



Official Minutes

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

Wednesday September 20, 2017

Work Session – 5:00pm
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 – 5:00pm

- Ballot Question 1A Review – Metteer
- Goal Setting discussion – Metteer

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, Mayor Pro Tem Earle Bidez and Town Council members Kristina Krone, Terry Armistead, Sage Pierson, Sidney Harrington, and John Widerman. Note: Terry Armistead was 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

John W. updated on the information he had gathered regarding Resolution 18-2017 and requested it be added to tonight's agenda. After discussion, it was added as 5a prior to liquor authority.

Motion by John W., second by Kristina K., to approve the agenda as presented. Motion passed 5-1. (Sage: Nay) Note: Terry Armistead was excused absent.

3. Approval of Minutes

- September 6, 2017

Sage P. noted there was discussion at the last meeting that she might resign; she did not. It was not submitted to the Clerk therefore was not an official action.

Motion by John W., second by Sage P., to approve the Minutes of September 6, 2017 as presented. Motion passed 6-0. Note: Terry Armistead was excused absent. (Sidney Abstain)

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

Earle B. reminded Mr. Koellhoffer that it is not appropriate to berate staff, if he has comments they are to be directed to the Council.

Mr. Garth Koellhoffer, 434 Taylor St, reviewed a hand out that he distributed to the Council reference 1012 Main St. Mr. Koellhoffer is the owner of 1010 Main St. His assertion was the process of the applications were flawed at staff level, it showed favoritism, the approval and inspection process was flawed.

Direction was to have Staff to review the allegations Mr. Koellhoffer had made and report back to Council.

Ms. Jill Koellhoffer, 434 Taylor, commented on the process and the cost that she has in town investments and time spent on trying to get the Planning Dept to respond. She stated she felt her property investment is in jeopardy.

5. Special Presentations

- Committee Reports

Sidney H., Board Member of HighFive Media, updated on what the organization does and how it operates. She stated that this is the public broadcasting organization that films all our council meetings. She updated on their efforts to fund raise. The Director of the organization recently won an award for a documentary. Sidney H. also updated on recent outreach and programming options.

John W. updated on the community energy efforts county wide.

Earle B. updated on the Battle Mountain committee proceedings. The committee opted to handle water issues first, this is the most difficult and cumbersome. The hope is to have the information completed by October and then move forward with the other concerns.

- Council Comments

Sage P. reminded the meeting of the Live in Minturn event held at Sticky Fingers this Thursday at 4-6pm. Michelle M. updated the Minturn Saloon and Kirby's will have the last two Live in Minturn events on the following two Thursdays.

Matt S. updated on some of the events in Minturn where citizens can meet and be involved with the Town not at a formal meeting. This month's Monday's with the Mayor is Monday September 25th at 4-6pm at Back Country Wings. This is in concert with the Economic Development Committee quarterly meeting.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

5a: 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 resolution which will allow Minturn to join the Compact. Per direction from the Town Council, he has contacted the Compact and they have agreed to reduce this year's annual contribution from \$800 to \$400. John W. recommended approval of the Resolution thus modified.

Motion Matt S., second by Sage P., to approve Resolution 18 – Series 2017 a Resolution authorizing the Town of Minturn to join the Compact of Colorado Communities modified to show this year's annual fees as \$400.

6. Liquor Authority

- Minturn Community Fund request for consideration of a Special Event Permit
Event Date September 29, 2017; 801 Cemetery Rd.; Jeff Armistead Event Manager – Brunvand

Jay B. outlined the application, 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 Sidney H., to approve the Minturn Community Fund request for consideration of a Special Event Permit Event Date September 29, 2017; 801 Cemetery Rd.; Jeff Armistead Event Manager as presented. Motion passed 6-0. Note: Terry Armistead was excused absent.

- Shop & Hop #12 renewal of a 3.2% Beer Off Premises Liquor license; 401 Main St.; Terry Marcum, 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.

Motion by Sidney H., second by Kristina K., to approve the Shop & Hop #12 renewal of a 3.2% Beer Off Premises Liquor license; 401 Main St.; Terry Marcum, Owner/Manager as presented. Motion passed 6-0. Note: Terry Armistead was excused absent.

