



Official Minutes

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

Wednesday March 7, 2018

Work Session – 5:00pm
Regular Session – 6:30pm

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.

Work Session – 5:00pm

- Water Production Review – SGM

Regular Session – 6:30pm

1. Call to Order

Mayor Matt Scherr called the meeting to order at 6:30pm

- Roll Call

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

Note: Due to a Council Member resignation 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

2. Approval of Agenda

- Items to be Pulled or Added

Motion by John W., second by Sage P., to approve the agenda as amended. Motion passed 5-0.
Note: Kristina Krone was excused absent.

3. Approval of Minutes

- February 21, 2018

Motion by John W., second by Terry A., to approve the minutes as presented. Motion passed 4-0.
Note: Kristina Krone was excused absent and Sage P. abstained.

The Council convened as the Liquor Authority.

4. Liquor Authority

- Raising Zane Inc, DBA Magustos Pizza & Burger Pub approval of a Temporary Liquor License Permit; 101 Main St; Sarah K. Biggs, Vice President/Manager – Brunvand

Jay B. detailed the request for a Temporary Hotel and Restaurant Liquor Permit. Magustos is scheduled to be sold to a new owner who desires to continue to hold a liquor license on the establishment. Because the location currently holds a liquor license in the name of the current owner, Magustos LLC, Eric Cregon, a second liquor license cannot be issued to the same location, and a liquor license is not automatically transferred to the new owner with the sale of the business, a request for a Temporary Permit is warranted. This will give the new owner time to secure a permanent Hotel and Restaurant license using the process established while still retaining the ability to conduct business. The ECSO/Minturn Police have run a preliminary background check on the applicants, Mr. Clifford A. Dorn III and Ms. Sarah K. Biggs, and have found no issues that would cause concern. Staff is recommending approval of this request.

Public Hearing Opened

No Public Comments

Mr. Dorn spoke as the applicant. He confirmed they will be operating both their current location (BC Wings) and this establishment.

Public Hearing Closed

Motion by Terry A., second by Sage P., to approve the Temporary Hotel and Restaurant Liquor Permit for Raising Zane INC DBA Magustos; 101 Main St; Sarah K. Biggs, Owner as presented. Motion passed 5-0. Note: Kristina Krone was excused absent.

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

Ms. Lynn Teach, 253 Pine St, thanked Public Works for their work this winter.

Mr. Brian Eggleton, candidate for Minturn Town Council, introduced himself.

Ms. Kristin Shepherd, 465 Pine St, asked about a letter she received regarding property extending into Meadow Lane. She stated apparently her house is in the right of way. Michelle M. asked her to meet with her to work with staff.

6. Special Presentations

- Water Production Review – SGM, Inc.

Michelle M. gave an update on questions Staff has received from citizens and answered those questions. She noted as more questions are received this flyer will be updated. The current flyer is incorporated within these minutes as follows:

LET'S TALK WATER

Minturn will be presented with the findings from the recently completed water production analysis. These findings will be the beginning of many upcoming public conversations regarding Minturn water production and how to best meet the needs of an anticipated growing population. Minturn is legally required to supply water service to any users within the town service area. Minturn's current water treatment plant is almost 80 years old (it was installed in the 1940's) and it's time to determine its remaining lifespan and how much water it can be expected to produce. With the answers to these questions, Minturn can begin planning for the needs of the community moving forward.

QUESTIONS & ANSWERS:

These are questions Town Hall has received thus far regarding water production and service in Minturn.

Is Minturn going to sell its water rights? – No, the Council is NOT considering selling Minturn's water rights. The sale of water rights can only be approved by the vote of the people. (MMC Article X Section 10.8 – Town Charter; Sale of Utilities)

Is Minturn giving its water system to the District? – No, the Council is NOT considering allowing the District to take over Minturn's water system. (MMC Article X Section 10.8 – Town Charter; Sale of Utilities)

Additionally, the Council is actively passing 1041 Regulations which will further strengthen Minturn's ability to NOT allow 3rd party water lines through town.

