



## Official Minutes

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

**Wednesday September 6, 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**

- Variance Site Visit: 1012 Main St – Hawkinson  
*\*\*Meet at Town Hall and carpool to site*

### **Regular Session – 6:30pm**

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

Mayor Matt Scherr called the meeting to order at 6:35pm

- Roll Call

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

Staff present: 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 Terry A., second by Sage P., to approve the agenda as amended. Motion passed 5-0. Note: Earle Bidez and Sidney Harrington were excused absent.

## **3. Approval of Minutes**

- August 16, 2017

Changes: John W. advised of clarification.

Motion by John W., second by Sage P., to approve the Minutes of August 16, 2017 as amended. Motion passed 5-0. Note: Earle Bidez and Sidney Harrington were excused absent.

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

## **5. Special Presentations**

- Vail Valley Partnership – Erik Williams – Metteer

Mr. Erik Williams provided an update on the Partnership's efforts launch of the CareerWiseapprenticeship initiative designed to positively address our community workforce needs. This program is offered through the public schools and provides a variety of options, including continuing to a 4-year school, entering the workforce, or seeking specialized training.

Sage P. asked regarding how this might affect the students' formal education. It is a part of their school education. They work two days during the school year, and all summer. She spoke highly of the program.

Kristina K. asked is this through all the schools or just the public high schools. It is only offered in the public high schools, but it is planned to be available to VVSA and the Christian School.

- Committee Reports

John W. updated on the Climate Action group and how the plan is being formulated. The costs to the Town are being developed but initially they are reasonably low. He noted grants will be available on an economical as need basis.

John W. updated on the Eagle Mine committee. The letter approved at the last council meeting was submitted. Information can be found on the Town website.

John W. updated on the Partners in Energy program. The plan is being developed with Xcel and will be Minturn branded.

Matt S. and Michelle M. updated on the EDAC Committee programs such as the Live in Minturn concern series. This live entertainment series will be held at the various restaurants in town during the off season.

- Council Comments

John W. reminded of the ECO Transit survey that is being circulated. He also said ECO Transit will be at a future Council meeting to update on what might be happening for the winter schedule.

## PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

### **6. Discussion/Action Item: Consideration of Resolution 18 – Series 2017 a Resolution authorizing the Town of Minturn to join the Compact of Colorado Communities – Metteer**

John W. updated on the compact. He stated it is a local level for the state-wide program. John W. stated the town will have access to a pool of grant money and educational tools in an effort to allow staff and council members to specialized training and input. John W. outlined the various costs and trainings associated with the Compact which will providing training and tech support to member communities in developing and delivering community improvement programs

Matt S. felt the program was very worthwhile but felt the fee might be steep for a very small town such as Minturn. John W. felt although the initial fee is \$800 he felt it would be worth the value. The request is to commit and implement now but it would be a 2018 budget item.

Mr. Michael Cacioppo, Business Brief's newspaper, asked if we would be obligating taxpayer money to a mandate that can only make a difference by being a large organization or municipality? He questioned if this would truly and positively affect the taxpayers of Minturn; what are the costs to the community by adopting this program. John W. replied the costs thus far have been zero, but future costs could be mitigated with grants.

John W. stated he felt the item should be tabled until such time as he can go back to the commission with the questions asked and return with answers.

Motion by Terry A., second by Sage P., to table until such time as cost questions could be addressed with the organization Resolution 18 – Series 2017 a Resolution authorizing the Town of Minturn to join the Compact of Colorado Communities as presented. Motion passed 4-1 (John W. Nay). Note: Earle Bidez and Sidney Harrington were excused absent.

### **7. Discussion/Action Item: Consideration of Resolution 19 - Series 2017 A Variance application at 1012 Main St. – Hawkinson**

Janet H. presented for the Town. This has been approved by the Planning Commission addressing the design review and the Variance application. Janet H. reviewed the Variance Application requirements and stated it does comply with the Municipal Code and qualifies for the variance.

Janet H. stated the design and the Variance meet the standards of the code and was approved unanimously by the Planning Commission with the condition that the building permit is not to be issued to the applicant until the Amended Final Plat vacating the lot line and Parcel C is recorded with the Eagle County Clerk and Recorders office.

