



## Official Minutes

### MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center, 302 Pine Street  
Minturn, CO 81645 • (970) 827-5645

**Wednesday May 2, 2018**

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

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

#### COUNCIL MEMBERS:

Terry Armistead  
George Brodin  
Brian Eggleton  
John Widerman  
Chelsea Winters

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

- **New Council Orientation - Sawyer**

#### Regular Session – 6:30pm

##### 1. Call to Order

Mayor Matt Scherr called the meeting to order at 6:37pm

- Roll Call

Those present included: Mayor Matt Scherr, Mayor Pro Tem Earle Bidez, and Town Council members, Terry Armistead, George Brodin, Brian Eggleton, Chelsea Winters, and John Widerman.

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

Add: Special Presentation Eagle Co Citizens Advisory Group for Holy Cross

Add: Special Presentation for the Climate Action Plan by Kim Schlaepfer

Motion by John W., second by George B., approve the agenda as modified. Motion passed 7-0.

## **3. Approval of Minutes**

- April 18, 2018

Motion by Terry A., second by Chelsea W., to approve the minutes of April 18, 2018 as presented. Motion passed 7-0

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

## **5. Special Presentations**

- Solar Fields – Tim Rehder

A presentation was given by Mr. Tim Rehder, Senior Environmental Scientist U.S. EPA Region 8, regarding a potential installation of a solar field on the Eagle Mine Tailings field.

Discussion ensued as to costs and benefits of the capacity and this proposal.

- Eagle County Citizens Advisory Group Amanda Meir and Tim McGuire

A presentation was given to update the Council and Community on the proposal by Holy Cross Energy to build a looped high power electrical line from Gilman through Minturn to the existing Avon substation. The presentation included route options to include the west side of Minturn to include Meadow Mountain, the easterly route to run along the Lionshead Ridge, and option three through Minturn. The third option would include both above ground and buried lines. It was noted that the cost of this project will be borne by the Holy Cross customers, Minturn has one or two very small areas that are members. Therefore, the impact would be substantial but the benefit in power to Minturn would be extremely limited.

It was noted that citizens with questions or comments should contact Janet H. at the Town Hall.

- Climate Action Collaboration – Kim Schlaepfer

Ms. Schlaepfer gave an update on the Climate Action Collaborative Program and answered questions. She stated she is the program director and her job is to assist the county and towns to reach their climate action and materials management goals. She outlined several projects that are

available to industrial, commercial, and residential individuals to contribute with fees or offset energy uses.

- Committee Reports

John W. attended a 2day NWCCOG Water QQ retreat and updated the Council.

Brian E. updated on the Minturn Scholarship. They have five applications and will begin interviews within the week.

Matt S. updated on the Economic Development Committee and they are reviewing the Strategic Plan. He also highlighted the Minturn Makers organization for local artisans to give them an outlet for their growth and enrichment.

- Council Comments

Earle B. welcomed the new Council Members.

Matt S. stated the highway cleanup is this Saturday presented by the Eagle River Water Council, [www.ERWC.org](http://www.ERWC.org) has details. The town cleanup is June 2.

Michelle M. stated the street sweeper is in town for the next month and will be in operation.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

**6. Public Hearing/Action Item: Consideration of Ordinance 02 – Series 2018 (Second Reading) an Ordinance setting Water Utility Tap and System Improvement fees – Hawkinson/Sawyer**

Michael S. outlined the Ordinance presented including the various fees and noted no changes have been made since First Reading.

Public Hearing was opened.

No comments.

Public Hearing was closed.

Motion by George B., second by Terry A., to approve Ordinance 02 – Series 2018 (Second Reading) an Ordinance setting Water Utility Tap and System Improvement as presented. Motion passed 7-0.

## DISCUSSION AND/OR DIRECTION ITEMS

### 7. Discussion/Direction Item: Chapter 16 rewrite update – Hawkinson

Janet H. gave a brief update on the Chapter 16 rewrite as it is progressing through the Planning Dept and the Planning Commission. Individuals who would like to review the changes should contact Janet H. in the Planning Office.

### 8. Discussion/Direction Item: Sidewalk Project Update – Metteer

Michelle M. updated on the Main Street Pedestrian Project. The project will include sidewalks, curbs, drainage, and street improvements. She reiterated that we have been awarded all the grant funds requested and that the entire project will be done in conjunction with the CDOT paving project all through town, our portion will be limited from Meek to about the 900block area. The project and expenses run from 2016 through 2019 at various levels. Anyone interested in the project can contact Michelle M. at the Town Hall. A long wall map with representational information is in the Council Chambers for viewing. The project is on both sides of the road from the 500 block to about the 900 but will not include the east side of the street from the Enclave to Cemetery Bridge. Actual construction will begin in the spring of 2019 at Dowd Jct with repaving. The road will be milled, rebuilt, and paved from Dowd Jct through Town and will meet to align with the new and existing sidewalks.

