



Official Minutes

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

Wednesday March 1, 2017

Work Session – CANCELLED
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 – CANCELLED

Regular Session – 6:30 pm

1. Call to Order

Mayor Matt Scherr called the meeting to order at 6:30pm

- 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, Econ Dev 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 Kristina K., to approve the agenda as presented. Motion passed 7-0.

3. Approval of Minutes

- February 15, 2017

Motion by John W., second by Sidney W., to approve the minutes of February 15, 2017 as presented. Motion passed 6-0. Matt S abstained as he was absent at the meeting

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

Ms. Kristin Poll, 131 Eagle St, commented that the parking on Eagle St is too limited. Willy P. stated Staff is working on a method for overnight parking in the Municipal Lot. Willy P. outlined the parking in the area and the competing factor of snow storage.

Mr. Kelly Toon, 531 Main St, asked if there was any update on the speeding on Main St. Willy P. updated this is being reviewed and will be brought forth to Council in the next month. Discussion ensued on monitoring and enforcement options. Direction was given to place this on the Police Department to report back at the next Worksession. This report should include current speed zones, signage, speed traps, etc.

5. Special Presentations

- Dark Sky Lights – new LED/Xcel – Hawkinson

Janet H. noted the Xcel lights in town have been converted to Dark Sky. She outlined a criterion regarding dark sky compliancy and stated Minturn meets or exceeds these standards. A demonstration was provided on the town's new lights installed in the 100block showing the frosted lighting. It was noted the town's lights have been turned down in brightness since the initial installation.

- Committee Reports

John W. updated on the Climate Action committee. He updated on the NWCCOG QQ meeting he will attend on 3/2/17.

Terry A. updated on the BMR Committee and how they are progressing behind the scene.

Kristina K. attended the Fitness Center meeting. She also updated the public on the availability of the 2017 Scholarship application, the application is available on the website and is due on 3/31/17.

- Council Comments

Earle B. updated on the Minturn Bar Stool Race to be held April 8 at Little Beach Park. Applications are available for team entries. Registration is available online. www.gominturn.com

Matt S. thanked all that came out for Monday with the Mayor. This will be a monthly event covering a wide variety of town functions. The next will be held 4-6pm on Monday March 27.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

6. Discussion/Action Item: Consideration of a Proclamation regarding the Eagle County Library One Book One Valley – Powell (10min)

Matt S. introduced the item and introduced Ms. Lori Barns, Vail Library. Ms. Barns stated the event is in its sixth year. The book this year is The High Divide.

Matt S. read the Proclamation.

Motion by Terry A., second by Earle B., to approve a Proclamation regarding the Eagle County Library One Book One Valley. Motion passed 7-0.

7. Discussion/Action Item: Consideration of Ordinance 03 – Series 2017 (First Reading) an Ordinance regarding RBLA Subdivision Lot 721 Main Street, Minturn, CO – Hawkinson (20min)

Janet H. introduced and outlined the Ordinance. The subdivision has been approved by the Planning Commission without snow storage and with a 10ft utility easement; Staff is requesting a 15ft utility easement. Mr. Jeff Spannel, Intermountain Engineering, explained why the 15ft is desirable. Staff is also requesting the condition that if the project does not complete the tapping work prior to the road improvements scheduled in 2018, that they be required to tap off of Boulder so as to not disturb the improvements. Staff is requesting that as part of the approval the owner dedicate an easement to the town for use of a portion of the property adjacent to Boulder St for snow storage. Arnold M, Public Works Supervisor, outlined the need for snow storage at this location in order for efficient maintenance of Boulder Street to occur. The alternative for the property would be to require a cul de sac to allow vehicle turnaround with an area to store snow.

ERFPD did not oppose the subdivision proposal without a cul de sac.

Staff is recommending approval with the proposed conditions.

Tom Sullivan, 116 Nelson Ave, spoke for the owner. Mr. Sullivan noted the history of the property to include that the original development had been granted but had been extinguished

as too much time had passed and the development agreement had expired. He noted the property is currently under contract pending approval of this subdivision.

Discussion ensued as to the merits of the conditions of the snowstorage, Mr. Sullivan felt the road cut and the water line easement of 15ft could work. It was noted that each of the lots as proposed have street frontage.