Mr. Brian Sipes, Sipes Architects, spoke for the applicant. He outlined the project and noted due to the narrowness of the lot between the road and the building envelop, they are affected by the total imperviousness on the lot creates a hardship and thus the requirement for the variance.

Matt S. noted although it was a complete presentation, Council is only to consider the Variance Application and the merits thereof.

Mr. Garth Koellhoffer, owner of 1010 Main, spoke against the application. He felt that the driveway was too long, too steep (greater than 8%), did not conform to emergency access, and would require a specific variance alone to address those concerns. He felt many items were overlooked.

Matt S. reminded that some items are approved at staff and Planning Commission such as the abandonment of the lot line, and are not part of this variance application consideration.

Ms. Rachel Sererdahl, 1012 Main St owner, spoke in favor of the application.

Terry A. asked about the grade of the driveway. Janet H. stated the driveway is limited by existing conditions (nonconforming use), based on the size of the improvements the owner is not required to mitigate all other nonconforming uses including the driveway grade. Further, due to the grade change from the street, to mitigate the driveway would render the lot unbuildable.

Motion by Terry A., second by Kristina K., to approve Resolution 19 - Series 2017 A Variance application at 1012 Main St. as presented. Motion passed 4-1 (Note: Sage P. voted Nay). Note: Earle Bidez and Sidney Harrington were excused absent.

- Condition: A building permit is not to be issued to the applicant until the Amended Final Plat vacating the lot line and Parcel C is recorded with the Eagle County Clerk and Recorders office

**8. Discussion/Action Item: Consideration of Resolution 20 – Series 2017 A Resolution authorizing the Mayor to sign a Memo of Understanding with Darin L. Tucholke regarding the North Minturn State Land Board Parcel - Metteer**

Michelle M. noted this was discussed by Willy P. at the previous meeting. She referred questions to Michael S. as he was familiar with it. Michael S. stated this property owner desires to annex the property into the town and will allow the town an easement for a bike path. Michelle M. confirmed that Eagle Trails is aware of the option and supports the MOU and it is one of their potential trail alignment options that have been presented. Matt's concern was that he wanted to ensure that if possible we could access Eco Trails funding.

Discussion ensued as to the uses of State Land Board land vs private ownership uses. Michael S. stated private ownership seems to be a better fit in consideration of the constraints of the land and that it is not currently used.

Matt S. asked if this could be held back in order to get input from Eco Trails; Michael S. stated the land owner is under time constraints to move forward with this.

Public Comment was opened.

No comments.

Public Comment was closed.

Motion by Sage P., second by Terry A., to approve Resolution 20 – Series 2017 A Resolution authorizing the Mayor to sign a Memo of Understanding with Darin L. Tucholke regarding the North Minturn State Land Board Parcel as presented. Motion passed 5-0. Note: Earle Bidez and Sidney Harrington were excused absent.

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## 9. Liquor Authority

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand

Jay B. outlined the renewal, noted it had been reviewed by the Town Attorney and the Sheriff/Minturn Police Dept, and noted Staff is recommending approval.

Public hearing opened.

No public comment.

Public Hearing closed.

Motion by John W., second by Kristina K., to approve the Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner as presented. Motion passed 5-0. Note: Earle Bidez and Sidney Harrington were excused absent.

- Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar renewal of a Hotel and Restaurant Liquor license; 401 Main St.; Mark Tamberino, Owner/Manager – Brunvand

Jay B. outlined the renewal, noted it had been reviewed by the Town Attorney and the Sheriff/Minturn Police Dept, and noted Staff is recommending approval.

Public hearing opened.  
No public comment.  
Public Hearing closed.

Motion by Sage P., second by Terry A., to approve Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar renewal of a Hotel and Restaurant Liquor license; 401 Main St.; Mark Tamberino, Owner/Manager as presented. Motion passed 5-0. Note: Earle Bidez and Sidney Harrington were excused absent.

## COUNCIL AND STAFF REPORTS

### 10. Additional Council Comment

Sage P. stated she had had questions regarding painting street lines on Harrison at the Shop N Hop.

