



## **Official Minutes**

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

**Wednesday April 18, 2018**

**Work Session – NONE**  
**Regular Session – 6:30pm**

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

**COUNCIL MEMBERS:**

Terry Armistead  
Brian Eggleton  
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 – NONE**

**Regular Session – 6:30pm**

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

Mayor Matt Scherr called the meeting to order at 6:33pm

- Roll Call

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

Note: Due to Council Member resignations the Council stood at five members including the Mayor.

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

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Add: Motion to approve an Agreement of Intent Proposed Conveyance of Forest Service Property as 10a.

Motion by John W., second by Brian E., approve the agenda as modified. Motion passed 4-0. Note: Mayor Pro Tem Earle Bidez was excused absent.

## **3. Approval of Minutes**

- April 4, 2018

Changes: complete the end of #6: Protect our Winters

Motion by Terry A., second by John W., to approve the minutes of April 4, 2018 as amended. Motion passed 4-0. Note: Earle B. was excused absent.

## **4. Discussion/Action Item: Discuss and Interview applicants for the vacant Town Council seats – Metteer**

Matt S. introduced the applicants and allowed them to introduce themselves and field Council questions.

Motion by Matt, second by Terry, to approve both candidates as a single vote. Motion passed 4-0. Note: Earle B. was excused absent.

## **5. Discussion/Action Item: Resolution 08 – Series 2018 consideration of a Resolution appointing individuals to the Minturn Town Council – Brunvand**

Motion by Terry A. second by Brian E., to approve Resolution 08 – Series 2018 consideration of a Resolution appointing individuals to the Minturn Town Council. Motion passed 4-0. Note: Mayor Pro Tem Earle Bidez was excused absent.

## **6. Discussion/Action Item: Swearing in of appointed Council Members – Scherr**

Mayor Matt Scherr swore in the newly appointed Council Members Chelsea Winters and George Brodin.

The two newly appointed Council Members took their seats at the dais. Note: for the record, the Council stood at six in attendance. Earle Bidez was excused absent.

Note: The Council sat as the Liquor Authority.

## 7. Liquor Authority

- Raising Zane Inc, DBA Magustos Pizza & Burger Pub consideration of approval of a New/Transfer Hotel and Restaurant Liquor License; 101 Main St; Sarah K. Biggs, Vice President/Manager – Brunvand

The liquor application was presented by Jay B. It was noted the establishment currently is operating under a Transfer Permit granted March 1, 2018. In that this is a transfer of an existing license, a number of factors considered with a new license are not necessary in a transfer. It was noted that the license application is in order and no issues were found that would preclude approval of the license. Staff recommended approval of the license as presented.

Public hearing was opened

Council asked several questions about the future operations of the restaurant.

No public comments

Public hearing was closed.

Motion by John W., second by George B., to approve the application of Raising Zane Inc, DBA Magustos Pizza & Burger Pub consideration of approval of a New/Transfer Hotel and Restaurant Liquor License; 101 Main St; Sarah K. Biggs, Vice President/Manager as presented with the following findings and conditions. Motion passed 6-0. Note: Earle B. was excused absent.

- The Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on March 12, 2018 at least 30 days prior to the hearing, and the publication for the hearing was published in a newspaper of general circulation on March 21, 2018 at least 10 days prior to the Public Hearing.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license: the physical location where the applicant proposes to exercise the privilege of selling liquor does not appear to be within 500 feet from any public or parochial school or principal campus of any college, university, or seminary.
- That Minturn Police Dept/ECSO has conducted a background investigation on the listed owner(s). This investigation was not able to identify any conditions or information, which in and of itself would forbid the approval of the applicant's license. However, the following considerations will be attached to the approval:
  - The applicant's fingerprints are still being reviewed by the CBI and the FBI and it is foreseeable this process will not be completed in a timely manner. Staff has performed a background check using available resources and is comfortable recommending approval. In the event the applicant fingerprints are returned indicating sufficient reason to dispute good moral character the license will be forfeited.

- The Local Liquor Authority has duly emphasized the requirement of operating an orderly establishment as related to noise and or live entertainment and the wellbeing of the neighborhood.
- Staff recommends the establishment maintain server training certification on all servers.