Public Hearing opened:

Mr. Jim Wear, representing Jeff Miller one of the owners, discussed some of the issues on the land and how the proposed subdivision would cure the concerns.

Mr. Jim Lochhead, representing an adjacent owner at 711 Main St, recommended the Council deny the application. He stated the proposal does not allow vehicle mobility on the site requiring the residents to back onto Hwy 24. He felt the snow storage precluded access to the subdivision from Boulder St and that one of the lots would now have a primary access from Boulder which currently does not exist. Mr. Lochhead stated that staff had not required a drainage study. One should be required prior to approval. He also requested that the mature trees be required to remain and the right angles on the proposed water lines would reduce pressure.

Mr. Brian Sipes, 102 Nelson Ave., he said the town regulations are written on the assumption that each legal subdivision is deemed to be in conformance when approved based on staff review and recommendation.

Mr. Jeff Miller, 350 Kings Ranch Rd., he also owns property adjacent to the proposed subdivision. Spoke in support of the proposal so as to minimize the impact of a denser future proposal.

Mr. Sullivan rebutted that the CDOT access can be obtained for a shared driveway. He felt this was a workable proposal to subdivide an approximate 31,000sqft lot into only three lots.

Mike S. explained that when the original improvement agreement was agreed to in 2001, there was no bond required for the public improvements and the improvements were never installed, so the plat was revoked by Council. Mike S. stated this is a new proposed subdivision and should be decided on its merits. Jeff S., stated that when the development comes forth for permits, a drainage plan will be required at that time.

Terry A. asked how many subdivisions come forth that have access on two streets; there are a number and it is not uncommon.

Janet H. stated the CDOT access applied for by the applicant and the CDOT representative has approved the plat based on joint Hwy 24 access for two of the lots so no concern is anticipated. It was clarified that the right angle water line turns is not the best case scenario but it is also not uncommon. Once flows are known, the line can be designed. Janet H. noted

it has been reviewed by staff and by the overlaying districts and they have not expressed any concern. She stated at this point the only contention is the snow storage on private property.

Willy P. noted that as the south Minturn Main St. project is completed we will be needing to consider increased equipment and even staff in Public Works. He expressed the Boulder St snow storage is a benefit to all the residents of that area, including the applicant.

Earle B. stated we have limited funds for a limited budget. This needs to be considered as we consider subdivisions and increased impact on a limited budget and staff.

Kristina K. felt the conditions proposed were not overbearing.

Matt S. asked if approval with conditions or denial which would be best for the owner. Mr. Sullivan stated that if the snow storage remains then the current contract will be pulled so denial might be best. Tom S. noted that each lot is far larger than the minimum lot standard of 5,000sqft.

Public Hearing was closed.

Discussion ensued as to the snow storage and alternative options.

Motion by Earle B., second by Kristina K., to approve Ordinance 03 – Series 2017 (First Reading) an Ordinance regarding RBLA Subdivision Lot 721 Main Street, Minturn, CO as presented with the following conditions. Motion passed 6-1. Nay: Sidney H.

1. The subdivision plat will be amended to depict an easement dedicated to the Town of Minturn on through the middle of Lots 2 and 3, and amended Lot 1 of the McFarlane Minor Subdivision. The easement will be 15 feet in width for the construction, operation, maintenance and replacement of a water line. This easement is required to allow Minturn to loop water lines in this area which is needed to provide adequate supply and pressure through town and in the event water needs to be temporarily turned off in an adjoining town zone.

OR

The subdivision plat will be amended to depict an easement dedicated to the Town of Minturn at the west, rear of lot 3 and in between lots 2 & 3, and the west, rear of amended Lot 1 of the McFarlane Minor Subdivision. The easement will be 15 feet in width for the construction, operation, maintenance and replacement of a water line. This easement is required to allow Minturn to loop water lines in this area which is needed to provide adequate supply and pressure through town and in the event water needs to be temporarily turned off in an adjoining town zone.