Sage P. requested council to give staff direction regarding a memo she distributed. the following items. After a lengthy discussion direction from Council was to address the concerns at the next Worksession as a goal setting time. Staff was to prepare and be ready to discuss the discussion points included in the memo among other materials.

### 11. Town Planner (5min)

Janet H. updated the council on near future projects such as rewrite of chapter 16 and the zoning character areas, the Boneyard Park.

### 12. Town Manager (5min)

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

- Assistant Manager's Report

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

The staff continues to work on short term rental properties in the effort to bring everyone into compliance by **October 1, 2017 (the extended deadline date)**. Notification letters were sent out to all current short term rental business license holders notifying them of the updates to the regulations. Second notice letters went out the week of August 28<sup>th</sup> notifying STR owners of the deadline extension and subsequent enforcement to begin immediately following the extended deadline date.

#### 100-Block Parking

Staff is obtaining feedback from local business owners, property owners and residents regarding the 100-Block parking. A full report is expected by the September 20<sup>th</sup> Council meeting, however preliminary feedback has been included for review.

#### Nonconforming Structures Program

The Economic Development Advisory Committee has submitted the draft paperwork for a possible assistance program in helping property owners remove nonconforming structures that present a life safety issue to the surrounding neighborhood. This is in the review phase at staff level. More information to follow.

#### Live! In Minturn

Our first night of Live! In Minturn was held Aug 31<sup>st</sup> at Monkshood Cellars. We had a positive turnout and are now looking into the option of adding more dates/locations to the schedule.

#### Conditional Use Permitting Audit

Staff is currently conducting an audit of all conditional use permits (CUP). This is a time-consuming process as CUPs were only approved within the Minutes of a Council meeting before 2009 and not easily obtainable. It's important to note that all activity on the UPRR property is by the CUP process only.

#### Economic Development Advisory Committee – Use Tax Review

A question and answer session was held during the most recent EDAC meeting in an effort to better understand the process of a Use tax and how growth can pay for growth. Considerations discussed were the ability to limit the tax to construction materials, exempting the first \$10,000 of every project – primary goal is to not effect locals doing smaller projects.

*Note: this would take an election as it is a tax issue which must be approved in advance by the citizens.*

#### Game Creek Trail Maintenance Volunteers Needed

Our next trail maintenance session will be Tuesday, **September 12<sup>th</sup> from 5-7:00 pm**. Please consider volunteering for this fun and important project to keep our local trails in shape! Contact [events@minturn.org](mailto:events@minturn.org) or call 970-827-5645 to sign up.

#### Little Beach Park Upper lot Improvements to start

Public Works is preparing to conduct maintenance work in the upper parking lot at Little Beach Park. Road millings are being placed and compacted to eliminate many of the rain-filled potholes, etc. Please look out for equipment and park in the lower lot if using the area facilities.

#### Minturn Mini Mile Update

The Vail Recreation District held the first ever event on the new Mini Mile trail. The event was a success thanks to over **2000 volunteer hours by the Vail Valley Mountain Bike Association** to get the trail ready. HUGE thanks to this amazing organization for their commitment to Minturn!

### Minturn Market

Last date for the Minturn Market is Sept 9<sup>th</sup>! A huge thanks to everyone for making this such a great summer season.

### Partners in Energy Update

We continue to move forward with the Xcel Partners in Energy program. Jeff Armistead has kindly volunteered to create a Minturn logo for our part of the program. The second strategic planning work session is scheduled for Sept 26<sup>th</sup>. Additionally, below is a breakout from Kim Langmaid of the different programs, who runs each and associated goals:

Overview of Three Climate Action Entities working with local governments in the Eagle Valley.

- *Climate Action Plan for the Eagle County Community*—If forming a collaborative structure to continue the momentum, recommendations and goals set forth in the Plan developed during 2016 by 30 stakeholders from throughout Eagle County. The Climate Action Collaborative of the Eagle County Community would provide a coordinated county-wide climate action approach, overall project management to support stakeholder/members, a coordinated and professional education and outreach campaign to engage the Eagle County community in reducing GHG emissions, and other direct technical services as determined by the stakeholders/members.

