



Official Minutes

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

Wednesday October 19, 2016

Work Session – 5:30 pm
Regular Session – 6:30 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 – 5:30 – 6:30 pm
Please remember to bring your FY2017 Budget Book

- Budget Review – FY 2017 Fund Review and Decision Points – Powell/Brunvand (45 min)

Regular Session – 6:30 pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 6:33pm.

- Roll Call

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

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

2. Approval of Agenda

- Items to be Pulled or Added

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

3. Approval of Minutes

- October 5, 2016

Page 11 second paragraph of minutes correct to John W.

Motion by John W., second by Sage P., to approve the minutes of October 5, 2016 as amended. Motion passed 7-0.

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

- Jill Ryan, Eagle County Commissioner candidate for District 1
She is introduced herself and her platform. She is running for a second term.

- Kathy Chandler-Henry, Eagle County Commissioner candidate for District 2
District 2 in Eagle of Eagle County and is running for her first four-year term after a two-year term. She introduced herself and her position statements.

- Rick Beveridge, Eagle County Commissioner candidate for District 2.
He outlined his accomplishments and his motivation for running.

5. Special Presentations

- Public Access Channel 5

Mr. JK Perry and Ms. Marci Colby, presented and outlined their new name, logo, and website. They showed all the public access venues that are available and how to find many on their website, www.highfivemedia.org.

- Committee Reports
- Council Comments

John W. gave an overview of the recent NWCCOG-QQ meeting. He stated annual fees will be increasing 3% for 2017. Noted projects in other counties that have been very positive for their respective water systems and something that we could possibly incorporate too.

Terry A. announced the Halloween residential and commercial decorating contest. Applications can be obtained at the Town Hall or by contacting Michelle M. She also noted the Minturn Community Fund Halloween party at the Saloon on October 28, Minturn Monster Dash on October 29, and the Minturn Halloween on October 30.

Sidney H. asked about the applications for the nonprofit funding. She felt it important that we support Minturn organizations first such as Pooh's Corner and asked if it was something that the Council would like to fund. Discussion ensued as to the application process. Council assigned Sidney H. to contact Pooh's Corner to see if they would like to apply by Monday.

Sage P. stated the tenants that live on the back streets are the ones that park on Main St. and that is taking up the on-street parking. Discussion ensued on the parking and the 2hour parking concept. She feels the parking needs to be evaluated again at the staff and Council level. Sage P. spoke regarding the water bill for the Turntable; it was noted this will be discussed later in the meeting.

Matt S. stated the election ballots are in the boxes. Matt S. stated to mail in the ballots or drop them off, but vote. Matt S. stated Oct 27 4-7 is the grand opening of Castle Peak at Silvan Lake Rode and Capital St.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

6. Public Hearing/Discussion Item: Resolution 26 – Series 2016 authorizing the Mayor or his designee to sign a Deferred Payment agreement with RAILROAD ROCKS, LLC d/b/a Turntable Hotel and Restaurant – Powell

Matt S. recused himself as a conflict of interest.

Earle B. took charge of the meeting and introduced the item. Willy P. stated this is an agreement between the property leasee and the Town. He stated the delinquent bill is a carryover from the past leaseholder. This agreement has been negotiated between the previous leaseholder, the new leaseholder, the Union Pacific Rail Road, and the Town. It was noted this agreement was approved by all parties whereby the new leasee will pay the bill over time. The town is not privy to agreements made between the previous and the new leasee and UPRR the property owner.

Terry A. stated that because we do not know details that exist between the new leasee and the UPRR and that this was agreed to by those two parties, it is the best solution and it is agreeable.

Discussion ensued as to if this was fair to the new leasee. Willy P. stated the alternative would be to turn off the water until the prior tenant or UPRR pays the bill. Council was in agreement that this should not be allowed to happen again. It was again stated this is agreeable to the new leasee and UPRR the landlord.

Mr. Mark Tamberino, 474 Main St, felt it was something that should not have been allowed to occur.

Earle B. noted this has been discussed, we have a solution, and the new leasee has agreed to the solution.

