



## **Official Minutes**

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

**Wednesday August 2, 2017**

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

**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 – CANCELLED**  
**Regular Session – 5:30pm**

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

Mayor Matt Scherr called the meeting to order at 5:30pm

- Roll Call

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

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

## 2. Approval of Agenda

- Items to be Pulled or Added

Michelle M. asked to add a motion to direct the Mayor to sign a letter at the end of the meeting.

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

## EXECUTIVE SESSION

*Note: The Executive Session will be held first at 5:30pm. At 6:30pm the regular portion of the Council Meeting will commence.*

### 3. Executive Session – An Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, receive legal advice on the topic, and instructing negotiators under C.R.S. Section 24-6-402(4)(e) – State Land Board Property, Battle Mountain Resort, and Eagle Street sewer line

Motion by Terry A., second by Sage P., to convene in Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, receive legal advice on the topic, and instructing negotiators under C.R.S. Section 24-6-402(4)(e) – State Land Board Property, Battle Mountain Resort, 106 Main St vacation of Right of Way, and Eagle Street sewer line. Motion passed 7-0.

The Council convened in regular session from Executive Session at 6:25pm. The Council noted they had recessed the Executive Session and would reenter and continue the Executive Session at the end of this meeting.

Resumed public session at 6:30

## 4. Approval of Minutes

- July 19, 2017

Correct Minutes to reflect Terry A. as present at Roll Call.

Motion by John W., second by Sage P., to approve the minutes of July 19, 2017 as amended. Motion passed 7-0.

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

Mr. Randy Quintana, 947 Main St, received a letter from the Kathy B., Code Enforcement officer, and discussed his citation. He felt the Code Enforcement Officer was being unduly unfair to him and that he felt he was being singled out. He handed out several pictures that showed storage items on the Town property (Boneyard Property) and asked if the Town had been cited

for their storage too? He also identified town vehicles that had expired tags which were being driven and asked about those as well.

Matt S. explained that the Council had requested the enforcement be stepped up in an effort to clean up the town overall. He further requested staff to look into the concerns that the town vehicles are improperly licensed. Willy P. stated that

*Note: government license plates are annually registered, however, do not have year stickers affixed to the license plate. Those that have year stickers are older plates and a carry-over from when they were issued year stickers. This was confirmed by the Eagle County Clerk and Recorder.*

Mr. Floyd Duran, 643 Boulder St., had been cited for unregistered vehicles as well by the Code Enforcement officer. He stated he has addressed the issues and licensed and insured the vehicles and that he works long hours and is not able to make court. He stated he knows what junk is and most of his items are not junk. He reiterated that he was upset but was addressing the issues.

Willy P. stated court had been backed up to Sept. and stated he would meet with the Code Officer tomorrow and follow up with Mr. Duran.

Mr. Tim McGuire, 440 Eagle St (Battle Mtn Resort), updated on the great turnout of the NIMBY Jamboree meeting in Vail today to hear ideas and discuss issues related to affordable housing. He also stated he had been working with the Bolts Lake committee and felt, although they have hit a few snags, they are moving forward in a positive direction.

## **6. Special Presentations**

- Committee Reports

John W. noted the handouts on the proposals for the Eagle Mine area clean up. He asked all to review and get back with him on comments and outlined the documents for the Council (OU-1 and OU-3). He requested the Council review the documents during the next work session. This would allow any council comments to be included in the Public Comment period currently being held by the state. Willy P. also said comments could be turned in to Staff for incorporation and distribution to all.

John W. updated on the Xcel Utilities Partners in Energy plan. They had a recent meeting and it is moving forward in a positive way.

- Council Comments

John W. announced he and Michelle M. were certified in Water Fluency by the Colorado Foundation for Water Education.

Sage P. stated the Code Enforcement is a thank less job but it is producing positive results.

Terry A. commented on the NIMBY Jamboree. Terry A. stated the party at the park for the kids before school starts is a great idea that Mr. Randy Quintana had. She will look into it. She noted the Minturn Concert series is underway and she extended kudo's on how the area is clean and neatly picked up when the concert ends.

## PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

**7. Discussion/Action Item: Consideration of Resolution 15 – Series 2017 a Resolution approving a ballot question for the November 7, 2017 County Coordinated Election as relates to municipal Fiber Optic Infrastructure – Powell**

Willy P. noted this is an issue the Council has previously discussed. The Resolution establishes language for a ballot issue to create an opportunity for the town for broadband service by the town, by private companies, or in partnership with a public/private partnership. This election overturns a state law that was passed several years ago that disallowed municipalities to provide this without a specific election for the process.

Motion by Kristina K., second by Earle B., to approve Resolution 15 – Series 2017 a Resolution approving a ballot question for the November 7, 2017 County Coordinated Election as relates to municipal Fiber Optic Infrastructure as presented. Motion passed 7-0.

**8. Discussion/Action Item: Consideration of Resolution 16 – Series 2017 a Resolution approving a Professional Services Agreement for Right of Way Acquisition, Relocation Advisory, and Appraisal Services for the Main Street Pedestrian Project – Powell**

Willy P. outlined Resolution 16-2017 and stated it would allow the town to comply with federal requirements outlined in the TAP grants whereby the town will appraise, negotiate, and purchase temporary easements within the south Minturn pedestrian project. It was noted this will be an expensive undertaking for the town and is based on approximately \$50/sq ft. between the easements and the appraisal work this contract is approximately in excess of \$250,000. Some will be paid in 2017 and the balance in 2018. The intent is to be ready for construction in coordination with CDOT's 2019 highway renovation plan. Between the 10% match, the appraisals, and the easements the town will be paying approximately \$500,000 to \$550,000. Willy P, stated these expenses

Discussion ensued on how this will impact our General Fund reserves and savings. Questions on our town priorities were also addressed and discussed.

Mr. Floyd Duran, 643 Boulder St., stated when CDOT redefines their Right-Of-Way it will affect adjacent neighbors.

Motion by Terry A., second by Sidney H., to approve Resolution 16 – Series 2017 a Resolution approving a Professional Services Agreement for Right of Way Acquisition,

Relocation Advisory, and Appraisal Services for the Main Street Pedestrian Project as presented. Motion passed 7-0.

**9. Discussion/Action Item: Consideration of Ordinance 08 – Series 2017 (First Reading) vacation of right of way at 106 Main St. - Hawkinson**

Janet H. outlined the Ordinance for the Council and public. Michael S. stated that using this process we would give them the land to address an existing building.

Public Hearing opened.

Mr. Genaro Magano, 1973 Main St., asked for clarification on items.

Mr. Floyd Duran, 643 Boulder St, commented on several problems the town has encountered as new surveys were completed over the years.

Public Hearing closed.

Motion by Earle B., second by Kristina K., to approve Ordinance 08 – Series 2017 (First Reading) vacation of right of way at 106 Main St. as presented. Motion passed 7-0.

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**10. Liquor Authority**

- Vail Symposium request for Special Event Permit Event Dates August 16, 23, and 30, 2017; 801 Cemetery Rd.; Kris Sabel Program and Development Coordinator – Brunvand

Jay B. outlined the event request for the Council. He stated that the Vail Symposium had informed him that due to an event held this day and evening, they would try but were not certain they would be present. Jay B. stated all information regarding the conditions had been discussed with the applicant. In that this is an annual event in Minturn and the Town has a very close working relationship with the Symposium, he did not have any concerns with their attendance.

Public Hearing opened.

No public comment.

Public Hearing closed.

Motion by Terry A., second by Sage P., to approve the Vail Symposium request for Special Event Permit Event Dates August 16, 23, and 30, 2017; 801 Cemetery Rd.; Kris Sabel Program and Development Coordinator as presented with the following conditions. Motion passed 7-0.

- The application was received on July 21, 2017 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on July 24, 2017 at least 10 days prior to the Council Meeting consideration.

- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests at least one T.I.P.S, or equivalent certified server be present, and at least one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure crowd control and that no outside liquor is introduced to the event and that no liquor is removed from the premises.

Reconvened as Council

### **10a Motion to approve letter of support - Metteer**

Michelle M. outlined the request as a letter of support to the USFS recommending moving forward with trails approaching the northern town boundaries. Discussion ensued as to the positive impact these trails are having on the town.

Motion by Sidney H., second by Terry A. to direct the mayor to sign the letter of support as presented.