[www.walkingmountains.org/cap](http://www.walkingmountains.org/cap)

- *Compact for Colorado Communities/ACCO* (Association of Climate Change Officers) – This initiative was established by the Mayor of Aspen in May 2017 to get local governments from throughout Colorado to commit to GHG reductions. The Compact work has been contracted to ACCO who will provide online and in-person training modules to local government staff and elected officials throughout Colorado.

[www.accoonline.org](http://www.accoonline.org) and [www.compactofcoloradocommunities.org](http://www.compactofcoloradocommunities.org)

- *CC4CA* (Colorado Communities for Climate Action) - a coalition of local governments advocating for state and federal policies. Organized by the nonprofit Rocky Mountain Climate Organization.

[www.cc4ca.org](http://www.cc4ca.org)

Note: There may be other national level nonprofits such as Protect our Winters (POW), and the Climate Reality Project's "I am Pro Snow" campaign, that have approached local governments to sign on to their national level policy proposals. And there could be other entities that emerge to fill other niches related to climate action.

**DOWNTOWN PARKING FOLLOW-UP  
 SEPTEMBER 1, 2017**

| NAME                  | BUSINESS                    | IMPROVEMENTS HELPING |    | SUPPORT 2-HOUR PARKING |    |
|-----------------------|-----------------------------|----------------------|----|------------------------|----|
|                       |                             | YES                  | NO | YES                    | NO |
| Kristen Tarrin        | Minturn Realty              |                      | X  |                        | X  |
| Kristin Kohl          | 100 Block Resident          | X                    |    |                        | X  |
| Rob Rollins           | Colorado Mattress           | X                    |    | X                      |    |
| Andy Kaufman          | Minturn Saloon              | X                    |    |                        |    |
| Larry Stone           | The Scarab                  | X                    |    |                        | X  |
| Stephen Porter        | Nicky's Quickie             |                      | X  | X                      |    |
| Kim Borne             | Up Your Ally                |                      | X  |                        | X  |
| Joe Honessey          | Minturn Country Club        | X                    |    |                        | X  |
| Heather               | Holy Toledo                 | X                    |    | X                      |    |
| Kyle Foster           | Mountain Pedaler            | X                    |    |                        | X  |
| Tom                   | Eagle Valley Music & Comics | X                    |    | X                      |    |
| Lynn Teach            | Gemini Gardens              | X                    |    | X                      |    |
| Dave Budniakiewicz    | Minturn Anglers             | X                    |    |                        | X  |
| Eric Creagon          | Magustos                    |                      |    |                        | X  |
| Joyce (Shelley) Bellm | 100 Block Resident          |                      | X  | X                      |    |
| Jean Flaherty         | 100 Block Resident          | X                    |    |                        | X  |
| Sage Pierson          | Sticky Fingers Café         | X                    |    | X                      |    |
|                       |                             |                      |    |                        |    |
|                       |                             | 12                   | 4  | 7                      | 9  |

**14. Town Attorney**

**EXECUTIVE SESSION**

**15. 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**

Michael S. stated no Executive Session was needed.

Officer Phil Cusic updated that Halloween is coming and stated there will be no parking on the west side of Main St.

## FUTURE AGENDA ITEMS

### 16. Next Meeting – September 20, 2017

- Discussion/Action: Lot 1 Eagle Street – Town of Minturn and Minturn Realty 9/20/17 – Hawkinson
- Worksession on strategic planning/goal setting

### 17. Future Meetings:

- Work Session on housing – Hawkinson
- Snow plow & mag chloride debriefing
- Holy Cross power line update
- Special Presentation: Dylan Roberts, Candidate for Colorado State House-10/4/17
- Special Presentation: Cady Dawson, ECO Transit Study-10/18/17
- Consideration of Resolution 18 – Series 2017 a Resolution authorizing the Town of Minturn to join the Compact of Colorado Communities – Metteer (tabled to a date uncertain to allow time for further background research)
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### 18. Set Future Meeting Dates

- a) Council Meetings:
- September 20, 2017
  - October 4, 2017
  - October 18, 2017

### 19. Other Dates:

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

### 20. Adjournment

Motion by John W., second by Terry A., to adjourn at 9:24 pm. Motion passed 5-0. Note: Earle Bidez and Sidney Harrington were excused absent

  
\_\_\_\_\_  
Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