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

**9. Special Presentations**

- Committee Reports

John W. reported he had spoken with ECO Transit and gave an update on the fare system for the transit. He suggested to ECO that perhaps Minturn could assist in subsidizing the Minturn leg. John W. asked Council to consider a dollar amount. This will be discussed if, as, and when it becomes a request from ECO Transit. John W. noted this was not a promise for funding from Minturn.

George B. asked if there were demographics or ridership numbers that determine the route system; ridership has always been low for Minturn but the users are consistent.

John H. stated that the Eagle Mine Stakeholders meeting agreed to progress with 2A which is the preferred option. This is intended to catch more heavy metals and should help the Eagle River.

Brian E. stated the Scholarship Committee is meeting this Monday to determine recipients and amounts.

- Council Comments

Terry A. acknowledged the efforts of Michelle M. and Kathy Biggs to assist the victims of the mobile home fire. Through their efforts the town raised over \$10,000 to assist those affected.

John W. stated the NWCCOG Water QQ is having a retreat in the near future. He requested if any Council Member had a question they would like to be brought forth to send them to him.

**PUBLIC HEARINGS AND/OR ACTION ITEMS**

**10. Public Hearing/Action Item: Consideration of Ordinance 02 – Series 2018 (First Reading) an Ordinance setting Water Utility Tap and System Improvement. – Metteer**

Michael S. outlined the Ordinance presented as the Ordinance has been considered over the past several meetings. He stated the revised plan is to address the redevelopment of existing properties and how they could best be turned to assist the town in its water development needs. This would be done with a modification to the existing Tap Fee system and a newly implemented

System Improvement Fee to address new construction or expansion of existing structures on a tiered fee system.

George B. asked if this only affects new construction; yes, both redevelopment/new development and/or new construction on an existing structure.

Chelsea W. asked how this differed from the current system; Michael S. outlined the difference.

Brian E. asked how the sq ft numbers were determined; Michael S. stated this is based on other municipalities, the current actual sq ft being developed, and an SFE is defined as 3,000sqft.

Public Hearing was opened.

No comments

Public Hearing was closed.

John W. felt this did emphasize the ability to address costs as projects grow and encourages smaller secondary apartments within some units which would assist in attainable units.

The Council in general applauded the rational nexus relating our fees to the size and use of properties.

Motion by Terry A., second by Brian E., to approve Ordinance 02 – Series 2018 (First Reading) an Ordinance setting Water Utility Tap and System Improvement as presented. Motion passed 6-0. Note: Earle B. was excused absent.

### **10a Motion to approve an Agreement of Intent Proposed Conveyance of Forest Service Property**

Michelle M. outlined the request and stood for questions. She noted this is a step allowing the USFS to review the process to sell the USFS property in Dowd Jct. She noted this is a very public process that will follow the federal process and the public will have many opportunities to learn and comment on this potential sale. The process will allow the USFS to combine their operations in the western portion of the County, which has been a long-term goal of the USFS. This agreement will allow the town to move forward with an appraisal of the property.

Terry A. noted this is a USFS administrative site, it is not a forest site. Both Terry A. and Brian E. clarified this is not forest and the federal law allows them to sell it unlike the forest. Michelle M. noted that as an administrative site, the intent is still to allow access to Meadow Mtn by the public.

Motion by John W., second by George B., to approve an Agreement of Intent Proposed Conveyance of Forest Service Property as presented. Motion passed 6-0. Note: Earle B. was excused absent.

## DISCUSSION AND/OR DIRECTION ITEMS

### **11. Discussion/Direction Item: Quarterly Task Update – Metteer**

Matt S. stated this was an update for the Council to review how we are addressing our goals set. Michelle M. noted this in the past has been done during the Worksessions, she felt having this on the camera would allow it to reach more public. She then proceeded with a presentation depicting the priorities as set and the strides made on each.

Discussion ensued as to the speed limit work being done and how the town can work with CDOT to address this in a timelier manner.

Michelle M. took special time to update the council on the town's efforts to ensure our public communication. These efforts included the Scoop the Poop campaign to clean up after dogs. This effort will also be on the social media and a special Scoop the Poop website.

### **12. Discussion/Direction Item: Council Committee Appointments – Metteer**

Michelle M. reviewed the list of boards and committees in an effort to fill the seats. The list was reviewed and an updated list will be compiled and distributed.