7. **Discussion/Action Item:** Consideration of Ordinance 09 – 2017 (First Reading) an Ordinance vacating a portion of Eagle Street Right of Way located at 102 Main St – Hawkinson

Janet H. presented for staff outlining the salient issues for the proposal. Michael S. added the portion of Eagle St being vacated has not been used for public use, the town engineer confirmed the exchange would not impede our street access, and the exchange allows for the town upgrades on site to be on town land.

Motion by Kristina K., second by Sage., to approve Ordinance 09 – 2017 (First Reading) an Ordinance vacating a portion of Eagle Street Right of Way located at 102 Main St as presented. Motion passed 6-0. Note: Terry Armistead was excused absent.

8. **Discussion/Action Item:** 100 Block Parking Review – Hawkinson/Metteer

Michelle M. updated that this project is an update on what has been worked on behind the scene regarding 100 block parking.

Janet H. outlined five recommendations and requested direction:

- i) Implement 3hour parking Monday – Saturday between the hours of 9am and 4pm.
 - a. Code enforcement & Court Clerk would monitor parking once a day at 3hour intervals of their choice 9am-4pm.

- b. Eagle County Sheriff **would not** be involved in the 3hour parking enforcement and the enforcement would be light and minimal

Concern was expressed if less strict enforcement would be defensible.

Concern was discussed if it should be 2hour or 3hour

Concern was expressed if this would work seasonal or all year

Concern was expressed of the cost of signage and the potential for confusing signage and confusion if it were only seasonally enforced

Concern was expressed that we are making a rule for the good of one business amongst several and not making rules for the good of the entire area or entire town.

ii) Over-night parking

- a. Businesses without on-site parking pay into the municipal lot as other businesses are doing.

Concern has been expressed in the past that parking contracts are for nonexclusive parking in public areas, they are not for specific spaces in public parking areas.

Concern has been previously opined by previous legal counsel if it is legal for the Town to lease public parking for private and/or exclusive use.

- b. Leave snow removal and overnight parking as is – past Councils and staff worked on this issue for years and the solution is successful.

iii) Businesses without on-site parking

- a. Businesses without on-site parking pay into the Municipal Lot as other businesses are doing.

Concern as expressed in ii.

iv) On street parking

- a. Give the 1 resident who is historic residential non-conforming a parking pass to allow for 100 block parking for all times. He would have to adhere to the alternating snow plow days.

Concern was expressed that this sets a plan and then immediately makes an exception.

Concern was expressed that it might cause others to want the same exception or make overall enforcement more difficult.

v) On street parking

- a. Give 3 long term rentals (1 on Eagle St – south) parking passes to park in the municipal lot or Eagle River Park parking lot over-night – follow same snow removal restrictions

Michelle M. noted this was an update, not a final vote and it will continue to be discussed. The important point is to receive some qualified direction from council in order to get back to the businesses and residents.

Direction was given to take the information back to the stakeholders regarding 2 vs 3hour parking, continue to investigate the ramifications and the ramifications of parking law and

minimal enforcement. Council requested staff to review budget issues of staffing/enforcement and signage.

COUNCIL AND STAFF REPORTS

9. Town Planner (5min)

- Annexation - Title work on town properties: Planner, Engineer & Attorney working on project
- Begin zoning maps & Chapter 16 code re-write
- Completion of 5 administrative subdivision plats: Planner, Engineer, Attorney
- Three Land Use Design Reviews
- Battle Mtn Committee – Diagrams
- Parking Plan Diagrams
- Colorado Dept of Oil & Gas Remediation Report
- CDOT Highway 24 Right of Ways support
- Speed Limits on Highway 24: CDOT, Deputy Kusack, Planning Dept.

10. Town Manager (5min)

11. Assistant Town Manager (5min)

- Staff Report

Lease Lot Update

Upon approval of Resolution 13-2017, leases at the “lease lot” started being approved and administered at the staff level. As initially indicated, staff would provide periodic updates to this process. Jay Brunvand, Town Treasurer has included the first progress report with this staff update.

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. The draft program has been included in the staff report for your review. **For this program to move forward, funding will need to be approved at budget season.**

Live! In Minturn

Jenny Lowe, Court Clerk has updated the Live! In Minturn schedule with the addition of two Thursdays; Sept 28th at the Minturn Saloon and October 5th at Kirby Cosmos.

