



Official Minutes

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

Wednesday March 15, 2017

Work Session – 5:30
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

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Work Session – 5:30

- Traffic calming/speed reduction report and discussion – Powell

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, Assistant Town Manager/Econ Dev Michelle Metteer, 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

Motion by John W., second by Sage P., to approve the agenda as presented. Motion passed 7-0.

3. Approval of Minutes

- March 1, 2017

Motion by John W., second by Sage P., to approve the minutes of March 1, 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. Daren Tocholke, 530 Taylor, asked the Council to remind those speaking to speak from the podium so that they are heard by the camera this will help those that watch the meetings on line.

Ms. Shelley Bellm, 470 Pine St, said that several people had been hit in the town, one she had personally witnessed in another town. She requested the town to support a proclamation on the effects of distracted driving. Ms. Bellm also discussed the parking issues in the 100 Block. She stated it is the property owners responsibility to supply required parking for residences and businesses. She stated the Eagle River Park parking lot should not be overnight parking.

5. Special Presentations

- Committee Reports
- Council Comments

Terry A. congratulated Michelle M. as the new Assistant Town Manager.

Matt S. reminded all of the Bar Stool Race on April 8. Monday, March 27 is Monday with the Mayor at 4pm. Willy P. will be present to discuss the town management.

Kristina K. reminded all of the scholarship program and applications are due by March 31.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

6. 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

Janet H. presented the Ordinance she thanked all that have devoted time. Michael S. reviewed the changes from the First Reading. He noted the community water system topic.

This concern was to ensure water rights for a community water system would not negatively impact the Town's water rights or force the Town to engage in expensive water court proceedings. The applicant and the Staff have worked hard to balance the needs of the town with the applicant's concern that we have sufficient guidelines to process an application. Michael S. noted that the town and the town's water attorneys are satisfied and recommend approval.

Michael S. did provide a minor rewording of the ordinance from the materials presented in packet for second reading. He requested this be incorporated into the ordinance motion.

Mr. Tim McGuire, Battle Mountain Resort, noted how pleased the applicant is with this ordinance and the work taken to come to agreement. It was noted that several items were added to accommodate the wildlife habitats and migration routes. Discussion ensued that public mountain biking is not allowed but private mountain biking is allowed on your own lot. He also noted that water and sanitation features are to be contained on the individual lots or otherwise will go through a Town review process. He discussed affordable housing impact fees and how this ordinance incorporates that.

Matt S. opened the continued public hearing.

No Public comments.

Public Hearing was closed.

Matt S. thanked all for their work.

Motion by John W., second by Sage P., to approve 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 as amended. Motion passed 7-0.

7. 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

Michael S. outlined the ordinance and changes from the First Reading. He noted how this agreement modifies the original developer agreement. He reviewed how this can be operated as a ski area tract or a mountain top development tract and the highlights of both. He noted Staff is recommending approval and stood for Council questions.

Tim McGuire, Battle Mountain Resort, presented for the developer and answered questions.

Kristina K. noted that the agreement allows for the demise of the protected area for peregrine falcons but if the falcons cease being present that restricted area would go away. Janet H.

noted that even if the peregrine falcon protected area goes away, the same areas are protected by development by the view corridor protections.

Matt S. opened the continued Public Hearing

No comment

Public comment was closed.

Motion by Sidney H., second by Kristina K., to approve 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 as presented. Motion passed 7-0.

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

Janet H. highlighted the ordinance as approved on First Reading. Staff is recommending approval as presented. Discussion ensued on the snow storage size.

Ms. Ann Hutchinson, representing Richard Berridge and Minturn LLC, spoke for the current owner and opposed the snow storage easement condition. She requested the plat be approved without the agreed snowdump. She felt there was no Nexus for the snow storage use with the subdivision of the Minturn LLC property. The town, she stated, could not correlate maintaining all the snow from the block on the property in question at the benefit for the other residents on the year. She stated the owner would consider a nonpermanent use but not the permanent access. She cited CRS 29-20-201. When asked if the applicant would consent to a cul-de-sac she stated the applicant would not.

Michael S. stated the town is being requested to approve a subdivision, it is wholly appropriate to make this request on such a subdivision request. He stated the lot line angle precludes efficient snow plowing. Michael S. stated the existing lot has access to Main St. the new subdivision on the lot creates a lot that access Boulder. This does create a burden on the town's operations and a nexus for the snow storage request. The request for an expedited approval process created a self-imposed burden on applicant. Further the applicant would not agree to a cul-de-sac which would alleviate the snow stacking request.