## COUNCIL INFORMATION / UPDATES

### **13. Staff Updates**

- Manager's Report

#### **Vail Jazz Partnership, Live! In Minturn**

Minturn is exploring the opportunity to partner with Vail Jazz for the Fall 2018 music series known as Live! In Minturn. Options exist at several local establishments and venues are starting to be explored. If you're interested in your venue hosting one of these four evenings, please email [events@minturn.org](mailto:events@minturn.org).

#### **Sidewalk Program**

Public Works is gearing up for another busy summer of sidewalk rehabilitation. Here is the basic outline of the program. Interested property owners should contact Jay Brunvand [treasurer@minturn.org](mailto:treasurer@minturn.org) for complete details and scheduling:

#### TOWN PORTION:

- Pop and remove existing sidewalk
- Prep/frame site
- Flatwork (we have a professional company that we hire)

#### RESIDENT PORTION:

- The resident reimburses the Town for the cost of concrete (and that's it). The town pays for all the labor and concrete and then bills the property owner for the concrete.

Link to a simple calculator:

<https://www.concretenetwork.com/concrete/howmuch/calculator.htm>. Estimates are about 3-6 yards at \$150 to \$200 or so a yard. A bill from last year (as an example) and it was \$194/cy.

#### **Free Book Exchange**

The Town of Minturn hosts a free book exchange within Town Hall. The Vail Public Library has offered to donate books to this exchange which will allow Minturn to expand the program. Minturn is now reviewing the opportunities and associated costs for free mini book exchanges in additional sections of town. For anyone interested in volunteering to build, maintain or stock a mini book exchange please contact Kathy Biggs at [code@minturn.org](mailto:code@minturn.org) or (970) 827-5645.

#### **Monthly Town Newsletter (Communication efforts)**

Bi-monthly updates are emailed to the current email subscription list the town maintains. In addition, Minturn will start emailing out a monthly newsletter to the subscription list and will physically mail the newsletter to anyone who receives their water bill in paper form (not electronically). This is one more effort to increase communication to Minturn residents.

#### **Water Treatment Plant (WTP) Options**

Staff continues to review options for Minturn water treatment services. After the SGM Task 6 report, citing an option for a 9-11M water treatment plant, staff started to research alternative options. John Volk, Water Plant Operator, is now consulting with a second engineering firm seeking additional options. Minturn is looking to obtain a "Proof of Concept" report detailing the validity of a membrane filtration WTP on Cross Creek in direct proximity to the current slow sand filtration system. With the confirmation that a membrane plant can do the job, Minturn can then move forward with a scope of work for bid. This will allow us to know the cost for a modified plant which we expect to be significantly less than the estimated 9-11M originally quoted.

#### **Employee Handbook Review & Updates**

Work has begun on addressing the Employee Handbook. The last time the Employee Handbook was updated was February 2004. The Handbook still covers items like the Fire and Police Departments, which both no longer exist. The Handbook is updated at the Manager-level, however a final draft version will be provided to Council when available.

#### **Dowd Junction**

Tom Glass, Western Land Group, has completed a final draft version of the Letter of Intent for signatures by the USFS and the Town of Minturn to begin the direct sale process of the Dowd Junction property. The document is awaiting approval by both parties.

#### **Council Retreat**

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

Michelle M. discussed with the Council a training option she would like to pursue for Town Managers. This is a Certified Public Manager. She would request the town to pay for it and she would then agree to a one-year prorate in compliance with the Employee Handbook.

Discussion ensued as to if the one year is sufficient. It is but it is at the VERY low end. Many plans of the town can take years of planning and implementation. Direction was for Michelle M. to proceed.

- Future Meeting Topics

### 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) – Battle Mountain – Metteer/Sawyer**

Motion by Terry A., second by George 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) – Battle Mountain; and for the purpose of developing strategy for negotiations and instruction of negotiations under CRS Section 24-6-402(4)(e) – Water Rights as presented. Motion passed 6-0. Note: Earle B. was excused absent.

### MISCELLANEOUS ITEMS

#### **15. Future Meeting Dates**

- a) Council Meetings:
- May 2, 2018
  - May 16, 2018
  - June 6, 2018

#### **16. Other Dates:**


- Council Retreat – 05/06/18 (Sunday)

#### **17. Adjournment**

Motion by John W., second by Terry A., to adjourn at 10:06pm. Motion passed 6-0.

  
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Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