## **COUNCIL AND STAFF REPORTS**

### **11. Town Planner (5min)**

- Design Review of Pine St

Janet H. answered questions as needed.

### **12. Town Manager (5min)**

- Manager's Report

### **Holy Cross Powerline Alignment**

Mayor Scherr, USFS District Ranger Aaron Mayville, HCE representatives David Bleakley and consultants, Tim McGuire, Willy P., and Michelle M. met on Wednesday, July 19 to discuss alignments and impacts. It was decided any application submitted to the USFS would take a holistic approach to evaluating the alignment alternatives with a full analysis of all. Included would be visual representations of the alternatives

### **Entryway Warranty Issues**

The town has entered into a settlement agreement with ICON Construction for warranty issues for the Entryway/100 Block Project. The issues involve cracked sections in the "turntable" area and spalled section in the 100 Block. The town has received funds to cure the above problems and will be corrected by a different contractor. Construction will take place after the last Minturn Market.

### **Sidewalk Replacement Program**

Sidewalk work continues with more property owners participating. Thanks Public Works Department.

### **SGM Scope and Fee Proposal to Evaluate Water Infrastructure Upgrades**

Scope and fees have been submitted. Waiting for an approved schedule.

### **Battle Mountain/Water**

The Battle Mountain project and related water items are now taking additional time and effort by staff, consultants and Council committees.

- Action Report

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

- Assistant Manager's Report

### **2018 Events Calendar:**

Work has begun on the 2018 Minturn Events Calendar. Initial events that have been scheduled include: Christmas Tree Bonfire Jan 12, Barstool Racing Feb 24, Town Clean-Up June 2, Town Picnics June 26 and Aug 14, Independence Day Celebration July 2, Live! In Minturn Thursdays after conclusion of concert series, and Halloween Oct 30. Much more to be added but it's the earliest start yet to our events calendar!

### **Go MINTURN Events:**

Event updates are posted weekly in the Vail Daily and emailed to anyone who has signed up through the website to receive updates. A copy of the most recent events update is included for review. Have fun out there!

### **Downtown Bathrooms:**

The public restrooms located at the corner of Toledo Ave and Eagle St are open Hours of operation are 8:00 am to 8:00 pm Monday through Sunday. The bathrooms have experienced vandalism on a number of occasions. Law enforcement and Public Works will both be making efforts for increased monitoring of the area. Please be respectful of our public facilities.

### **Partners in Energy:**

Minturn has begun the strategic planning process for the draft outline of an Energy Action Plan. John Widerman to provide a complete update.

### **Minturn Market:**

The market is in full swing and has had record-breaking attendance numbers the last three Saturdays. We're up to almost 90 vendors a week with musical entertainment and face painting. [www.minturnmarket.org](http://www.minturnmarket.org)

### **EPA and CDPHE Release Eagle Mine Superfund Site Cleanup Plans:**

A public meeting was held July 25, 2017 to outline the proposed cleanup plans and encourage public comments which can be submitted in writing until September 10. Please see below link

for news release from the EPA. Initial comments from Council Member John Widerman are also included for review. Please note, in the EPA press release the initial deadline for comment submissions was Aug 11. This date has since been extended to Sept 10. The link for the online article and additional information can be found at: <https://www.epa.gov/newsreleases/epaand-state-colorado-release-proposed-plans-environmental-cleanup-eagle-mine>

#### 14. Town Attorney

Motion by John W., second by Kristina K., to reconvene the recessed Executive Session. Motion passed 7-0.

There was no direction given to staff as a result of the Executive Session.

### FUTURE AGENDA ITEMS

#### 15. Next Meeting – August 16, 2017

- Eagle Mine discussion – Powell/Widerman

#### 16. Future Meetings:

- Work Session on housing – Hawkinson
- Snow plow & mag chloride debriefing
- Holy Cross power line update

#### 17. Set Future Meeting Dates

- a) Council Meetings:
- August 16, 2017
  - September 6, 2017
  - September 20, 2017

#### 18. Other Dates:

- Minturn Market: Saturdays

#### 19. Adjournment

Motion by John W., second by Terry A., to adjourn at 10:08pm. Motion passed 7-0.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