Mr. Tom Sullivan spoke for the applicant. He stated the owner is insolvent. He stated he has had several meetings with staff and stated the Town is asking for 20% of the property combined for both the waterline easement and the snow storage. He expressed this was a significant constraint on the property. He stated this property was properly subdivided in the early 2000s but the town refused to extend the agreement when it expired.

Michael S. stated applications were originally submitted for referral comments and not as a completed formal application. Although this allows Staff to give direction, the town does not completely review a proposal until a formal application is filed and the applicant pays fees to

offset the formal review and the use of experts. Tom S. stated the applicant could not get an answer from the town on the application process required; administratively or full application.

Public Comment was opened.

Mr. Jim Lochhead, representing 711A Main. He stated currently the property is a dead-end and snow is stacked in the right of way at the dead-end. He stated with the proposed lot configuration, the only way to access the lot is to move the snow storage. He stated this was a reasonable request to place on the applicant.

Public Comment was closed.

Sidney H. asked of the damaged title. Michael S. referenced the previously approved subdivision agreement. The agreement called for several conditions including the existing house to be demolished, the house was instead improved and no other development or adherence to the original agreement was made. State Statute allows the town to extinguish the subdivision. Mr. Sullivan stated it was the extinguishment of the subdivision that damaged the title not the improvement of the house. Janet H. stated the lot had included the road within the subdivision which, without the road, the lots were not sufficiently sized. Michael S. stated the Ordinance that extinguished the subdivision has been done since 2008 and the statute of limitations has run out.

Council recognized and empathized with the applicant. It was noted of the new access to Boulder St and the reduced size of the snow storage as attempts to work with the owner. Tom S. stated that the pending sale will fall through if approved with the snow dump condition. The resized snow storage will help in attempting to find a new buyer of the land prior to going into foreclosure.

Council discussion ensued on the snow storage area and the benefits of a cul-de-sac. It was noted the cul-de-sac is the most impacting of the property. The lot accessing Boulder St is in a very narrow right of way which requires working together. The alternative of removing the snow immediately as opposed to temporary stacking is cost prohibitive to the citizens of the town for the benefit of this subdivision decision.

Motion by Earle B., second by Matt S., to approve Ordinance 03 - Series 2017 (Second Reading) an Ordinance regarding RBLA Subdivision Lot 721 Main Street, Minturn, CO as presented. Motion passed 5-2. (Nay: Sage P and Terry A.)

9. 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 – Powell/Hawkinson

Willy P. recommended a subcommittee be formed to study this issue. Business licenses will be applied and approved based on existing municipal code thereby allowing time for the committee to develop a solution.

Kristina K. wanted to ensure a balanced committee be formed.

Public Hearing was opened.

Ms. Lynn Teach, 253 Pine St, spoke as a home owner and business owner. She expressed that Minturn should consider this as a business and be regulated as such. She felt a town full of short term rentals would change the character of Minturn as a small-town neighborhood community. She did not want them banned, she wanted them to be regulated.

Mr. Daren Tacholke, 530 Taylor, spoke opposed citing parking as a deciding concern.

Ms. Robin Adamson, 362 Main St and second homeowner. She stated she uses the home for her ski home and rents it both short and long term when she is not using it. She stated several of her renters have gone on to purchase their own second homes in Minturn. The short-term rental allows people to enjoy ownership and become members of the community. She stated parking is a concern but it is not limited only to short term rental units.

Ms. Tracy Long, 551 Main St, spoke as a second home owner and spoke for allowing them.

Mr. Matt Anderson, 26 Meek St, spoke as a second home owner and spoke for allowing them. He felt limiting the number of nights and not counting kids in the parking count might be a concept that could be considered by the committee. He also asked that fines and fees be considered by the committee to ensure they are fair and equitable.

Mr. Tom Sullivan, 116 Nelson Ave, spoke in support of rentals. He stated some owners rent to afford the property and some rent so the house does not sit empty and vacant. He stated a vacant house does not help to make a vibrant community. He stated parking requirements need to be fair and that the proposal as written is heavy handed for the second home owners.