### 9. Discussion/Direction Item: Climate Action Collaborative – Metteer

Michelle M. updated the Council on the Climate Action Collaborative. The town has signed up for our own Climate Action Plan. The town has already recouped some of our costs with the LED lightbulbs we have been given. Based on our level of use we have been allocated a fee of \$2,091 for 2018.

Motion by Earle B., second George B., to approve the full payment of \$2,091.12 as presented. Motion passed 7-0.

## COUNCIL INFORMATION / UPDATES

### 10. Staff Updates

- Manager's Report

#### **Battle Mountain Discussions**

Council and specifically the Battle Mountain Committee, Earle Bidez and Terry Armistead, have been working hard behind the scenes on discussions with Battle Mountain and a potential project on their land within the valley floor at the south end of town. There are multiple aspects and topics for review and the Council believes we have reached the point where the community involvement and input will be critical for the appropriate directions moving forward. At the May

16<sup>th</sup> Council meeting staff will provide an update of discussions to this point and topics needing to be addressed by the community.

The Battle Mountain project is different than other development projects coming before staff/P&Z/Council in that an Annexation Agreement was obtained – and approved by the Minturn voters, before the privately owned land was allowed to come into the town limits of Minturn and Minturn’s water service area. As such, with the changes made to the Battle Mountain development project, the community will need to provide input regarding any changes to the above mentioned agreement and water service. More to come on May 16<sup>th</sup>.

### **Dowd Junction**

The Letter of Intent for a direct sale of the 13-acre Dowd Junction parcel to Minturn has been signed by both parties (USFS and town of Minturn). There are still many hurdles moving forward and many “outs” for both parties. The USFS will need to begin the public input process and the town will be moving forward on steps for appraisals.

The Dowd Junction parcel is the approximately 13-acre USFS administrative area at the intersections of HWY 24 and Interstate 70 (Forest Service building and pothole-ridden parking lot area). It is NOT Meadow Mountain which is separate and NOT included in this transaction.

The town has three priorities for the Dowd Junction parcel:

- Ensure public access to Meadow Mountain is maintained (a private developer might not have this as a priority)
- Regional transit for the greater Eagle County area
- Sales tax revenue generation (Minturn has streets to fix, safety improvements to make, public facilities to maintain and so many more capital improvements to address that require funding).

### **PUD Holding Zone / Game Creek Character Area – Enforcement begins**

Staff continues to work toward the compliance within the Game Creek Character Area / PUD Holding Zone requirements. Several lease holders are working with staff toward this compliance (thank you!) however other lease remain uncommunicative. Enforcement letter to those lease holders not currently working with staff will go out next week, after April 30<sup>th</sup> which was the original deadline for compliance. Extensions have been granted in cases where lease holders are actively working toward compliance but all extensions have a deadline date on or before June 1<sup>st</sup>.

### **CDOT Speed Study / Speed limit consolidations on HWY 24**

Janet Hawkinson, Planner, has started work (again) on getting CDOT to complete the already-approved by Council speed study in order for CDOT to consider the consolidation of speed zones along the HWY 24 corridor running through town. There are currently eight different speed zones within this two-mile area which make enforcement by the Eagle County Sheriff’s office much more difficult than it needs to be. The variety in speeds also create confusion for the drivers who often don’t know what speed zone they are within at any particular time.

### **Council Retreat**

May 6, 2018, 9:00 am at the Minturn Fitness Center. See additional information included.

- Staff Reports
  - Town Planner

Janet H. updated the Council on a river grant she and the Planning Commission are working on to create river access areas. The town has budgeted our portion for this in the Conservation Fund.

Terry A. recused herself for the next section.

Janet H. stated the Planning Commission approved a site plan of 719 Main St. The plan shows a Main St access of 30 feet. She said this was not allowed and it is being reworked at staff level. Note; the house plan was approved but the parking continues under review and will be modified before the project moves forward.

George B. asked about a Right of Way; yes, it does have a Right of way and a water utility easement.

Brian E. noted that the Railroad area looks a lot cleaner.

- Future Meeting Topics

Matt S. asked the Council if they would like to discuss on a meeting funding support from Buddy Simms for a golf tournament. Discussion ensued and funding was not authorized. They were encouraged to apply during budget season.

Earle B. recommended this be posted on the town website for those interested.

## EXECUTIVE SESSION

- 11. 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) and for the purpose of receiving legal advice on a specific legal question for negotiations under CRS Section 24-6-402(4)(e) – Battle Mountain, Water Rights, Dowd Junction, and Battle Mountain Corp vs. Minturn – Metteer/Sawyer**

Motion by John W., 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) and for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Battle Mountain, Water Rights, Dowd Junction, and Battle Mountain Corp vs. Minturn. Motion passed 7-0.

**MISCELLANEOUS ITEMS**

**12. Future Meeting Dates**

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

**13. Other Dates:**

- Council Retreat – 8:30am May 5, 2018 (Sunday)

**14. Adjournment**

Motion by John W., second by Brian E., to adjourn at 11:55pm. Motion passed 7-0.

  
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Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