2. The subdivision plat contains drainage and utility easements along common lot lines for the benefit of each lot depicted on the plat. The plat will be amended to contain a plat note stating “It is anticipated that sidewalks will be constructed along Highway 24 and the Highway 24 roadway will be resurfaced in 2019. In

order to prevent damaging cuts into the new sidewalk and roadway, utility service extensions from Highway 24 will be constructed onto each Lot prior to the sidewalk/resurfacing work. In the event that any utility is not extended from Highway 24 onto the Lot prior to the sidewalk/resurfacing work, the owner of said Lot will be required to obtain access to such utility from Boulder Street by way of the utility and drainage easements depicted on the plat.” The individual lots will not be granted street cut permits to attach to water, sewer and other utilities on Highway 24 after the new paving and sidewalks are installed with the CDOT - Minturn South Sidewalk & Road Reconstruction Project.

3. The subdivision plat will be amended to depict an easement dedicated to the Town of Minturn for snow storage on Lot 2 at the end of Boulder Street. The easement will be 25 feet wide off Boulder Street and temporary snow storage to be an area of 25’ x 25’ depth of property straight across from street width and driveway cut. The town will remove snow on this driveway as part of snow storage/ removal on town right of way. Traditional lots at the end of streets have a cul-de-sac and standard 50’ wide curb front which permits effective snow removal and snow storage at a dead end. Minturn’s historic character and layout has made this a dead end street into Lot 2 with only 25’ of frontage. The NE corner of the lot will remain landscaping for temporary snow storage with the plowing of snow on Boulder Street.

OR

The subdivision be required to install a standard 50’ cul-de-sac at the end of Boulder Street.

4. The subdivision plat will be modified consistent with comments of the Town Attorney and the Town Engineer.

8. Discussion/Action Item: Consideration of Ordinance 04 – Series 2017 (First Reading) an Ordinance amending Chapters 4 and 6 of the Minturn Municipal Code by the adoption of new regulations for Short-Term Rentals – Powell (10min)

Willy P. outlined the ordinance, its conditions, and its intended purpose. Short Term rentals negatively affect our long-term housing, parking is affected, as are the atmosphere of the individual neighborhoods.

Matt S. asked if, because he has in the past rented his house through an online service, he would have a conflict of interest? Michael S. opined he would be free to recuse but it is an ordinance of general applicability so his conflict is minimal. Council felt Matt S. should not recuse his seat.

Janet H. stated that we have had a large number of complaints on parking, it is in conflict with some of the town’s review codes, and Willy P. noted residential neighborhoods are not designed to handle the effects of commercial hotel and transient rental.

Discussion ensued as to what this ordinance is written to correct. Concern was that the potential landlord is not identified so regulation is left to chance. Further, impacts on neighborhoods need to be regulated.

Public Hearing was opened.

Mr. Tom Sullivan, Minturn R&D, spoke in opposition to the ordinance. He felt the fees and parking requirements were exorbitant.

Mr. Kelly Toon, 531 Main St, felt the fees were too high.

Kristina K. felt a fine should be considered for those that require staff time rather than the \$500 annual fee on all. She felt the two-year ownership was also not desirable. Council concern for overregulation was expressed.

Sage P. stated the fee should be \$200 and the parking issue needs to be resolved. Staff noted the many concerns that this ordinance is designed to address. It was noted that it is much more important to be fair and just than it is to have a quick fix.

Motion by Terry A., second by Sidney H., to table to March 15, 2017 Ordinance 04 - Series 2017 (First Reading) an Ordinance amending Chapters 4 and 6 of the Minturn Municipal Code by the adoption of new regulations for Short-Term Rentals. Motion passed 7-0.

- 9. 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 (5min – to be continued to the March 15, 2017 meeting)**

Opened the Public Hearing.

No public comment.

Public Hearing was continued to the March 15, 2017 Council meeting.

Motion by John W., second by Sage P., 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 March 15, 2017 Council Meeting. Motion passed 7-0.

- 10. Discussion/Action Item: Ordinance 02 – Series 2017 (Second Reading) an Ordinance Adopting the Development Agreement Implementing the Mountaintop Concept Alternative within the Mountaintop Area of the Battle Mountain Property – Hawkinson/Sawyer (5min – to be continued to the March 15, 2017 meeting)**

Opened the Public Hearing.

No public comment.

