



## Official Minutes

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

**Wednesday August 16, 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, Sidney Harrington, Kristina Krone, Terry Armistead, and John Widerman. Note: Sage P. joined the meeting at 5:40pm.

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

Add Special Presentation regarding Minturn code compliance.

Motion by Terry A., second by Kristina K., to approve the agenda as amended. Motion passed 6-0. Note: Sage P. joined the Executive Session in progress at 5:40pm.

## **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) – Battle Mountain Resort**

Motion by Terry A., second by Kristina K., 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) – Battle Mountain Resort. Motion passed 6-0. Note: Sage P. joined the meeting in progress at 5:40.

The Council reconvened in regular 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**

- August 2, 2017

Changes: Matt M. to Matt S.

Motion by Earle B., second by Sage P., to approve the minutes of August 2, 2017 as amended. Motion passed 7-0.

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

Sage P. excused herself from the dais and spoke as a citizen from the podium. Her store, Sticky Fingers Café, has had recent issues with the downtown parking in front of her store and requested Council to look again at enforced 2hour parking in the 100 Block. Michelle M.

updated that the business owners, renters, and residential tenants met together in late spring to develop a plan of parking in others areas so to avoid taking premium Main Street parking thereby leaving those spaces open for customers. This plan was proposed and met with unanimous support from the meeting participants and, for the most part, is being adhered to. She noted that if even one or two store owners don't follow the plan, the entire program can deteriorate significantly. As the summer winds down, staff will start on the feedback portion of the changes from the business owners, renters, and residential tenants; however, she felt from the feedback received overall it was a positive experiment. Discussion ensued on parking concerns and solutions. Sage P. stated her concern is her neighbor tenant business owner is parking in front of her store or otherwise taking up the Main Street parking.

Mr. Dan Matney, 435 Pine St, recommended two members of Council approach the business owners and address it with them on a face to face personal level.

Sage P. resumed her seat at the dais.

## **6. Special Presentations**

- Code Compliance Update

Janet H. updated the Council on the ongoing code enforcement efforts in town which were the subject of citizen concerns expressed at the previous meeting.

- Committee Reports

John W. updated on a transit meeting. The County wide study will be undertaken soon. It does appear ECO Transit will offer the 10punch pass program be offered again this year.

- Council Comments

Terry A. reminded they have two more Thursdays in the concert series. She stated on August 30 there will be held the Minturn Mini, a kid's bike challenge presented by the Vail Rec District (details available at the Vail Rec District). Additionally, the Drum Safari recently held at Little Beach Park was a great success with approximately 80 kids. This program was funded by a grant from Minturn.

Matt S. reminded August 28 8-10am at the Bunkhouse for Monday's with the Mayor. Matt M. reminded all that school is back in session as of today.

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

### **7. Discussion/Action Item: Eagle Mine Discussion – Powell/Widerman**

John W. updated the Council on the various cleanup efforts at the properties of the Eagle Mine in Gilman, Belden, and Minturn and the current open hearing process being held by the State on various plans that are being considered as the next steps in the cleanup process. John W. reviewed a PowerPoint which was provided by the State to outline the options proposed. Writeups of each of the options are available at the Town Hall for citizen review and include public comment submittal instructions. John W.'s recommendation was to support OU-2A in

conjunction with OU-3A. He further requested the Council to direct the signing and sending of the draft letter which he reviewed.

Michelle M. noted the link with the proposals and submittal information had been added to the town website.

Mr. Tim McGuire, Battle Mountain Resort, agreed with John W. that the cleanup is the responsibility of CBS/Viacom and not Battle Mountain. He requested to work with John W. on the wording of this within his letter to clarify this concern.

Discussion ensued as to the effectiveness of the options and the costs associated. John W. referred to the supplied information and how the various options differ from each other.

Motion by Earle B., second by Kristina K., to sign and send the proposed draft letter and authorize the mayor to sign. Motion passed 7-0

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

Janet H. noted this was to clean up the lot lines and there have been no changes from First Reading and recommended approval.

Public hearing opened  
No comments  
Public hearing closed

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

**9. Discussion/Action Item: Consideration of Resolution 17 – Series 2017 a Resolution approving a Professional Service Agreement with SGM, Inc for study of upgrade to the Town's water treatment plant and Maloit Park Distribution system – Powell**

Willy P. requested this item be considered after the Executive Session.

Motion by Earle B., second by Sidney H., to amend the agenda by moving Resolution 17 – Series 2017 to follow the resumption of the recessed Executive Session. Motion passed 7-0

**COUNCIL AND STAFF REPORTS**

**10. Town Planner (5min)**

Janet H. updated the Council on her office. Willy P. noted that the zoning considered for the Dowd Jct area will allow development only on the bottom flat area that is now occupied by the buildings and parking lot. Access to the trails and recreational area will be maintained.

## 11. Town Manager (5min)

- Manager's Report

### Main Street Pedestrian Project Schedule

Below is the schedule for planning, grant writing and construction for the project. It is important for all know the true facts.

