



## Official Minutes

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

**Wednesday May 17, 2017**

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

**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 – 5:30pm**

- **MMC 16 Article 22: Nonconforming Uses, Structures & Lots – Powell/Sawyer/Hawkinson**

### **Regular Session – 6:30pm**

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

Mayor Matt Scherr called the meeting to order at 6:38pm

- Roll Call

Those present included: Mayor Matt Scherr, Mayor Pro Tem Earle Bidez, Town Council members, Sidney Harrington, Terry Armistead, Kristina Krone, and John Widerman. Note: Sage Pierson was excused absent.

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

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Motion by Earle B., second by Terry A., to approve the agenda as presented. Motion passed 6-0. Note: Sage Pierson was excused absent.

## **3. Approval of Minutes**

- May 3, 2017

Motion by John W., second by Sidney H., to approve the minutes of May 3, 2017 as presented. Motion passed 6-0. Note: Sage Pierson was excused absent.

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

Mr. Robert Martinez, 800 Main St, discussed code enforcement. He said the Town is telling people that he was the one that turned in several issues to the Town. He felt this was not fair nor respectful and that the Town should take responsibility, and that the Code Officer should be terminated. He said that he and his property are being held to a different standard than other citizens.

Willy P. stated every resident in town that had inoperable vehicles was contacted, they were given a deadline of May 15, and that deadline had been extended to May 25 for everyone. Willy P. stated that Mr. Martinez did not get a letter informing of the deadline extension because he had abated his issues prior to the extension. Willy P. noted most of the code enforcement issues in town are handled on a complaint basis. However, inoperable vehicles were handled from the town on a town-wide basis, not on a complaint basis. Citations will be issued after the second warning for those yet unabated, the second warning expires on May 25, 2017.

Both Terry A. and Matt S. outlined how the Council has directed the code enforcement to proceed and that the staff is proceeding as directed.

## **5. Special Presentations**

- Update by Sandra Mutchler, Eagle County School District, reference status of bonded projects – Powell

Mr. Jeff Chamberlin, ECO School District Bond coordinator, outlined the progress made on the successful passage of the 2016 bond election and stood for questions.

- Committee Reports

Sidney H. reported on the High Five Access meeting and some of the products they offer.

Kristina K. updated on the Minturn Scholarship awards. Seven students received awards.

Janet H. announced she is seeking applicants for the Planning Commission. Mr. Lou Meskaman, Thank You Masked Man business owner, stated Minturn is one of the only communities in the County that does not allow business owners to serve on the Planning Commission. He requested the Council consider looking at allowing business owners.

John W. updated on the Partners In Energy program and the progress currently being made. John W. also updated on the county wide recycling and waste diversion efforts. He noted they are down from last year. He reminded all citizens of the town's free single stream recycling in the dumpster at the north end of the Town Hall.

Terry A. reminded all of the Town Cleanup Day on June 3, 8am-noon. Contact the town if you have the need for large article pickup.

Matt S. noted May 22 4pm-6pm Monday's with Mayor at Kirby's BBQ Bar and several other upcoming events. He noted the VVMBA is working on the new mtn bike path on Wednesdays. He encouraged all interested in helping to volunteer.

Matt S. also noted the efforts being made to manage the parking on Main St and the adjacent areas.

Matt S. stated the bears are out and getting into the trash cans. The Town Code requires cans to be put out and taken in the same day as the trash is picked up and cans are to be stored in a secured area. He reminded a fed bear is a dead bear.

- Council Comments

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

**6. Discussion/Action Item: Consideration of Resolution 11 – Series 2017 a Resolution approving a professional services contract for water engineering services – Powell**

Willy P. outlined the Resolution. He stated this service contract is to hire a water engineering firm to assist the town with our water development needs. Willy P. introduced SGM Engineering as the company chosen by the Water Committee. The request is to approve a two-year contract which can be extended if needed. The contract will be to evaluate our future water needs, water treatment plant needs, water storage and supply needs, etc.

Messer's Warren Swanson and Ryan Gordon of SGM were introduced and stood for questions.

Mr. Tim McGuire, BMR, asked how long the initial getting up to speed would take? Willy P. stated they will have a kickoff meeting to define the scope of the work post haste. How long it will take will be dependent on the defined scope.

