



## Official Minutes

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

**Wednesday February 21, 2018**

**Work Session – CANCELED**  
**Regular Session – 5:00pm**

**MAYOR – Matt Scherr**  
**MAYOR PRO TEM – Earle Bidez**

**COUNCIL MEMBERS:**

Terry Armistead  
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.

### Regular Session – 5:00pm

#### 1. Call to Order

Mayor Matt Scherr called the meeting to order at 5:08pm

- Roll Call

Those present included: Mayor Matt Scherr, Mayor Pro Tem Earle Bidez, and Town Council members Kristina Krone, Terry Armistead, and John Widerman. Note Sage Pierson arrived at 5:15pm and entered the Executive session in process.

Note: Due to the resignation of Council Member Sidney Harrington, the council stood at six members including the Mayor.

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

- Pledge of Allegiance

## EXECUTIVE SESSION

### **2. Executive Session: An Executive Session for the purpose of conferencing with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Water Rights**

Motion by Kristina K., second by Terry A., to convene in Executive Session for the purpose of conferencing with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Water Rights. Motion passed 5-0.

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

The meeting convened in Regular Session from Executive Session at 6:33pm

### **3. Approval of Agenda**

- Items to be Pulled or Added

Changes: Move ECSO 2017 Year in Review and new Deputy Introduction to March 7.

Motion by Terry A., second by John W., to approve the agenda as amended. Motion passed 6-0.

### **4. Approval of Minutes**

- February 7, 2018

Motion by John W., second by Kristina K., to approve the minutes as presented. Motion passed 6-0.

The Council convened as the Liquor Authority.

### **5. Liquor Authority**

- Railroad Rocks, DBA Turntable Restaurant and Hotel Annual Renewal of a Hotel & Restaurant License; 160 Railroad Ave.; Mike Dennis, Partner – Brunvand

Jay B. introduced the item stating this is an annual renewal, however, the renewal was filed late. Colorado law allows for a late filing with the addition of a \$500 fine to both the State and the Local authorities, this has been paid in addition to the respective renewal fees.

Public Hearing opened.

Mr. Michael Cacioppo, Business Brief, asked how much the fine was; \$500 for each entity.

Mr. Mike Dennis was available for questions. Sage P. asked why it was late; they missed the renewal application sent 90 days in advance from the state.

Terry A. asked regarding some issue with excessive police calls to the hotel. It was explicitly noted that these were calls to the hotel not to the Restaurant/Bar. Discussion ensued as to how the police and Turntable could work closer. It was strongly recommended Railroad Rock's work with the ECO Sheriff/Minturn PD to proactively consider this.

Questions were asked about a liquor license sting that was undertaken on six establishments in town in January 2018. Of the six, two failed, Turntable was one of them. Discussion ensued as to the method and assessment of penalties by the state. It was noted that this was an infraction that will technically fall in the 2018 renewal, not this renewal. The operation of a business like establishment was encouraged.

Public hearing was closed.

Motion by John W., second by Earle B, to approve the Railroad Rocks, DBA Turntable Restaurant and Hotel Annual Renewal of a Hotel & Restaurant License; 160 Railroad Ave.; Mike Dennis, Partner as presented. Motion passed 6-0.

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

Mr. Michael Cacioppo asked reference the Executive Session if any decision was made as a result; no, is the Town in litigation with their water rights; yes. Michael S. fielded the questions as to the litigation.

**7. Special Presentations**

- ECSO 2017 Year in Review and new Deputy Introduction

This item has been moved to the March 7 Council Meeting.

- ECO Transit Survey presentation and review

Messer's Chris Lubbers and Geoff Slater reviewed the study, recommendations, and other desirable outcomes. The study outlined the need to simplify services, provide better user information between operations within the resorts, make fare payments easier, and improve coordination/collaboration.

Discussion ensued on the benefits of the ECO Transit system and the time frame for implementation of the considered options; no clear date is available.

- Committee Reports

Sage P. updated on the Railroad Committee. They are working to cleanup the area and she wanted to ensure everyone was on the same page with the work required to clean up the area. This would include current and future leases. Michelle M. further updated they have been in contact with the railroad and are working together.