Motion by Terry A., second by Harvey C., to approve Resolution 26 – Series 2016 authorizing the Mayor or his designee to sign a Deferred Payment agreement with RAILROAD ROCKS, LLC d/b/a Turntable Hotel and Restaurant as presented. Motion passed 4-2. Note: Sidney H. and Sage P. voted nay and Matt S. was recused

Matt S. resumed his seat and administration of the meeting.

7. Discussion/Action Item: Resolution 24 – Series 2016 a resolution appointing Burk Harrington as a Planning Commissioner – Hawkinson

Sidney H. recused herself as a conflict of interest.

Janet H. outlined the issue and recommended approval.

Motion by Harvey C., second by John W., to approve Resolution 24 – Series 2016 a resolution appointing Burk Harrington as a Planning Commissioner as presented. Motion passed 6-0. Note: Sidney H. was recused.

Sidney H. resumed her seat.

8. Discussion/Action Item: Resolution 27 – Series 2016 a Resolution authorizing the Mayor to sign a Memo of Understanding relating to Battle Mountain Project – Powell

Matt S. outlined the Resolution. Mike S. gave an overview of the Resolution including how it opens some of the land for development in large parcels. This would require 35acre lots, septic and wells.

Mr. Tim McGuire, Battle Mountain Resort, stated this is a very workable development and this MOU will allow them to go forward with development. He felt this was a very deliberate and thorough MOU.

Harvey C. stated some of the density was pulled off the Mountain Top area and moved down to the lower Bolts Lake area. Discussion ensued as to the proposed model that would be used for the 35acre lots as to development standards. It was noted the county model would be used but could be modified if needed for the town.

John W. stated his concern was to ensure we get off on the right foot and felt all his questions were fairly answered. He stated he was excited to get to the next phase.

Matt S. reiterated John W.'s comments and opened up comment to the public; there were no comments.

Motion by Harvey C., second by Sage P., to approve Resolution 27 – Series 2016 a Resolution authorizing the Mayor to sign a Memo of Understanding relating to Battle Mountain Project as presented. Motion passed 7-0.

9. Discussion/Action Item: Resolution 25 – Series 2016 a resolution supporting Eagle County Ballot Measure 1B (5 min)

Mr. Bill Hoblitzel outlined the measure. This proposal will complement the existing Open Space mill levy by extending the existing Open Space mill levy sunset requirement and a reallocation of funds to allow for the creation of paved and soft surface trails in the open space areas. It was noted this was a tax extension it was not a new tax.

Discussion ensued as to the benefits that will be derived from this proposed measure.

Motion by Terry A., second by Earle B., to Resolution 25 – Series 2016 a resolution supporting Eagle County Ballot Measure 1B as presented. Motion passed 7-0.

10. Discussion/Action Item: Resolution 28 – Series 2016 a resolution supporting Eagle County Ballot Measure 1A (5 min)

Matt S. introduced this measure. This is a new sales tax for workforce housing. This is a .03% tax on nonfood sales.

Mr. Lue Meskeman, Thank You Masked Man Services, stated this was a sales tax on the retail shops. He stated this tax does not assess on the internet stores, rather it rests only on the brick and mortar stores.

Earle B. stated his hope with this proposal would be that by providing affordable workforce housing we can keep good employees.

Mark Tamberino, 475 Main St, asked how would this tax benefit the workers in Minturn. Willy P. stated this was a sales and lodging tax.

Motion by John W., second by Sage, to Resolution 28 – Series 2016 a resolution supporting Eagle County Ballot Measure 1A as presented. Motion passed 6-1. Harvey nay

11. Discussion/Action Item: Resolution 30- Series 2016 a resolution supporting Eagle County Ballot Measure 3A and 3B. (5 min)

Matt S. stated this was a measure for the Eagle County School District. Matt S. outlined how the current state tax laws limit the tax revenues that are needed to fund the Eagle County schools. These two proposals would raise the mill levy to accommodate a mill levy override for seven years and the other is a bond issue to support capital projects and major building maintenance

and expansions. Matt S. stated this is our chance to support our local education system and that both are necessary.

Mr. Jeff Chamberlin, Eagle County School District, presented a presentation and was available for questions.