Motion by Earle B., second by John W., to approve Resolution 11 – Series 2017 a Resolution approving a professional services contract for water engineering services as presented. Motion passed 6-0. Note: Sage Pierson was excused absent.

Willy P noted this is specific to water and does not

## COUNCIL AND STAFF REPORTS

### 7. Town Planner (5min)

### 8. Town Manager (5min)

- Manager's Report

#### **Holy Cross Powerline Alignment**

I met with David Bleakley of Holy Cross Energy. He expressed that Council would support a preferred alignment in the upper mountain top, roadless area. If that is Minturn's position they will begin preparing application to the Forest Service for easements.

I was absent for the Council meeting when Bleakley last presented the three alternative alignments. In discussing this with staff, they believe the presentation was difficult to assess. The westerly alignment was thrown out. Was the preferred alignment the middle corridor, partially buried through Minturn? Staff believes this may be the case, but we want another discussion. Do we need HCE to attend another meeting with better presentation materials?

Council directed that HCE attend a near future Council Meeting for a public review and understanding of the actual alignment. Council expressed their concerns of the effects of buried cables and the effects of view corridors. Mr. Tim McGuire, BMR, recommended they present a 3-D model.

#### **Bolts Ditch Legislation**

As earlier reported the US House has passed the bill as stand-alone legislation. On the Senate side the legislation has passed out of committee and now on to the Senate Floor, and will be part of a larger legislative bill. Assuming passage by the Senate, it will then go back to conference committee for final adoption.

#### **Dowd Junction**

Forest Service staff is meeting to discuss the Agreement of Intent. FS has not reported back to the town.

### **Dowd Junction Waterline**

We have identified two alignment alternatives for the waterline. One alignment is between the tracks and Eagle River and the other is on the county road. Both alignments require licensing and payment to the railroad. Unfortunately, the county road exists on an easement of Union Pacific and is only for surface transportation and the license is silent on utilities. The railroad seems steadfast on charging the town for the waterline easement. We are checking on two items. The town has two licenses for waterline work and we are taking the position that "modifying" the waterlines to increase the size from 8" to 12" is allowed. The town is also taking the position that if the waterline is on the county road, it would serve as value added to the UP property. So far that position has been rejected.

An appraisal has been ordered to value an underground utility on either alignment.

### **Minturn to Dowd Bike Trail**

The bike trail uses three ownership pieces of land: the county road, USFS land and potentially State Land Board property. As reported the Land Board will not issue an easement until their dispute with CDOT is concluded. The Forest Service will not accept an application for processing an easement request until all other parties have granted permission. Additionally, the FS does not want to accept an application unless there is certainty the project has funding and construction is within a specified time period. I met with the ECO Trail Coordinator, Kevin Sharkey to discuss funding and priorities. Kevin says the Eagle to Wolcott segment is highest priority now because of a GOCO award and the project will consume funding for a two to three year period. Following the Eagle to Wolcott construction, Minturn may receive high priority.

There will be upcoming discussion of whether to go back to the voters in 2018 for a similar question to use a part of the Open Space Tax for trails and extend the sunset for the tax. If the ballot question is presented and approved, it improves likelihood of funding the Minturn to Dowd segment.

The State Land Board easement is still in question. Because of the above we may have time to sort out the easement.

### **Main Street Pedestrian Planning Project**

The town and Stolfus have an important meeting with CDOT to review the Field Office Review (FOR) plans on May 31. FOR plans are a CDOT acronym for final plans.

The town will need to begin right-of-way acquisitions for the project and will need to contract with a specialist for appraisals and negotiations. No negotiations occur if the appraised value for an individual property is \$5000 or less. Staff is reviewing the right of way plans with Stolfus with respect to finalize drawings and appraisal needs.

### **Sidewalk Improvements Downtown**

Letters have been sent to certain property owners who have faulty sidewalks adjacent to their property. The program is a voluntary cost share. See attached letter for information on the program. Willy P. updated the Council that about 9 letters were sent to property owners with failing sidewalks and has had 4 sign up for the project.

- Action Report

**9. Assistant Town Manager (5min)**

- Assistant Manager's Report

Parking

Business owners, employees, property owners and residents are invited to an open downtown parking discussion Monday, May 15<sup>th</sup> at 2:00 pm.