John W. updated on the Northwest Colorado Council of Governments-Water Quality and Quantity. A meeting he attended considered the local affects of climate change on our water resources.

- Council Comments

Earle B. reminded of the Barstool Racing on this Saturday at Little Beach Park. The Race runs from Noon until, food will be for sale, après racing is at Kirby's. Entry's are still available.

Kristina K. reminded all to get their Minturn Scholarship applications in by March 30.

Matt S. reminded everyone of the Caucuses March 6. Republicans are at Battle Mtn High School, the Democrats are in each district within the county. Monday with the Mayor is this Monday (02/16/18) at the Vail Mtn Coffee Roasters 8-10am.

#### **PUBLIC HEARINGS AND/OR ACTION ITEMS**

**8. Public Hearing/Action Item: Resolution 06 – Series 2018 Consideration of Resolution to approve an Inter Governmental Agreement between Eagle River Water and Sanitation District and the Town of Minturn – Brunvand**

Jay B. stated this is an annual agreement to cover administration operations between Minturn and the District and there were no material changes. Staff is recommending approval.

Motion by Terry A., second by Earle B., to approve Resolution 06 – Series 2018 Consideration of Resolution to approve an Inter-Governmental Agreement between Eagle River Water and Sanitation District and the Town of Minturn as presented. Motion passed 6-0.

**9. Public Hearing/Action Item: Consideration of a Motion to authorize the Mayor to sign a letter on behalf of the Town of Minturn and the Minturn Town Council in support of Senator Bennett's Wilderness Bill – Metteer**

Matt S. noted this had been brought forward at the last meeting. Matt S. updated on what the US Senate Bill includes. This Bill would potentially assist the Town in its endeavor regarding the Bolts Lake intake located just inside the USFS land. Discussion ensued on what might be covered, that this would pertain to wilderness not the USFS land uses. John W. asked if this should be held for further consideration and investigation. He didn't want to approve something that on the surface was good but in detail would negatively affect the citizens right to enjoy the forest and forest commerce. It was agreed to bring this forward at the March 7 meeting for consideration allowing time for individual study.

Motion by Terry A., second by Kristina K., to continue consideration of the Mayor to sign a letter on behalf of the Town of Minturn and the Minturn Town Council in support of Senator Bennett's Wilderness Bill to the March 7 meeting. Motion passed 6-0.

**10. Public Hearing/Action Item: Public Hearing regarding 1041 Regulations for Areas and Activities of State Interest – Hawkinson/Sawyer**

Michael S. updated the Council on the need and process. Assuming this moves forward an Ordinance would be considered at the March 7 meeting. Michael S. gave background that years ago the State gave local municipalities the ability to require local consideration for regulation of specific state interests. The town is requesting the ability to consider designation and additional regulation from and by the town to include water and sewage systems, major public utilities such as high voltage powerlines (115kV), and major water projects all of which could be located either within but utilized outside the town boundaries or outside the boundaries of the town but would be in town or through town. The review would resemble other planning applications and would be reviewed under the purview of the Planning Department.

Public Hearing was opened.

Matt S. stated this would be considered as an Ordinance at the March 7 meeting.

Mr. Tim McGuire stated he had not reviewed the information but would. He noted that his company is the only land owner in town that has a water storage facility which might fall in to this category.

The Public Hearing was closed.

Discussion ensued as to if the existing franchise agreements might be used to consider aspects; no, more likely than not this would not make an effective argument.

Motion by Terry A., second by John W., to direct Staff to prepare an Ordinance designating activities of state interest: (a) the site section of the major facilities of any public utility, including transmission facilities with capacities of 115kV or more, (b) the development of water and wastewater treatment facilities with pipe diameters of 10 inches or more, and (c) efficient utilization of municipal and industrial water projects, including major water storage facilities associated with a domestic water system. Motion passed 6-0.

**DISCUSSION AND/OR DIRECTION ITEMS**

**11. Discussion/Direction Item: Consideration of Eco Transit appointment – Metteer**

Michelle M. outlined the request and recommended the appointment of John W. as presented.

Motion by Kristina K., second by Terry A., to appoint John Widerman to the Eco Transit Board and authorizing the mayor to sign the letter stating such. Motion passed 6-0.