Minturn already has one of the highest monthly water rates in the valley, if Battle Mountain development is approved, is this going to add to the already high rate for existing customers or will the new development have to pay for upgrades for their needs? – Battle Mountain would be required to pay for upgrades for their needs, however the town also needs to make improvements to the aging water treatment system or look at alternative options – both of which will come with expenses.

Has the water consultant taken into consideration drought years? - Yes, drought years have been considered in the analysis.

Can our current water system handle a large development being added to it? - The analysis specifically reviewed the ability of our current water system to handle an increased population under three different growth scenarios which include Battle Mountain. Our current system can only handle a small amount of growth without needing significant upgrades.

Does Minturn have a backup plan should there be a natural disaster in the Cross Creek watershed? For example, a forest fire could compromise the quality of the incoming water to a degree such that the slow sand filtration system could not treat. – No, Minturn currently has no back-up plan should the Cross Creek water source become unavailable.

What is an inter-connect?

An inter-connect has been proposed by Battle Mountain as a possible long-term solution. The concept would be a water line from the Minturn system to Dowd Junction and connect with the District to allow for Minturn to purchase water on a wholesale basis (Minturn would keep all its water rights and the water system). More study would be needed to evaluate this option, but it would negate the need to pay for a new water treatment plant and also provide Minturn with a backup water source in case of emergency or natural disaster in the Cross Creek watershed. Council understands the importance of hearing from residents directly before any steps would be taken to consider in further detail.

If Battle Mountain goes away, will Minturn still need to upgrade its water treatment plant?
– Yes, regardless of the Battle Mountain development, Minturn will need to address the need for increased water production.

NEXT STEPS: WATER DISTRIBUTION SYSTEM EVALUATION

Objective:

Identify recommended improvements (and associated costs) to the Town's water distribution system facilities (pumping systems, transmission/distribution lines, control valves, and water storage facilities) required based on consideration of asset renewal needs, system hydraulic performance, and future growth needs. Growth scenarios will include projected infill only, infill plus Phase 1 Battle Mountain development, and long-term buildout.

Mr. Ryan Gordon, SGM Inc, gave a presentation of a study prepared on the needs of the existing water plant for the near, mid, and long term. SGM is a water engineering firm hired by the Town of Minturn for this study.

The options include upgrading the current slow sand system or building a new membrane system. The cost runs about \$4m to upgrade our current system to \$9-11m for a new membrane plant. It was noted the costs are planning level leading them to be very conservative and higher contingency costs.

Mr. Dan Matney, 435 Pine St, asked about the definition of the Single-Family Equivalency (SFE); is a standard measurement for resident and commercial use.

What is the average lifespan of our plant and how far into that lifespan are we; sand filters, with proper maintenance, should have a substantial life of 40-60yrs however, various components will wear out and need to be maintained and replaced. This is the same for all types of plants.

Mr. Ken Mentz, 167 Williams St., asked how any improvements would be funded; Michael S. stated the water is included in an Enterprise Fund which funds its operation and improvements with fees; both new tap fees, and monthly water fees. In order to fund improvements, we can cash flow all the way to bond indebtedness. In the event of unexpected growth, the town could impose a growth moratorium as a short-term solution while issues are sorted out.

Mr. Brian Sipes, 102 Nelson Ave, asked if we have the water rights to support the anticipated growth. Michael S. explained the town does have water attorneys and engineers which feel comfortable that, although we are "pinched" at times of the year, we do have water rights that are sufficient now and, with proper foresight and development, should be comfortable in the future. It was noted this is the start of the dialogue which will continue in order to ensure this proper foresight and development.

Mr. Brian Eggleton, 109 Lions Lane, noted we are legally required to provide water to our current population, does that include the Battle Mountain and Maloit Park areas; yes, this development is included within the studies.

Mr. Tim McGuire, Battle Mountain Resort, stated they have their own water rights which, potentially as part of the annexation, would be part of the discussion and even incorporated within Minturn's water rights inventory.

- Committee Reports

Terry A. noted the Holy Cross Advisory group met regarding the proposed Holy Cross Energy extension through town to begin discussions. As part of this the town will discuss the 1041 regulations tonight.

John W. updated on the Partners in Energy. He noted minturn.org/energy will lead viewers to the links.

