



## Official Minutes

### MEETING OF THE MINTURN TOWN COUNCIL

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

**Wednesday September 21, 2016**

**Work Session – 5:00 pm**  
**Regular Session – 7:00 pm**

**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 – 7:00 pm

- Battle Mountain Mountaintop Property Tour – Open to Council, Public & Staff. Contact Jenny Lowe at 970-827-5645 x111 by Tuesday, Sept 20<sup>th</sup> at 4:00 pm for carpool signup.

#### Regular Session – 7:00 pm

##### 1. Call to Order

The meeting was called to order by Mayor Scherr at 7:02pm.

- Roll Call

Those present included: Mayor Matt Scherr, Town Council members, Harvey Craig, Terry Armistead, Sidney Harrington, John Widerman, and Sage Pierson. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent and John Widerman arrived at 7:07.

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

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Motion by Terry A., second by Sidney H., to approve the agenda as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

## **3. Approval of Minutes**

- September 7, 2016

Motion by Terry A., second by Sidney H., to approve the minutes of September 7, 2016 as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

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

Mr. Dan Matney discussed Community Unity an event that will be held on Saturday September 24 in downtown Minturn from 11am to 2pm. The event includes the local businesses, music, food, and will have the feel of a block party.

Mr. Larry Stone, The Scarab, thanked the Council for the entryway project.

Mr. Michael Dunahey, candidate for County Commissioner introduced himself.

Ms. Michelle Metteer noted there is a Friday Sep 30 at 9am trail meeting

## **5. Special Presentations**

- **Minturn Community Fund Summer Event Recap – Diana Scherr**

Ms. Diana Scherr presented a recap of the summer events that were presented by the Minturn Community Fund, an all-volunteer program, to include the concerts in the park, movies in the park, Missoula Children's Theater, Yoga In the Park, Community Garden, and others. October 28 is the annual Halloween costume fund raiser at the Saloon. A signed concert poster was presented to the Town as a show of gratitude.

- **USFS District Ranger Introduction – Aaron Mayville**

Mr. Aaron Mayville introduced himself as the new White River Forest District Forest Ranger. His area extends from Vail Pass to Hanging Lake/Glenwood Springs and Yampa to the Flattops.

Ranger Mayville noted his background. He noted some of the budget and staffing challenges the station faces and that his office is one of five districts in the White River Forest. He stated the Meadow Mountain consolidation with the Eagle office is moving forward and thanked Willy P. for his assistance on this project.

- **Colorado Dept of Public Health & Environment Update – Wendy Naugle**

Ms. Wendy Naugle, Colorado Department of Public Health and Environment, presented an in-depth update on the Eagle Mine Superfund Site. Individuals interested in complete information may contact the Town of Minturn for assistance. The town is an information repository for the project.

John W. asked if the Liberty Well is working properly; yes, it is working at a safe level. Removing too much water will pull contaminated water due to lowering the water level too much. Ms. Naugle stated they really do not know how much water can be stored in the mine as at times the water level rises fast and then levels out indicating a pocket area of storage.

Michael S. asked at what point would the plan be modified to allow residential or other uses on land that had been restored; This will be a future determination based on the Record of Decision that will define uncontaminated areas which would be available for use.

Willy P. asked if there is any timeline available for remedy; they are being worked on and it is suspected it would be in the next few months.

Mr. Darrell Wiegert, 1718 Main St, former mayor during the time of the major and initial site cleanup. Mr. Wiegert noted the Consolidated Tailings Pile cleanup did affect the Minturn Middle School with a fine dust which would blow across the area and Minturn had to abandon our water well #2 and move it further up Cross Creek as the water was at a risk of contaminated.

Matt M. asked about the ramifications of the water rights when we had to move the wells; Mr. Wiegert stated the well move did not affect the water rights. Willy P. stated the water wells 3 and 4 hold the same rights as the abandoned wells #1 and 2.

- Committee Reports
- Council Comments

John W. stated the Climate Action Meeting he attended was very good and will be attending more. His hope is that Minturn will support and have an impact.

Sage P. and John W. stated the Eco Transit survey is coming in and we have had over 100 responses so far. It does appear we will have a bus through town each morning this winter to better facilitate transit to the lifts.

Matt S. thanked the Vail Epic Promise program for the bike trail construction that was organized. There is more work to be done over the next few weeks to complete the project. Information on

the various trail work can be found on the website or by contacting Michelle M. at the Town Hall.

A brief recess was called.

## **PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS**

### **6. Discussion/Action Item: Resolution 23 – Series 2016 a Resolution approving the Economic Development Strategic Plan – Metteer**

Michelle M. gave an outline of the Strategic Plan and the work that was required to get to this product. Michelle M. introduced her committee members. She also thanked the Vail Valley Partnership for their efforts and direction in the entire plan.

Shelley B., 471 Pine St, noted this is a working document and it will continue to develop and grow.

Matt S. recognized all the work that has gone into this Plan and thanked Michelle M. for her work and effort. This Plan will lead Minturn for a long time.

John W. would like to encourage the committee to include sustainability programs in addition to economic development. Matt S. noted the Committee did consider this and this plan will give guidance for the vision of Minturn as well.

Terry A. noted how much citizens can make a difference in their own community as was exemplified by this Plan.