NOV 2016	Town notified or successful TAP grant application for construction-
\$1,200,000	
NOV 2016	CDOT reaffirms town will receive \$340,000 in RPP monies
JUNE 2017	Final plans submitted to CDOT
JUNE 2017	CDOT and Town agree to jointly plan, bid and construct projects. CDOT repaving from Dowd Junction to Maloit Park Rd. Town for curb, gutter, sidewalk and storm sewer in South Minturn.
AUG 2017	Both CDOT and Town begin right of way and temporary easement acquisitions.
DEC 2017	Town applies for DOLA grant of \$1,000,000 to leverage funds and expand project.
APR 2018	Town learns of any DOLA grant award.
JUNE 2018	Plans of CDOT and Town consolidated for joint bidding and construction.
DEC 2018	Plans released for bidding project.
APR 2019	Construction begins

### Budget Schedule

See attachment

- Action Report

## 12. Assistant Town Manager (5min)

- Assistant Manager's Report

### Short Term Rentals (STR) – Ord 4 – Series 2017

Staff continues to work on short term rental properties in the effort to bring everyone into compliance by **September 1, 2017**. Notification letters were sent out to all current short term rental business license holders notifying them of the updates to the regulations and the September 1<sup>st</sup> compliance requirement, however this has been received with minimal response from rental unit owners. Second notice letters will be mailed by August 11<sup>th</sup> as the deadline is nearing. After September 1, 2017 code compliance will issue a summons to Minturn Municipal Court for any short-term rental owners not in compliance. MMC Sec. 1-4-20 – General penalty for violation indicates a fine of up to \$2,650.00 or by imprisonment not exceeding one year for violations...let's avoid all of this and have everyone in compliance by Sept 1!

Michelle M. noted that, in order to work with the existing short-term landlords, this date will be extended to at least Oct 1.

### Gillman/Belden Trespassing – Tickets to be issued

The Eagle County Sheriff's Office has issued a reminder that the abandoned town of Gilman and the corresponding Belden Mine are designated as part of an EPA Superfund Site and are off-limits to the public. This is private property and trespassers will be ticketed. Click [here](#) for the full press release.

Mr. Tim McGuire, Battle Mountain Resort, stated there is no way they can do tours of the area due to insurance and liability issues.

### Pooh Corner

Pooh Corner has availability in their preschool program, ages 2 1/2 - 5. They accept CCCAP and are now partnered with Eagle County School District to offer funded spaces through the Colorado Preschool Program. Email [gwen@poohcorner.co](mailto:gwen@poohcorner.co) or call 970-827-5876 for more information. 450 Pine St Minturn, CO.

### Eagle County Sheriff's Office Contact

The Town of Minturn has a contract with the Eagle County Sheriff's Office for law enforcement within the town boundaries of Minturn. Please remember, for law enforcement issues of any kind please call 911 for emergencies in progress or contact Dispatch at 970-479-2201 for non-emergency police help instead of calling Minturn Town Hall.

### Code Compliance

Code compliance continues to receive calls/complaints almost daily regarding matters ranging from visible trash and debris on properties to vehicles left parked on public streets for over 72 hours, building permit procedures, and so much more. We're working as a community to address these issues. We ask that if you receive a notice from code compliance to please remember we're all working together. Minturn is excited to lead the way in these efforts. Included are photos of town areas recently cleaned up by the Public Works Department.

## **13. Town Attorney**

Motion by Sidney H., second by Earle B., to convene back into Executive Session at 8:30pm. Motion passed 7-0.

Motion by John W. second by Sage Pierson, to adjourn from executive session at 9:32 pm.

As a result of the Executive Session the council

- Direction to Staff to amend the SGM contract as noted.

Motion by Sidney H., second by Sage P., to approve Resolution 17 – Series 2017, a Resolution approving a Professional Service Agreement with SGM, Inc. and instructed the Town Manager to negotiate a supplementary addendum to the agreement to study sizing and cost estimate of a new water treatment plant, site selection of a new water treatment plant, study of operational costs of a new water treatment plant, and estimate of life span of the existing water treatment plant; which addendum would be reviewed and approved by the Town Attorney and Mayor. Motion passed 7-0.

## FUTURE AGENDA ITEMS

### 14. Next Meeting – September 6, 2017

- Special Presentation – Dylan Roberts, Candidate for Colorado State House
- Liquor License Renewal – Minturn Mile Liquors

### 15. Future Meetings:

- Work Session on housing – Hawkinson
- Snow plow & mag chloride debriefing
- Holy Cross power line update
- Discussion/Action: Lot 1 Eagle Street – Town of Minturn and Minturn Realty 9/20/17 - Hawkinson

### 16. Set Future Meeting Dates

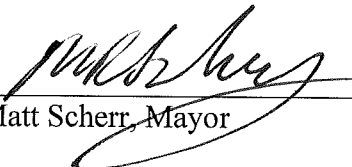
- a) Council Meetings:
- September 6, 2017
  - September 20, 2017
  - October 4, 2017

### 17. Other Dates:

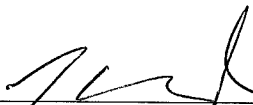
- Minturn Market: Saturdays 9am-3pm
- Labor Day – Office Closed September 4

### 18. Adjournment

Motion by John W., second by Terry A., to adjourn at 9:35 pm. Motion passed 7-0.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