Guide Signage

Minturn's Guide Signage (Wayfinding signs) application was submitted to CDOT in December of 2016. CDOT has provided a verbal approval and our town is currently seeking new bid estimates from bidding companies as the process with the current companies is taking too long.

Water Fluency Class

I'm currently taking the Water Fluency class administered by the Colorado Foundation for Water Education. This is the most comprehensive water class Colorado offers. Curriculum covers: Colorado's water resources: the role of water in society, the economic value of water, ties to public policy, emerging issues. Legal and institutional frameworks: water law and administration, project planning and approval, interbasin projects and agreements. Water resource management: watershed health, environmental protection, water quality, natural disasters. Colorado water for the future: assessing supply and meeting demand, ecosystem values, conservation and land use, alignment of resources and policies

Adopt A Trail Program (Game Creek Trail)

The Town of Minturn is hosting our first trail maintenance day of the season Monday, June 12<sup>th</sup> from 5:00pm to 7:00pm at Game Creek Trail. Please join us for two hours of great outdoor work with your local community members!

Street Sweeping

The street sweeping calendar is being updated to add additional locations throughout town. The full schedule can be found at [www.minturn.org](http://www.minturn.org).

Minturn Market

Finalizations for the Minturn Market are underway. The Vail Daily is back as the presenting sponsor and entertainment scheduling is happening now. The Mini Market starts June 17<sup>th</sup> and the full Market begins July 1<sup>st</sup>. [www.minturnmarket.org](http://www.minturnmarket.org). The Mini Markets will have about 35 vendors as compared to 85+ vendors at the regular markets.

Little Beach Park

The park is now open and taking summer reservations. Contact Jenny Lowe at [courtclerk@minturn.org](mailto:courtclerk@minturn.org) for more info.

VVMBA (Mini Mile)

The Vail Valley Mountain Bike Association continues to do amazing work out at the new Minturn Mini Mile. They're working hard to have the trail ready before the Vail Rec Districts

hosts is first kids mountain biking race out there on Aug 30<sup>th</sup>. We're hoping more Minturn locals will join the effort to make this a great beginner trail for everyone!

Thanked all the volunteers that helped out at the Highway clean up.

The proceeds of the Barstool race raised \$1,110.16 for the Minturn Community Fund Neighbors in Need program.

Willy P. requested a Worksession for easements needed for the Minturn to Dowd water line and the South Minturn road improvements on June 7.

Willy P. and Michelle M. discussed with Council the proposed posting box. He requested Council direction on this. He stated the Econ Dev Committee did approve this to be located on the Town Hall. Discussion ensued as to the merits and options. Council directed it not be located on the Town Hall and that other options be considered.

#### **10. Town Attorney**

Michael S. discussed the process of Quiet Title filings. One such has been filed and the town will be filing in opposition given that the river is used by the public and therefore would not nor should not qualify. He will bring forward information to the Council at the next meeting asking direction to file the opposition.

### **FUTURE AGENDA ITEMS**

#### **11. Next Meeting – June 7, 2017**

- FY 2016 Audit presentation – Brunvand
- Holy Cross Electric presentation on proposed powerline alignment – Powell
- Worksession for easements needed for the Minturn to Dowd water line and the South Minturn road improvements on June 7
- Direction regarding Quiet Title filings

#### **12. Future Meetings:**

- Presentation of 2016 Financial Audit – Brunvand
- Work Session on housing – Hawkinson
- Snow plow & mag chloride debriefing
- Discussion/Action Item: Consideration of Resolution \_\_\_ - Series 2017 a Resolution approving Conditional Use Application CU 01-2017 for 810 Cemetery Rd – Brunvand

#### **13. Set Future Meeting Dates**

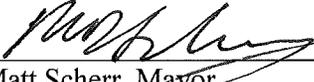
- a) Council Meetings:
- June 7, 2017
  - June 21, 2017
  - July 5, 2017

**14. Other Dates:**

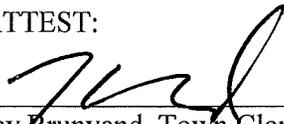
- Office Closed: May 29, 2017 – Memorial Day

**15. Adjournment**

Motion by John W., second by Earle B., to adjourn the meeting at 8:37pm.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