Mr. Kelly Toon, 531 Main St, spoke in support of short term rentals. He felt an empty house is more detrimental to the community than a rental.

Ms. Tracy Long, 551 Main St, spoke again in support of short term rentals. Submitted that a certificate of insurance be submitted in lieu of inspection.

Terry A. read a letter that Mr. Mark Tamborino, Kirby's BBQ Bar had submitted as he was unable to make the meeting. His comments made note that parking is an issue.

Public Hearing closed.

John W. reviewed some of the highlights of the Ordinance as presented. He discussed options for parking and fees.

Discussion ensued on the parking issue and options were discussed along with the need for fairness. If we require rentals to supply parking, we should require every residence to provide

sufficient parking. Earle B. noted that the short-term rentals are a business in residential areas.

Note: this agenda item referenced Ordinance 04-2017. This Ordinance has not been approved on first reading and has been withdrawn and referred to the subcommittee to develop. It is anticipated the subcommittee will revise the Ordinance and refer it back to the Council for consideration at a later date.

Direction was to form a committee. Matt S. and Sidney H. from Council. Willy P. stated he will spearhead setting up the committee with the council members selected.

10. Discussion/Action Item: Ordinance 05 – Series 2017 (First Reading) an Ordinance amending the Town Code regarding loitering – Powell/Sawyer

Michael S. outlined the need for this ordinance. This Ordinance makes Minturn comply with current court rulings in regard to begging and loitering.

Public Hearing opened.

No comments.

Discussion ensued as to loitering vs public nudity and other concerns.

Public Hearing was closed.

Motion by John W., second by Terry A., to approve Ordinance 05 – Series 2017 (First Reading) an Ordinance amending the Town Code regarding loitering as presented. Motion passed 7-0.

11. Discussion/Action Item: Ordinance 06 – Series 2017 a Supplemental Appropriation for 2016 as requested by auditors – Brunvand

Jay B. outlined the issue and answered questions.

Public hearing opened.

No comment.

Public Hearing closed.

Motion by John W., second by Earle B., to approve Ordinance 06 – Series 2017 a Supplemental Appropriation for 2016 as requested by auditors as presented. Motion passed 7-0.

12. Discussion/Action Item: Ordinance 07 - Series 2017 regarding Parking fine structure – Powell

Willy P. outlined the issue that a number of offenders are parking in Minturn because it is cheaper than the other communities. This is an attempt to make our fees for parking infractions an increased importance for consistent offenders.

Public hearing opened.

No comment.

Public hearing closed.

Motion by Sidney H., second by John W., to approve Ordinance 07 - Series 2017 regarding Parking fine structure as presented. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

13. Town Planner (5min)

- Design Review Approval - 992 Main Street
- Sign Approval - Yoga Peace Love

Ms. Tracy Long, applicant for the yoga studio was available for questions.

14. 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. Bryan believes it best to discuss with SLB Board Member Greg Moffat, meeting to be arranged.

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

I received from School Superintendent Jason Glass a letter confirming the District wants to use its remaining 120 SFE for district housing.

Assistant Town Manager

Michelle has been promoted to the Assistant Town Manager position, effective March 13. With Matt attending, an all-employee meeting was held on March 7 to explain to staff the promotion and steps moving forward.

- Action Report

15. Town Attorney

FUTURE AGENDA ITEMS

16. Next Meeting – April 5, 2017

- Discussion/Action Item: Resolution ___ – Series 2017 a Resolution allocating Holy Cross Energy Community Enhancement funds – Brunvand
- Liquor Authority: Town of Minturn Barstool race Celebration Request for Special Event Permit; Little Beach Park 800 Cemetery Rd.; Michelle Metteer, Town Economic Dev Coordinator – Metteer
- Resolution 07 – Series 2017 a Resolution approving a real property exchange and Temporary Easement Agreement – Powell

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:

- April 5, 2017
- April 19, 2017
- May 3, 2017

19. Other Dates:

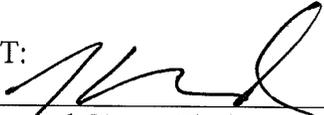
- Barstool Racing: April 8, 2017

20. Adjournment

Motion by John W., second by Earle B., to adjourn the meeting at 9:40pm.


Matt Scherr, Mayor

ATTEST:


Jay Brunvand, Town Clerk

