



Official Minutes

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

Wednesday February 1, 2017

Work Session – 5:00 pm
Regular Session – 6:30 pm

MAYOR – Matt Scherr
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
Sidney Harrington
Kristina Krone
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 – 6:30 pm

- Eagle County Board of Commissioners meeting – Powell
- Code Enforcement update – Powell

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, Kristina Krone, and John Widerman.

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Michael S. requested to move #10, Consideration of Eagle River Properties settlement agreement, to be taken up after the Executive Session.

Motion by Earle B., second by Terry A., to approve the agenda as amended. Motion passed 7-0.

3. Approval of Minutes

- January 18, 2017

Motion by John W., second by Sage P., to approve the minutes of January 18, 2017 as presented. Motion passed 7-0.

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

Mr. Ken Mentz, 167 Williams St, said people are trying to get to Minturn at lunch time, he noted various parking issues,

5. Special Presentations

- Eagle County Sheriff's Office Annual Update- Cusick (15min)

Officer Cusick updated the Council on the annual report for 2016. This report is publicly available in the Town Clerk's Office and on the Town website. Officer Cusack then stood for questions. Concerns were expressed of how to enforce the crosswalks, specifically for the students crossing Hwy 24 to catch the school bus.

- Committee Reports

Sage P. reported on the Economic Development committee, that Minturn was #2 of things to do in Vail, and Main St parking for snow removal,

- Council Comments

Matt S-discussed how the agenda is created, noted the use of mag chloride and asked for citizen comments. It was noted how anxious the council is to have citizen feed back on this.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

Matt S. convened as the Liquor Authority.

6. Liquor License Authority

- Golden Aspen Leaf Inc DBA Gourmet Cowboy Report of Corporate Changes and Annual Renewal of a Hotel & Restaurant License; 455 Main St.; Clifford Dorn, Owner/Pres – Brunvand

Jay B. introduced the application noting this is an annual renewal with the addition of a corporate change of structure. The applicant is requesting the license be amended to modify the Golden Aspen Leaf Inc. This amendment changes the corporate stock holding by dividing it to include Sarah Biggs as a 48% stockholder. Ms. Biggs is the wife of Mr. Dorn, III. The required background checks were performed and no issues were presented. Staff recommends approval.

Public Hearing was opened

No public comment

Public Hearing was closed. and closed public comment

Motion by John W., second by Terry A., to approve the Golden Aspen Leaf Inc DBA Gourmet Cowboy Report of Corporate Changes and Annual Renewal of a Hotel & Restaurant License; 455 Main St.; Clifford Dorn, Owner/Pres as presented. Motion passed 7-0.

- Magustos Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon Owner/Pres – Brunvand

Jay B. introduced the application and noted Staff had no concerns and was recommending approval of the Annual Renewal.

Public Hearing was opened

No public comment

Public Hearing was closed. and closed public comment

Motion by Sidney H, second by Earle B., to approve the Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon Owner/Pres as presented. Motion passed 7-0.

7. Public Hearing/Discussion/Action Item: Ordinance 01 – Series 2017 (Second 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/Sawyer (30min)

Michael S. requested the Council open the public hearing and then continue to February 15, 2017.

Public hearing opened, no comment.

Motion by Terry S., second by Sidney H., to continue Ordinance 01 – Series 2017 (Second 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 to the February 15, 2017 Council Meeting. Motion passed 7-0.

8. Discussion/Action Item: Resolution 05 – Series 2017 consideration of a Resolution adopting the Eagle County Climate Action Plan – Powell (15min)

Terry A. outlined the proposal and noted this is a project the town has been working with the county and other municipalities for months. Terry A. noted this Plan is very aspirational but we should encourage developers to use this plan in their developments. John W. noted it is very important that we are able to quantify the results of this plan in helping our mountain environment.

Discussion ensued as to the positive effects to the environment and building processes. Discussion ensued as to how this would affect the building code and future building codes. It was noted the building codes can be adopted with changes in order to better suit our municipality to conform with the Plan however this may affect the town’s low income housing desires.

Motion by Sidney H., second by Sage P., to approve Resolution 05 – Series 2017 consideration of a Resolution adopting the Eagle County Climate Action Plan as presented. Motion passed 7-0.

9. Discussion/Action Item: Review Committee appointments to fill committees – Powell (10min)

The list of committees and members was reviewed and agreed to.

Motion by Earle B., second by Sage P., to fill the committees as directed. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

10. Town Planner (5min)

Update given by Planner.

Direction was given to include during the February 15, 2017 Worksession a discussion on owner rentals (ie: VRBO/Air BnB, etc)

11. 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.

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.

Bolts Ditch Legislation

The bill has been introduced in the House and may progress directly to the House Floor, not needing committee review. Senator Gardner is ready to introduce in Senate. Strategy is to be decided.

- Action Report

12. Town Attorney

EXECUTIVE SESSION

13. 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) – Eagle River Properties v. Town of Minturn (Case No. 15CV30293)

Motion by John W., second by Sage P., 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) 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) – Eagle River Properties v. Town of Minturn (Case No. 15CV30293). Motion passed 7-0.

14. Discussion/Action Item: Settlement Agreement between the Town of Minturn and Eagle River Properties, LLC related to Eagle County Case No. 15CV30293 – Powell/Sawyer

Motion by Sidney H., second by Terry A., to approve settlement of Eagle River Properties v. Town of Minturn in accordance with the settlement outline included in packet in the final form to be approved by Town Attorney. Motion passed 7-0.

FUTURE AGENDA ITEMS

15. Next Meeting – February 15, 2017

- Public Hearing/Discussion/Action Item: Ordinance 02 – Series 2017 (First Reading) an Ordinance Adopting the Development Agreement Implementing the Mountaintop Concept Alternative within the Mountaintop Area of the Battle Mountain Property– Hawkinson/Sawyer (30min)

16. Future Meetings:

- Work Session on housing – Hawkinson

17. Set Future Meeting Dates

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


18. Other Dates:

- Office Closed: February 20, 2017 – President’s Day

- Annual Audit: February 21-24, 2017

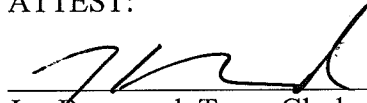
19. Adjournment

Motion by Earle B., second by John W., to adjourn the meeting at 9:23pm. Motion passed 7-0.



Mayor Pro Tem

ATTEST:



Jay Brunvand, Town Clerk

