



## Official Minutes

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

**Wednesday January 18, 2017**

**Work Session – 5:30 pm**  
**Regular Session – 6:30 pm**

**MAYOR – Matt Scherr**  
**MAYOR PRO TEM – Earle Bidez**

**COUNCIL MEMBERS:**  
Terry Armistead  
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**

- Climate Action Plan – Powell
- Discussion regarding Magnesium Chloride – Powell/Cusick

### **Regular Session – 6:30 pm**

#### **1. Call to Order**

The meeting was called to order by Mayor Scherr at 6:34pm.

- Roll Call

Those present included: Mayor Matt Scherr, Mayor Pro Tem Earle Bidez, Town Council members, Sidney Harrington, Sage Pierson, Terry Armistead and John Widerman. Note: one seat is vacant.

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

- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

Motion by John W., second by Sidney H., to approve the agenda as presented. Motion passed 6-0. Note: one seat is vacant.

**3. Approval of Minutes**

- January 4, 2017

Motion by John W., second by Sage P., to approve the minutes of January 4, 2017 as presented. Motion passed 6-0. Note: one seat is vacant

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

**5. Special Presentations**

- Committee Reports

John W. attended the Eagle Mine meeting.

Matt S. noted the Business Alliance luncheon held today; 40-50 attended and they will be held quarterly.

- Council Comments

John W. requested the Climate Action Resolution be included on the next meeting as an Action Item.

Sage P. reminded everyone to shovel their sidewalks.

Matt S. noted the One Book One Valley program.

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

**6. Discussion/Action Item: Discuss and Interview applicants for the vacant Town Council seats – Powell/Brunvand (30min)**

Matt S. introduced the item and gave background of the process followed to date. This appointment will be through the April 2018 election.

Each applicant, Ms. Kristina Krone, Mr. George Bordin, and Mr. Frank Lorenti introduced themselves and expressed their desires to be on Council. Thereafter, Council was given an opportunity to ask questions of the applicants.

Matt S. reviewed the rules:

In accordance with the Colorado Sunshine Act Council may use paper ballots, however, those ballots must clearly identify the councilmember voting. Council members can vote paper ballots until one recognized applicant receives a majority of votes. That applicant is then seated by a motion to approve the attached Resolution. Once appointed, the Mayor will swear in the appointment.

First round vote: Kristina K. 3  
George B. 3  
Frank L. 0

Discussion ensued amongst Council as to the merits of the applicants. The two candidates were allowed to discuss and restate their qualifications and answer additional questions.

Second round vote: Kristina K. 4  
George B. 2

**7. Discussion/Action Item: Resolution 04 – Series 2017 consideration of a Resolution appointing an individual to the Minturn Town Council – Brunvand/Powell**

Motion by Terry A., second by Sage P., to approve Resolution 04 – Series 2017 consideration of a Resolution appointing Ms. Kristina Krone to the Minturn Town Council as presented. Motion passed 6-0. Motion passed 6-0. Note: one seat is vacant.

**8. Discussion/Action Item: Swearing in of appointed Council Members – Scherr**

Matt S. swore in Kristina K. as Council Member.

Kristina K. assumed her seat at the Council table.

**9. Discussion/Action Item: Direction regarding the snow Maintenance of HWY 24 – Powell/Cusick (10min)**

Matt S. introduced the item and outlined what was reviewed in the Worksession. Officer Cusick reviewed his information for the Council.

Ms. Holly Loff and Mr. Bill Hoblitzer of the Eagle County Watershed Council answered questions for the Council. Mr. Hoblitzer stated the ECWC runs an ongoing water quality monitoring of major rivers in the county. He stated they do have levels of concentration and baseline data on the Eagle River. Discussion ensued as to the negative effects of sand and

particulate matter vs. the  $MgCl_2$  in the rivers. It was noted that both sand and chemical have pros and cons but the data is rather inconclusive.

Matt S. asked the audience for comment. Mr. Greg Sponoff, 249 Main St, asked if this would just be on Main St.; yes.

Direction was to begin the use of  $MgCl_2$  and inform CDOT thusly.

**10. Public Hearing/Discussion/Action Item: Ordinance 01 – Series 2017 (First Reading) an Ordinance amending Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 Building Code related to the Battle Mountain “mountain top” area – Hawkinson (30min)**

Janet H. outlined the item and reviewed the discussion. Janet H. stated after a group meeting yesterday they have submitted changes to the Ordinance and are requesting those changes be included in the first reading approval. Council asked questions regarding the proposed building areas and how only that area will be utilized while still maintaining the view corridors. Mr. Tim McGuire, BMR, was available as representative for the developer.

Mr. Bill Andre, Colorado Dept of Wildlife (CDOW), reviewed the maps with Council and answered questions.

Concern was discussed that some of the studies that were originally completed on this land are not included in this proposed code review to include elk habitat impacts. It was noted this proposal differs from the original proposal with very reduced density used in conjunction with the 35 to 350 acre parcels. Concern was expressed that the maps might need updating through the years; how often would they be updated, who would update them, and who would pay for those updates? CDOW does update the maps and would remain responsible for that service. Janet H. stated the wildlife corridors and wildlife studies approved previously are included within the proposed code. Mike S. stated that the proposed map includes areas where development is allowed to be built but much of the available developable land will remain undeveloped and open due to the increased lot sizes.