- Council Comments

Matt S. stated for a town our size with our budget we are in a very good place with an impressive staff. It was noted Jay B. had recently surpassed 20 years of service to the town and was presented with a plaque.

Terry S. reminded all that spring is coming and children, bikers, and motorists need to share the road.

Earle B. thanked all for their support in the Barstool Race.

Matt S. announced the Candidate Forum to be held Monday March 12 6pm-8pm.

Matt S. reminded all that Scholarships are due by March 30. Michelle M. stated they can be brought to the Town Hall, the applications will need to be complete in order to be considered.

PUBLIC HEARINGS AND/OR ACTION ITEMS

7. Public Hearing/Action Item: Consideration of Ordinance 01 – Series 2018 (First Reading) an Ordinance designating matters of state interest of the Town of Minturn and adopting guidelines and regulations for areas and activities of State interest under Chapter 16 of the Minturn Municipal Code – Metteer

Michael S. outlined the Ordinance and how this will affect the town. This Ordinance will allow Minturn to address issues of statewide concern but that will affect Minturn in a direct manner. This will designate issues of statewide concern and lay forth how the town can act on those concerns. This addresses three areas of concern to include high voltage extensions through town, water and waste water from outside the town, and water storage uses. It was noted that this Ordinance allows for a permitting application process of which the town will review. Although a permit could be denied, the intent is not to exclude such exterior concerns or to create redundant review, but to ensure the town is not unduly impacted.

The Public Hearing was opened.

Mr. Tim Mentz, 167 Williams St, asked questions to clarify for his edification.

Public Hearing was closed.

Motion by Earle B., second by Terry A., to approve Ordinance 01 – Series 2018 (First Reading) an Ordinance designating matters of state interest of the Town of Minturn and adopting guidelines and regulations for areas and activities of State interest under Chapter 16 of the

Minturn Municipal Code as presented. Motion passed 5-0. Note: Kristina Krone was excused absent.

8. 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. discussed the issue with the Council and addressed the proposal and some of the questions brought by Council during the previous meeting. The intent is to protect the areas without changing the current uses on those lands. Additionally, this would address our ability to access the Bolts Ditch headgate which is currently 150 yards in to the Wilderness designation and therefore unaccessable and unmaintainable with our equipment. This bill would allow for this. It was noted this is NOT the previously defeated statewide issue of Hidden Gems.

Discussion ensued as to what this Bill will and will not cover to the satisfaction of Council.

Motion by John W., second by Earle B., 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 as presented. Motion passed 5-0. Note: Kristina K. was excused absent.

COUNCIL INFORMATION / UPDATES

9. Staff Updates

- Manager's Report

Academic Scholarships

The Town of Minturn is pleased to offer scholarships to qualifying students on an ongoing basis. The purpose of the Scholarship Fund is to award educational scholarships for the benefit of students of all ages from the Town of Minturn and to award scholarships on a regular basis, to deserving applicants, based on academic merit and other relevant criteria. The deadline for submitting an application is Friday, March 30, 2018 at 5:00 pm.

Boulder Street Snow Storage

Public Works continues to look at ways to improve snow storage and snow removal on Boulder Street between the 200 and 300 block. Signs have been ordered in lieu of snow being used to block the snow storage. This will help with drainage and icing issues. Additionally, in the summer 2018 options will be reviewed for sidewalk height where the road has been repaved to such a degree it is almost level with the sidewalk.

100 Block and Nelson Ave Parking Restrictions

After two-years of concerted efforts and adjustments made to lighting, striping, municipal lot improvements the community has determined 2-hour parking is the only option to deter employees, business owners and residents from all day parking. April 2018 2-hour parking signs will be installed in areas of the 100 block on Main Street and on the north side of Nelson Ave.

Scoop the Poop!

Campaign to begin May 1, 2018. Residents are asked to please not let their dogs roam free about the neighborhoods...as has been seen actively happening. Turns out, our four-legged residents can't pick up and throw away their own poop. Let's all do our part to keep a clean and healthy environment.

Candidate Forum

The Minturn Candidate's Forum has been scheduled for March 12 from 6:00 to 8:00 pm at Minturn Town Hall. The public is welcome and encouraged to attend. Questions may be submitted either in person or by emailing to treasurer@minturn.org for consideration by the Forum moderator, Shelley Bellm (thanks Shelley!). High Five Media will tape the session and have available online for those not able to attend in person. Get to know your candidates!



