



## Official Minutes

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

**Wednesday September 7, 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**

- Water Discussion – Brunvand
  - Water use comparison
  - Water tap fees

Direction was given:

- a) To set water rates in comparison with budgeted need and to include needed system upgrades so as to create an even revenue stream from year to year as opposed to back filling revenue needs from year to year.
- b) It was discussed that new development should pay its way and that Tap Fees are considered plant investment capital revenue. With this in mind Water Tap Fees as a policy will be compared to the ERWSD sewer tap rates and reviewed annually in the budget process.

### **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, 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 John W., second by Terry A., to approve the agenda as presented. Motion passed 7-0.

## **3. Approval of Minutes**

- August 17, 2016

Motion by Sage P., second by Harvey C., to approve the minutes as presented. Motion passed 6-0. Note: Sidney H. abstained as she was absent from the August 17 meeting.

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

Mr. Tim McGuire, BMR, commented that they have been working very hard with the BMR Committee and have made a lot of headway. He thanked the Council for the work through the process and was hopeful for a positive resolution.

## **5. Special Presentations**

- Committee Reports
  - County Wide Community Climate Action Plan – Armistead

Terry A. and John W. detailed the Climate Action Plan for Eagle County. The presentation outlined the effects of climate pollution including Green House Gases, on the winters, summers, and the effects on the forests. Although this plan is voluntary, it is being presented and request to support and adopt the plan by all the municipalities and special districts in the county.

Terry A. and John W. are recommending the Council to support and adopt the plan. Discussion ensued as to how individuals can reduce their footprints. Discussion ensued as to future discussion for Minturn to have a single stream recycle program.

The program is holding three open house sessions from 5-7pm:  
Wednesday September 14 – Brush Creek Pavilion

Monday September 19 – Grand View, Vail  
Thursday September 22 – Miller Ranch Community Room

- Council Comments
  - Sage P. stated she desires to pursue a new full time Town Manager as she feels others are having to pick up in Willy P's absence. She felt this was what the community wants and things are not getting done.
  - Harvey C. noted he had been contacted by Mountain Peddler on Main St regarding the step that was removed when the new sidewalks were installed. Jay B. stated he had been contacted as well just today and would follow up on the concerns.
  - Earle B. updated on the Dowd Jet water connection which would allow for connection to our water system for that parcel. It was noted that the inability to provide water to that parcel could be a cause for them to de-annex.
  - John W. stated that in Maloit Park there is a cycle race at 6pm Thursday; Friday is the VSSA 10<sup>th</sup> anniversary party noon to 4pm with live music. He also stated that ECO Transit is looking to provide expanded bus service to Minturn and would report more as information was made available.
  - Matt S. reminded everyone that Volunteers for Outdoor Colorado will be in Minturn October 1<sup>st</sup> and 2<sup>nd</sup> for Cougar Ridge trail restoration. Any interested volunteers should sign up at [www.voc.org](http://www.voc.org).

## PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

**6. Discussion/Action Item: Resolution 22 – Series 2016 a Resolution approving a service agreement for Minturn Municipal Court Prosecuting Attorney – Brunvand**

Jay B. briefed the Council that the Minturn Municipal Court Prosecuting Attorney had tendered her resignation. The position was advertised on the Public Notice boxes, on the Website, and in the Vail Daily. After review of the submittals, background checks, and reference checks Staff is recommending appointment of Carlson and Carlson due to their extensive background in municipal court and governance.

It was agreed this is an agreement that works well for both the Town and Carlson and Carlson. The firm's extensive background will allow for experience and depth in how best to operate the court.

Motion by Sage P., second by Earle B., to approve Resolution 22 – Series 2016 a Resolution approving a service agreement for Minturn Municipal Court Prosecuting Attorney as presented. Motion passed 7-0.

**7. Discussion/Action Item: Ordinance 05 – Series 2016 an Ordinance considering Zoning Code Text Amendment – Hawkinson**

- *NOTE: Staff is requesting a continuance of the Public Hearing to the September 21, 2016 meeting.*

Motion by Earle B., second by Sage P., to continue Ordinance 05 – Series 2016 an Ordinance considering Zoning Code Text Amendment to the September 21, 2016 Council Meeting. Motion passed 7-0.

#### **8. Liquor License Authority**

- Shop & Hop #12 renewal a 3.2% Beer Off Premises Liquor license; 401 Main St.; Terry Marcum, Owner/Manager – Brunvand

Jay B. stated this was a renewal of a 3.2% Beer Off Premises Liquor license. He stated the store had been caught selling alcohol to a minor in a Dept of Revenue Liquor Enforcement “sting” operation. As this is a first offence and they have served their sentence with the State, Staff is recommending approval of the renewal.