Earle B. noted that this proposal represents significantly less impact than the originally proposed ski area and density.

Janet H. reviewed the redlined version of the Ordinance in the packet and the changes handed out at the meeting and fronted questions. She requested those changes be included in the first reading approval. Janet H. also stated the Planning Commission conditions have been included in the recommended Ordinance.

Mr. Tim McGuire, BMR, presented for the developer and outlined the process involved to bring this proposal forward at this time. He stated that because the project has been scaled back from its original proposal at annexation that much of the land will remain undeveloped and that which is developed will be very appropriate for the area. Mr. McGuire reviewed some of the language in the Ordinance that they are in disagreement.

Council requested Staff to continue to work through the issues in the agreement to be included in second reading.

Mr. McGuire noted his concern of how the project and property values could change based on maps updated in the future. He stated this is new and did not exist even in the original proposal at annexation. Mr. Andre stated the enclosed map is what the plan is based on and encompasses the existing concerns. Although future maps may be updated, CDOW would not normally change the requirements for a landowner.

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

Motion by Terry A., second by John W., to approve Ordinance 01 – Series 2017 (First Reading) an Ordinance amending Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 Building Code related to the Battle Mountain “mountain top” area as presented. Motion passed 7-0.

**11. Discussion/Action Item: Consideration of Battle Mountain Joint Defense Agreement Amendment 2 – Powell/Sawyer (10min)**

Michael S. updated the Council on the proposed agreement amendment.

Motion by Earle B., second by Kristina K. to approve the Battle Mountain Joint Defense Agreement Amendment 2. Motion passed 7-0.

**COUNCIL AND STAFF REPORTS**

**12. Town Planner (5min)**

- Planning Commission Work Session: Short term Rentals in Minturn – VRBO – Airbnb

**13. Town Manager (5min)**

- Manager’s Report

**Minturn to Dowd Bike Path**

We have ready to submit an application to USFS for Minturn’s request of the bike path easement. However, two items are outstanding before FS is willing to process the application. FS wants assurance that any other property owner consents are in place. Eagle County has sent a letter for the use of County Road 14 at either end, near the bridge and towards town. The town has a request to the State Land Board to grant an easement through their property. Previously SLB has taken the position that Minturn cannot have an easement until their discussions/negotiations with CDOT are complete.

CDOT has confirmed they have a perpetual lease for the Eagle Vail maintenance yard, but not for residential use. They have also confirmed they will not place their employees at the SLB

Minturn site. CDOT is exploring a land trade whereby the residential can stay in place. Their backup plan is to place employees at Martin Creek.

Procuring an SLB easement for the bike trail is the linchpin for the entire trail. SLB staff is still opposed to granting an easement at this time. The town can make application (\$500 fee), but SLB staff will not support. I will be discussing with IME a plan whereby our path will not impede any future access the site.

I will also be discussing with Aaron Mayville applying for FS permits at this time.

#### **Dowd Junction Items**

Tom Glass, Mike Sawyer and Willy will meet with White River Forest Supervisor, Scott FitzWilliams on January 11 to discuss an Agreement of Intent and next steps, including initiating an appraisal of Dowd. We will report results of the meeting in Executive Session.

Staff and Inter-Mountain Engineering have completed a site plan of Dowd and given to our development partner so they have begun site planning. The appraisal of Dowd and site planning will assist in determining the financial viability of the project.

#### **Meeting with County Commissioners**

I have made a formal request for the Commissioners to meet with Council during a worksession of February 1, 15 or March 1.

- Action Report

#### **14. Town Attorney**

### **EXECUTIVE SESSION**

#### **15. 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) 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) – Dowd Junction land acquisition, Eagle River Properties v. Town of Minturn (Case No. 15CV30293), Town of Minturn water cases (Case Nos. 16CW3124 and 16CW3125)

**Motion by Earle B., second by John W., to convene** 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) – Dowd Junction land acquisition, Eagle River Properties v. Town of Minturn (Case No. 15CV30293), Town of Minturn water cases (Case Nos. 16CW3124 and 16CW3125).  
Motion Passed 7-0.

**FUTURE AGENDA ITEMS**

**16. Next Meeting – February 1, 2017**

- Committee appointments to replace Harvey

**17. Future Meetings:**

- Work Session on housing – Hawkinson

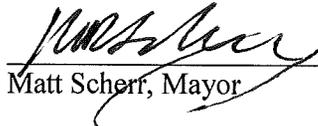
**18. Set Future Meeting Dates**

- a) Council Meetings:
- February 1, 2017
  - February 15, 2017
  - March 1, 2017

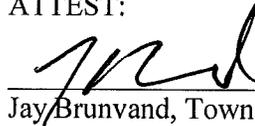
**19. Other Dates:**

**20. Adjournment**

Motion by Terry A., second by Earle B., to adjourn the meeting at 11:58pm. Motion passed 7-0.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