Public Hearing was continued to the March 15, 2017 Council meeting.

Motion by John W., second by Terry A., to continue Ordinance 02 – Series 2017 (Second Reading) an Ordinance Adopting the Development Agreement Implementing the Mountaintop Concept Alternative within the Mountaintop Area of the Battle Mountain Property to the March 15, 2017 Council Meeting. Motion passed 7-0.

11. Discussion/Action Item: Eagle County Housing and Development Advisory Committee appointment – Powell

Matt S. noted both John and he desired to serve on this committee. Matt S. requested he be appointed and John be the alternate.

All agreed and directed it thus.

COUNCIL AND STAFF REPORTS

12. Town Planner (5min)

Accepting applications for a new Planning Commissioner, applications are available on line.

13. Town Manager (5min)

- Manager's Report

Minturn to Dowd Bike Path

Should we develop a political strategy with Eagle County to address our concerns with the State Land Board? Please see attached email sent to Acting County Manager/County Attorney Bryon True. No response received as of Feb 24.

Dowd Junction Items

No change in status since last update

We received from United Properties a conceptual site plan and Janet, Matt and I had a telephone conference with UP to discuss. Several flaws were observed. It was decided UP would revisit assumptions regarding tenant needs and layouts. Following their findings we will conduct a design charrette, likely in March.

Forest Service is reviewing the Agreement of Intent submitted by the Town.

Maloit Park School District Housing

Following meeting with the School Board, I met with their planner, Tom Braun and Sandra Mutchler, Chief Operations Officer, regarding future housing plans located at the northerly end of the Maloit Park property. Discussion items are: a mix of housing types, need to not renew the Rummage Sale lease ending in 2018 and an understanding between the District and Town of the maximum number of units to be built before any replacement water plant is on-line.

Main Street Pedestrian Planning

One on one meetings with effected property owners are being scheduled for March 7.

Minturn Fitness Center

See attached 2/20 agenda and financials, for your information.

Traffic Speed, Calming Discussion

Staff is compiling information to discuss signage, data collection, calming. We will discuss in an upcoming worksession.

Michelle M. updated the Council on 100 Block parking update. This will include overnight parking in the Muni Lot with strict enforcement to allow snow removal. It was noted in any case, RV's, trailers, and the like will not be allowed.

- Action Report

14. Town Attorney

EXECUTIVE SESSION

15. Executive Session:

An Executive Session for the purpose of discussing Town Manager transition strategies and its effect on personnel under C.R.S. Section 24-6-402(4)(f)

Motion by John W., second by Terry A., to convene in Executive Session for the purpose of discussing Town Manager transition strategies and its effect on personnel under C.R.S. Section 24-6-402(4)(f). Those included in the Executive Session include the Council seated, the Town Manager, and the Town Attorney. Motion passed 7-0.

FUTURE AGENDA ITEMS

16. Next Meeting – March 15, 2017

- Discussion/Action Item: Resolution ___ – Series 2017 a Resolution allocating Holy Cross Energy Community Enhancement funds – Brunvand
- Special Event Liq Lic for Barstool Racing Event

- Ord __ - Series 2017 regarding Parking fine structure – Powell
- Work Session: Traffic Calming/Speed reduction report and discussion
- Discussion/Action Item: Ordinance 04 - Series 2017 (First Reading) an Ordinance amending Chapters 4 and 6 of the Minturn Municipal Code by the adoption of new regulations for Short-Term Rentals

17. Future Meetings:

- Work Session on housing – Hawkinson
- Review 100-Block Employee Parking Plan Phase I
- Worksession: Parking, Speeding, and traffic control
- Snow plow & mag chloride debriefing

18. Set Future Meeting Dates

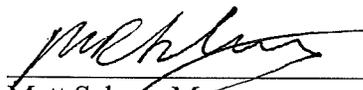
- a) Council Meetings:
- March 15, 2017
 - April 5, 2017
 - April 19, 2017

19. Other Dates:

- Barstool Racing: April 8, 2017

20. Adjournment

In that there was no further business to consider, the meeting stood adjourned at 11:40pm.



Matt Scherr, Mayor

ATTEST:



Jay Brunvand, Town Clerk