Motion by Harvey C., second by Sidney H., to approve the Shop & Hop #12 renewal a 3.2% Beer Off Premises Liquor license; 401 Main St.; Terry Marcum, Owner/Manager as presented. Motion passed 7-0.

### **COUNCIL AND STAFF REPORTS**

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

Janet announced it was her 3<sup>rd</sup> year anniversary, she handed out to the Council and Attorney her resume and her portfolio which outlined how much she has accomplished over her tenure. She outlined she was hired as the Planning Director and to provide in-house design work. She stated the designs on the 100block saved the Town over \$15,000.

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

- Manager’s Report

#### **CDOT Repaving Schedule**

CDOT has informed the town the repaving schedule has been pushed back until 2019 because of right-of way acquisition timelines. This has not altered the town’s timeline for its engineering and submittals. It is difficult to say at this time whether this will have any effect on our grant application.

#### **TAP Grant Application**

The TAP grant application for construction monies was submitted on August 1. We were just informed our application was deemed complete along with 12 others. The total requests are \$10M with approximately \$1,200,000 available for all of Region 3. Eagle County has made Minturn’s application their top priority within the county.

### **Battle Mountain MOU**

The town submitted its response to the Battle drafted MOU on Tuesday. Battle has indicated it will have its response on Friday, 8/26. As of the writing of this memo, the response has not been received. When received it will be distributed to the committee and Council.

### **Meeting with Fire District**

Jay and I met with Karl Bauer and Todd Golding regarding the training facility and terms of an IGA. The two sticking points are: length of term and rental fee after full payment of bonds at 30 years. Generally, the District seems OK with having a lease term of 50 years, with automatic renewals, unless a party wants to withdraw under certain conditions (yet to be specified). The District does not want to pay any lease amounts after 30 years, even if negotiated at that time. They say they may have to look for a different location. Jay and I reminded them Minturn paid for the fire station here, and now Minturn tax payers are paying for facilities elsewhere.

### **Willy's Vacation**

I will be on vacation from August 29 and returning to work on Sept. 12. Nancy and I are touring Iceland. I will have my iPad and be able to respond to important emails when Wi-Fi is available.

Jay B. outlined the Mountain Peddler letter that had been distributed to the Council and stated he would investigate and report to Willy upon his return from vacation on Monday along with recommendations for mitigation.

- Action Report

Matt S. asked about the Railroad update, Janet H. answered the questions that she had heard from the RR but it was more about the trailers. Sidney H. stated the nonconforming use of the trailers and Turntable property and the low standard of operations in the area. She asked how we require UPRR to clean up the property and require them to require their tenants to maintain a high standard.

Matt S. and Sidney H. will sit down with Willy P. upon his return next week to receive a briefing and to develop a strategy for going forward to allow the existing or new renter and or the Railroad to address the issues. Jay B. noted that the Staff had not be sitting back doing nothing and meetings and developments have progressed that should result in an agreeable plan. He further stated he would arrange for the said meeting next week and allow time on the next agenda.

Mike S. clarified, in response to an email question, what constituted a Rolling meeting. Matt S. also stated that Council should not direct Staff they should direct the Manager or his stead.

Matt S. noted several current events.

## **11. Town Attorney**

**EXECUTIVE SESSION**

**12. 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) – Battle Mountain Resorts**

Motion by Harvey C., second by John W., to convene in Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Battle Mountain Resorts. Motion passed 7-0.

Direction received by staff as a result of the Executive Session: Council received legal advice from the Town Attorney related to the Battle Mountain land use approvals and the proposed MOU with Battle Mountain. No decision were made in the Executive Session.

**FUTURE AGENDA ITEMS**

**13. Next Meeting – September 21, 2016**

**14. Future Meetings:**

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

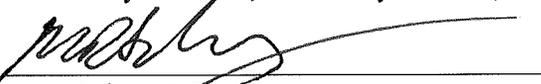
**15. Set Future Meeting Dates**

- a) Council Meetings:
- September 21, 2016
  - October 5, 2016
  - October 19, 2016

**16. Other Dates:**

**17. Adjournment**

Motion by Earle B., second by Matt S., to adjourn at 9:45pm. Motion passed 7-0.

  
Matt Scherr, Mayor

ATTEST:

  
Jay Brunvand, Town Clerk

