 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requires at least one T.I.P.S, or equivalent certified server be present, and at least one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure crowd control and that no outside liquor is introduced to the event and that no liquor is removed from the premises.
- The Bunkhouse approval of a new Tavern Liquor license; 175 Williams St.; Ryan Richards, Owner/Manager – Brunvand

Jay B. outlined the license request. It was noted this is a continued hearing from August 3. The concerns of the hearing were addressed in full and are attached as an exhibit to the minutes. It was noted the staff is recommending approval of this application.

Mr. Ryan Richards, applicant, stated he did contact the tenants that brought opposition to the license. After that meeting Mr. Richards felt the opposition had been mitigated.

No public comment was submitted

Motion by John W., second by Terry A., to approve the Bunkhouse LLC Tavern License, 175 Williams St., Ryan Richards, Owner/Manager as presented with the following conditions. Motion passed 5-1. Note: Sage voted Nay and Sidney H. was excused absent.

CONDITIONS:

COUNCIL AND STAFF REPORTS

10. Town Planner

11. Town Manager

- Manager's Report

- Discussion – Manager’s succession plan

Willy P. stated he had included his contract in the packet as requested by the Council to begin the discussion of Manager Succession as directed from the Council Retreat. Willy P. stated this agreement runs through 12/31/17 and requires a minimum 6mo notice. Willy P. noted he was very satisfied with his agreement and anticipates fulfilling his contract at minimum. It was stated this is not an effort to renegotiate his contract, rather it is to fulfill the request of the council from the retreat.

- Action Report

Willy P. discussed the Action Report and answered questions. Discussion ensued as to the Code Enforcement options.

Discussion ensued on the Communication Strategy. Matt S. stated he thought the phone should be answered and have policy on how fast a message is returned.

Recreation Plan was discussed. Was the need to have a plan or to have options the staff can do to promote our parks, trails, events, etc. The goal was to highlight our recreation amenities not just our events. Council noted a lot of what they thought was needed is long range and would be included in the Master Plan. It was questioned if this was something that would or could be addressed in the next twelve months.

12. Town Council Comments

Remove this and leave it at the top of the agenda.

13. Town Attorney

EXECUTIVE SESSION

14. Exec session to discuss water issues.

Motion by Earle B., second by Harvey C., to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on a specific legal question under CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiators, and/or instructing negotiators, under CRS 24-6-402(4)(e), related to the topics of Eagle River Properties v. Town of Minturn, Turntable water bill, and Battle Mountain. Motion passed 6-0. Note: Sidney H. was excused absent.

FUTURE AGENDA ITEMS

15. Next Meeting – September 7, 2016

16. Future Meetings:

- Boneyard Conservation Easement Plan – Hawkinson
- Boneyard Management plan and conservation easement
- Work Session on housing

17. Set Future Meeting Dates

a) Council Meetings:

- September 7, 2016
- September 21, 2016
- October 5, 2016

18. Other Dates:

19. Adjournment

In that there was no further business the meeting stood adjourned at 10:59pm.



Matt Scherr, Mayor

ATTEST:



Jay Brunvand, Town Clerk