HWY 24 / CDOT Update

Mag chloride is now being used on HWY 24 from the "s curves" to Cemetery Road. This effort will decrease the ice buildup on the road and hopefully also nearby parking areas.

Town Elections

Elections are April 3, 2018. Contact Jay Brunvand, Town Clerk for complete details or for an absentee ballot. (970) 827-5645 x2 or treasurer@minturn.org.

Partners in Energy Program for Residents & Businesses

Recently, the Town of Minturn joined with Xcel Energy's Partners in Energy in the development and adoption of an Energy Action Plan for the residents and businesses of Minturn.

The plan establishes several initiatives for residents and businesses to engage in energy savings actions and pursue renewable energy alternatives to meet the Town of Minturn's energy-related goals of:

- Reducing building-related GHG emissions 5% per year, and 80% by 2050.
- Achieving a 5% energy reduction from Minturn's 2016 energy baseline by June 2019.
- Engaging 5% of Minturn households and businesses in a renewable energy program.

In 2018, look for opportunities to do your part in achieving Minturn's goals by participating in outreach and networking events as well as energy efficiency or renewable energy programs, informational sessions, and rebates.

To get started, visit www.minturn.org/energysavers to learn about the many energy efficiency and renewable energy programs available in Minturn.

About Xcel Energy Partners in Energy

Through Partners in Energy, Xcel Energy provides free services for communities in its Colorado service areas to develop customized energy plans and then assists with implementing those plans. To learn more about Xcel Energy's Partners in Energy, visit www.xcelenergy.com/PartnersinEnergy.

About Xcel Energy

Xcel Energy (NYSE: XEL) provides the energy that powers millions of homes and businesses across eight Western and Midwestern states. Headquartered in Minneapolis, the company is an industry leader in responsibly reducing carbon emissions and producing and delivering clean energy solutions from a variety of renewable sources at competitive prices. For more information, visit xcelenergy.com or follow us on [Twitter](#) and [Facebook](#).

Council Retreat

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

Michelle M. requested direction on membership in Colorado Association of Ski Town's (CAST). Direction was to not renew the town's membership.

- Department Updates

Janet H. updated the Council on the Planning Commission and her office. She noted two grants applied for. The first grant for Fishing is Fun to allow access and ADA access to the Eagle River. The second grant is to complete the Boneyard Conservation Easement. She stated if the conservation easement is not completed it could be sold and developed.

Holy Cross Energy is still working with the town on the powerline extension from Gilman. The USFS has accepted their NEAPA study and has begun that process. The intent is to have this process working with the Holy Cross Advisory Group throughout the process and in conjunction with the proposed 1041 regulations being developed.

- Action Report
- Future Meeting Topics

EXECUTIVE SESSION

10. 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) – Meyer Quiet Title Litigation and Litigation involving title to Eagle River and Dowd Junction

Motion by Terry A, second by Earle B., 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) – Meyer Quiet Title Litigation and Litigation involving title to Eagle River and Dowd Junction. Motion passed 5-0. Note: Kristina K. was excused absent.

Sage P. exited the Executive Session at 10:05pm.

No direction or statement was made as a result of the Executive Session

MISCELLANEOUS ITEMS

11. Future Meeting Dates

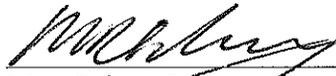
- a) Council Meetings:
- March 21, 2018
 - April 4, 2018
 - April 18, 2018

12. Other Dates:

- Municipal Election Candidate Forum – 03/12/18
- Municipal Election – 04/03/18

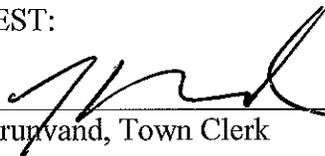
13. Adjournment

Motion by Terry A., second by John W., to adjourn at 10:23pm. Motion passed 4-0. Note: Kristina K. and Sage P. were excused absent.



Matt Scherr, Mayor

ATTEST:



Jay Brunvand, Town Clerk