Motion by Sage P., second by Terry A., to approve Resolution 23 – Series 2016 a Resolution approving the Economic Development Strategic Plan as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

### **7. Discussion/Action Item: Ordinance 05 – Series 2016 (First Reading) an Ordinance considering Zoning Code Text Amendment as it concerns the 100 Block commercial development – Hawkinson**

Janet H. outlined the Ordinance for the Council. She stated there was little design factors in the core area. She stated the Ordinance allows for different character areas in the Old Town Commercial in the 100 block to allow variations in mass and scale. She noted some of the new aspects and proposed changes included in the Ordinance.

Matt S. asked if the Town requires Dark Sky lighting; yes. He also asked that a definition of dumpster screening be included in the Code.

Discussion ensued as to the building heights allowed currently and proposed and how they work/don't work and how they affect setbacks and differ between residential and commercial.

Public Hearing was opened.

Ms. Lynn Teach, 253 Pine St, liked the varied heights but felt some of mountain side views would be lost.

Mr. Greg Sparhawk, 254 Pine St, liked the less limiting code as it would allow for creativity and architectural design. He felt materials that are NOT allowed be defined or exempted; quality materials for quality buildings.

Mr. Danny Bellm, 479 Pine, stated concern with the 35ft height and 5ft setbacks. He felt the roof snow has nowhere to go but the neighbor's yard. It was noted the 5foot setback is from foundation not the roof eve. He did not have a solution but had a real concern.

Ms. Shelley Bellm, 479 Pine, stated snow clips are not required over egress areas in the 2015 building code. She stated a number of locations in that area of town were built before the establishment of zoning codes. She felt anyone that has a current use of residential be allowed to redevelop as residential if that redevelopment is done by the current owner; currently that is not allowed.

Michael S. clarified that to do a residential in a commercial zone as Ms. Bellm described would require a Conditional Use Permit. Shelley B. stated to require a resident to pay for a conditional use permit when replacing a residential unit with a new residential unit is an undue burden.

It was requested this be reviewed by staff prior to second reading.

Public Hearing was closed.

Motion by John W., second by Sidney H., to approve Ordinance 05 – Series 2016 (First Reading) an Ordinance considering Zoning Code Text Amendment as it concerns the 100 Block commercial development as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

## COUNCIL AND STAFF REPORTS

### **8. Town Planner**

- Approval of Design Review for Duplex at 1973 HWY 24
- Approval of Sipes Architect Sign
- Approval of Community Unity Day Sign

### **9. Town Manager**

- Manager's Report

### **Turntable Issues**

Matt, Sidney and I met on 9/15 to discuss issues related to the Turntable lease properties. It appears certain the Westside Café owners will close on the lease very soon, which lease includes

the restaurant, hotel and trailers on 6th St. The two most important issues are the unpaid water bill and the disrepair of the trailers. The three of us are pursuing the following actions.

- Work with the new owners to have a successful business, but also inform them of the issues below.
- The vacant trailers will be red tagged for issues related to the International Property Maintenance Code.
- We may need to have the occupied trailers meet improved standards.
- The town has been promised by UP we will be paid the unpaid water bill in conjunction with the closing of the new lease. If that does not prove to be the case, the town will issue a shut-off notice giving the UP 30 days to pay the full amount.

### **Minturn to Dowd Trail**

The trail alignment has been staked and a walk-through with Forest Service personnel is being scheduled. We have yet to hear from the State Land Board related to an easement through their property. The issue is clouded by the SLB wanting to have CDOT maintenance facilities moved from Eagle-Vail to the site (across from Vail “Boneyard”).

### **Code Enforcement**

Staff plans to have a worksession covering many topics related to code enforcement at the October 5 meeting.

### **Dowd Junction**

The Forest Service has appraised the two properties in Eagle, where they desire to move and consolidate offices. The FS cannot pay more than the appraised value. The property owners are now reviewing the appraisals for their acceptability. The vacant parcel owner wants more money than the appraised amount. The Carpenters Union is still reviewing. We are trying to schedule a meeting with the real estate broker, Tom Glass, United Properties representative and me ASAP.

Willy P. noted he had a very productive meeting with the new lease holders of the Turntable, hotel, and trailers. The lease is now in Westside Café and they are responsible for the condition of the properties hereforth. The water bill will also be made whole but negotiations are still in process. A resolution will be agreed to or the Town will take further action.

Willy P. stated he would like to have a public hearing on main street parking; council direction was to proceed as presented.

- Action Report

## **10. Town Attorney**

### **EXECUTIVE SESSION**

- 11. Executive Session:** 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, and an Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) - Battle Mountain Resorts

Motion by \_Terry A., second by Sidney H., 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) – Eagle River Properties v. Town of Minturn, and an Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) - Battle Mountain Resorts. Motion passed 4-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent and Sage P. left prior to the executive session at 10:20pm.

### FUTURE AGENDA ITEMS

#### 12. Next Meeting – October 5, 2016

- Acceptance of Preliminary 2017 Fiscal Year Budget
- Work Session: Code Enforcement Discussion
- Discussion/Action: Public Hearing on Downtown Parking

#### 13. Future Meetings:

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

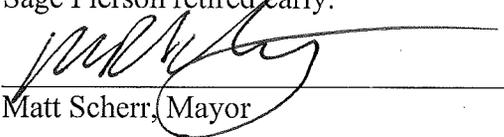
#### 14. Set Future Meeting Dates

- a) Council Meetings:
- October 5, 2016
  - October 19, 2016
  - November 2, 2016

#### 15. Other Dates:

#### 16. Adjournment

As there was no further business the meeting stood adjourned at 11:30pm. Motion passed 4-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent and Sage Pierson retired early.

  
Matt Scherr, Mayor

ATTEST:

  
Jay Brunvand, Town Clerk