Conditional Use Permitting Audit

Audit results...ack! After initial review, staff has determined the CUP process is in need of organizing, improving process and documentation as well as consistent enforcement. This task is considered a significant undertaking that is currently not possible without eliminating other tasks from staff's current workload. This directly effects the day to day operations on the railroad

property. **Staff recommends Council to consider where this fits in the list of priorities and provide direction as needed.**

EDAC – Minturn Business Alliance Quarterly Meeting

The Economic Development Advisory Committee has scheduled the third quarter Minturn Business Alliance meeting to take place Monday, September 25th from 5:00 – 7:00 pm at Backcountry Wings in conjunction with Mondays with the Mayor. These meetings follow the Economic Development Strategic Plan which strives to facilitate communication between Minturn business owners, Council, Planning Commission and staff. **We hope all Council members will consider attending.**

ROW & TE Acquisitions | 2019 Main Street Pedestrian Planning Update

Willy Powell has coordinated with HRD, Inc. for right of way and temporary easement acquisitions in anticipation of the upcoming 2019 south Minturn sidewalks project. Letters to residents notifying them of this process, along with contact information will be sent out in the next few weeks. In addition, acquisition process information will be added to the project webpage guiding impacted residents and businesses through the process.

Little Beach Park Improvements

Public Works has been making necessary repairs at Little Beach Park. In addition, equipment, stage and amphitheater are being repainted. Plans to review the stage for improvements will take place the spring of 2018 with the Town, Minturn Community Fund and Select Surfaces reviewing potential surface options and funding.

Parking Ticket Collections

Staff is preparing for the winter season snow removal/parking enforcement. As a reminder, last winter/spring, Council approved an increase in parking ticket fees in order to deter violators of the snow removal parking plan. **Parking tickets are now \$50**, up from \$21 and those in violation will be sent to collections if the fee goes unpaid. To date, Jenny Lowe, Court Clerk has recouped over \$800 in previously unpaid parking ticket fees from 2016. This winter will be the first full season the increased fees will be in place.

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 28th notifying STR owners of the deadline extension and subsequent enforcement to begin immediately following the extended deadline date.

VSSA Student Service Day at Bellm Bridge

Janet Hawkinson, Planner and Charlene Whitney, VSSA School Counselor coordinated the VSSA Student Service Day here in Minturn. A group of students spent the afternoon re-painting Bellm Bridge – and it looks great! Special thanks to Minturn Public Works for prepping the bridge, power washing and scraping, before the students arrived. The students finished with the painting early so then went and picked up trash from Cemetery Bridge to the United Concrete

plant. They also worked on the Mini Mile trail and removed trash from Maloit Park to the Boneyard. Minturn is looking good. Check it out! (Photos by Janet Hawkinson)

Broadband Ballot Question Minturn will have a ballot question on the Nov 7, 2017 election regarding broadband service and local municipalities' ability to regulate improving broadband capabilities. Included with this staff report is a 2-page handout created by the town of Avon reviewing the ballot questions and answering common questions pertaining to the topic

EXECUTIVE SESSION

12. 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 Corporation

Motion by Sidney ___, second by Kristina ___, 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 Corporation. Motion passed 6-0. Note: Terry A. was excused absent.

Council convened from Executive Session at 9:40.

No direction was given as a result of the Executive Session.

FUTURE AGENDA ITEMS

13. Next Meeting – October 4, 2017

- Council motion to formally accept the FY2018 Preliminary Budget – Brunvand
- Special Presentation: Dylan Roberts, Candidate for Colorado State House-10/4/17
- Resolution of support for the Marijuana County Ballot issue 1A

14. Future Meetings:

- Work Session on housing – Hawkinson
- Snow plow & mag chloride debriefing
- Holy Cross power line update
- Special Presentation: Cady Dawson, ECO Transit Study-10/18/17

15. Set Future Meeting Dates


a) Council Meetings:

- October 4, 2017
- October 18, 2017
- November 1, 2017

16. Other Dates:

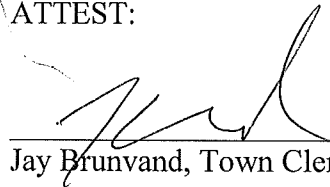
17. Adjournment

Motion by John W., second by Earle B., to adjourn at 9:43pm. Motion passed 6-0. Note: Terry A. was excused absent.



Matt Scherr, Mayor

ATTEST:



Jay Brunvand, Town Clerk