Motion by Terry A., second by Sidney H., to Resolution 30- Series 2016 a resolution supporting Eagle County Ballot Measure 3A and 3B as presented. Motion passed 7-0.

12. Liquor License Authority

- Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar renewal of a Hotel and Restaurant Liquor license; 401 Main St.; Mark Taberino, Owner/Manager – Brunvand (5min)

Matt S. convened as the Liquor Authority.

Jay B. outlined the agenda item and introduced Mark Tamberino

Public hearing was opened, no comments, Public Hearing was closed.

Motion by Harvey C., second by Sage P., to approve Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar renewal of a Hotel and Restaurant Liquor license; 401 Main St.; Mark Tamberino, Owner/Manager as presented. Motion passed 7-0.

Matt S. reconvened as the Council.

COUNCIL AND STAFF REPORTS

13. Town Planner (5min)

- Magusto's Sign Approval
- Boneyard Conservation Easement Plan
- Completion of Entrance

14. Town Manager (5min)

- Manager's Report

Turntable Issues

Building Inspector Charlie Davis and the Westside owners met on site to inspect the trailers on 6th St. A report will be generated for corrective measures. The Westside owners were very cooperative and realize improvements are necessary for life/safety issues and to have quality tenants. They continue to plan replacements with modulars which meet code requirements and no larger foot prints.

Westside has signed the water bill reimbursement agreement and it is in your packet for action.

Minturn to Dowd Trail

Staff and Inter-Mountain Engineering staff and Forest Service staff walked the preferred alignment of the trail on Oct. 6. No issues for the alignment were presented. Discussions were held on additional environmental studies necessary for the FS to process an application for an easement. Staff met with Ellie Caryl and Inter-mountain on Oct 11 and determined there are sufficient funds remaining with the grant Eagle County has given the town for planning the trail.

Timing of construction of the Dowd to Minturn segment of the Eagle Valley Trail is dependent on the success of the ballot question allowing a portion of open space funds to be use for trail construction.

Zoning Code Revisions

P&Z has begun discussion of a zoning code revision for acceptable uses at Dowd Junction.

Willy P. announced the town has been awarded the Tap 2 grant. The intent is to apply for a DOLA grant in late 2017 or for 2018. The intent is to use all these funds for a total of approximately \$2.5M construction of sidewalk and gutter from Cemetery Bridge south to the Boneyard Park.

Willy P. stated he had discussed the gun range with the USFS and has been told they will not be able to do anything as those decisions are made in Washington.

- Action Report

15. Town Attorney

Mike S. stated he had been to the CML Attorney's Conference and sign codes were discussed. He also wants to discuss our loitering ordinances and how they may affect freedom of speech laws and he outlined an item that might affect our municipal court whereby we might need to provide a public defender for individuals in court for a jailable offence.

Mike S. stated the Judge has dismiss Berry Clark's law suite with the condition that attorney fees are covered by him for the town. Mike S. will be moving forward with this.

EXECUTIVE SESSION

- 16. 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

No Executive Session was needed and none was convened.

FUTURE AGENDA ITEMS

17. Next Meeting – November 2, 2016

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2017 Budget – review public funding requests – Brunvand 11/2/16

18. Future Meetings:

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2017 Budget and First Reading of Budget Ordinances – Brunvand 11/16/16
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2017 Budget Ordinances – Brunvand 12/7/15
- Work Session on housing – Hawkinson

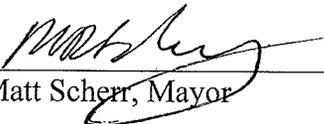
19. Set Future Meeting Dates

- a) Council Meetings:
- November 2, 2016
 - November 16, 2016
 - December 7, 2016

20. Other Dates:

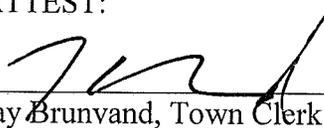
21. Adjournment

Motion by John W., second by Harvey C., to adjourn the meeting at 9:45pm. Motion passed 7-0.



Matt Scherr, Mayor

ATTEST:



Jay Brunvand, Town Clerk