## **12. Discussion/Direction Item: Tap Fee and System Improvement Fee Review – Hawkinson**

Janet H. outlined the proposal as new construction paying for itself and the future needs of the water plant. She noted how the fees were developed and that surrounding municipalities and the ERWSD use similar fee structures.

Discussion ensued as to how the fees would apply to existing and new constructions. Consideration was discussed of the Rational Nexus of not giving a credit in sq ft of the exiting house. A 1000sf house is scraped and a 3000sf is built but they don't get any credit for the original 1000 sf structure.

Tim McGuire, BMR, commented that this is a steep increase from what increases, there is less incentive to build a smaller affordable fee. Each fee and regulation has consequences to the size that needs to be considered by the developer.

Council direction was a worksession on March 7 for further review and an Ordinance on March 21.

### **COUNCIL INFORMATION / UPDATES**

#### **13. Staff Updates**

- Manager's Report

#### **2019 MAIN STREET PEDESTRIAN PLANNING PROJECT**

Minturn submitted an Energy/Mineral Impact Fund (EIAF) grant application for 1M in December of 2017. Work has started on the presentation which will be given before the EIAF Fund Advisory Committee in March with grant award announcements in April 2018.

#### **Sidewalk Safety**

Public Works and Code Compliance are teaming up with local businesses and residents to keep our sidewalks safe. Until the 2019 CDOT repaving project of HWY 24, areas of Main Street will continue to have drainage issues. In the interim, Minturn will be helping residents with ice buildup in areas. Cinders and/or salt may be used to remediate these issues.

#### **SCOOP THE POOP!**

Campaign to begin May 1, 2018

#### **DOWD JUNCTION UPDATE**

Minturn continues to seek a direct sale of the Dowd Junction property from the USFS. Minturn's top three priorities for the site include commercial sales tax revenue, public access to Meadow Mountain and regional transit. The public process through the USFS is expected to commence spring of 2018 with a public input and review period.

### **PUD HOLDING ZONE/UPRR PROPERTY CLEAN-UP**

Janet Hawkinson has made considerable strides forward in the effort to bring the PUD Holding Zone (UPRR property) into compliance. UP Representatives have provided a site plan with areas of each lessee designated. Minturn has received approval to better outline the site plan with a designated access road and entry exit points for each leased location including fencing to designate each leased area. Minturn further anticipates the ability to enforce the ticketing and/or removal of non-designated vehicles and equipment within the UPRR property area. This effort is expected to take, at minimum, the next several months.

### **CANDIDATE FORUM**

The candidate's forum has been scheduled for Monday, March 12th 6-8:00 pm at Minturn Town Hall. High 5 Media will be filming for those not able to be present.

### **COUNCIL RETREAT**

May 6, 2018, 9:00 am at the Minturn Fitness Center.

- Action Report
- Department Updates

Janet H. updated on the Chapter 16 rewrite.

Matt S. asked about the new business signs, they have been reviewed and approved.

Matt S. asked about the 2015 International Building Code.

Michael S. stated the most recent Tucker/Battle Mtn lawsuit has been dismissed.

### **EXECUTIVE SESSION**

#### **14. Executive Session: An Executive Session for the purpose of conferencing with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Water Rights**

No further Executive Session was necessary; therefore, none was held

### **FUTURE AGENDA ITEMS**

#### **15. Next Meeting – March 7, 2018**

- 1041 Regulations Ordinance – Sawyer

#### **16. Future Meetings:**

- Water Policy and Tap Fee Ordinance (03/21/18) – Hawkinson
- Snow plow and mag chloride update – Metteer

**17. Set Future Meeting Dates**

a) Council Meetings:

- March 7, 2018
- March 21, 2018
- April 4, 2018

**18. Other Dates:**

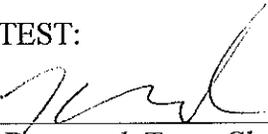
- Municipal Candidate Forum 3/12/18
- Municipal Election 4/3/18

**19. Adjournment**

Motion by Earle B., second by Kristina K., to adjourn at 9:45pm. Motion passed 6-0.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

