



## Official Minutes

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

**Wednesday May 16, 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**

- **Use Tax on Construction products review – Metteer / Bellm**
- **New Council Orientation (continued) – Sawyer**

### **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, Terry Armistead, Brian Eggleton, and Chelsea Winters. Note: George Brodin and John Widerman were excused absent.

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

Additions: add and Executive Session as 11a

Motion by Terry A., second by Chelsea W., to approve the agenda as amended. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

- Declaration of Conflicts of Interest

## **3. Approval of Minutes**

- May 2, 2018

Motion by Earle B., second by Terry A., to approve the minutes of May 2, 2018 as presented. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

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

Ms. Khristine McKnight representing the Ralph Meyers family, 25 Harrison Ave. addressed a concern with the river front that runs along their property. They considered a settlement with the town to not seek ownership of land past the historic highwater mark that was identified. The concern is that this leaves about a 10ft strip between the highwater mark and the property they hope to obtain by quiet title. They feel they are not being treated fairly in relation to their immediate neighbors and others in town with river frontage.

## **5. Special Presentations**

- Scholarship Committee Awards Update – Shelley Bellm, Committee President

Ms. Shelley Bellm, Minturn Scholarship Committee, noted two appointments the committee will be requesting. She noted they had seven applications, three were return applicants. Of those, two dropped due to an incomplete application and one is taking a year off. Letters of Award will be sent to the applicants in the next week or so.

Brian E. is a Council appointment to the Committee and stated how nice it was to serve in this capacity.

- Housing Update – Kim Bell Williams, Eagle County Housing Director

Ms. Williams gave an extended presentation on housing needs and solutions study for the Eagle River valley. The complete study is available [www.minturn.org](http://www.minturn.org) or at [www.eaglecounty.us/housing](http://www.eaglecounty.us/housing).

- Committee Reports

Brian E. updated on the Scholarship Committee.

Terry A. noted the Battle Mtn Committee met and are looking at development plans the developer is considering.

- Council Comments

Matt S. requested everyone to be Bear Aware.

#### PUBLIC HEARINGS AND/OR ACTION ITEMS

- 6. Public Hearing/Action Item: Resolution 09 - Series 2018 a Resolution authorizing the Mayor to sign a DOLA grant to make improvements to curb, gutters, drainage, filtration and sidewalks on Main St – Metteer**

Michelle M. updated the Council that this is the DOLA \$1m grant for our south Minturn street and sidewalk improvements. She recommended approval as presented.

Motion by Terry A., second by Earle B., to approve Resolution 09 - Series 2018 a Resolution authorizing the Mayor to sign a DOLA grant to make improvements to curb, gutters, drainage, filtration and sidewalks on Main St as presented. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

- 7. Public Hearing/Action Item: Resolution 10 - Series 2018 a Resolution authorizing the Mayor to sign a Professional Services Agreement with Hunn Planning and Policy, LLC – Metteer**

Michelle M. informed the Council that we are in search of a new staff Planner. Until such time this contract will be utilized as an interim agreement for Planning services. Mr. Scott Hunn was available for introductions and questions.

Mr. Hunn noted a typo and requested that be corrected.

Motion by Terry A., second by Brian E., to approve Resolution 10 - Series 2018 a Resolution authorizing the Mayor to sign a Professional Services Agreement with Hunn Planning and Policy, LLC as presented to correct the typo. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

- 8. Public Hearing/Action Item: Resolution 11 - Series 2018 a Resolution supporting voluntary water reductions on outdoor irrigation for the summer 2018 season – Metteer**

Michelle M. updated the Council on the request. The impetus for this direction came as a result from a recent Eagle River Water and Sanitation District presentation which indicates stream levels will be down as a result of the low snow pack during most of the winter which will affect most of the west. The Resolution includes options for Odd/Even water days, no water on Monday, prime times to water, etc. It was noted this is for outdoor irrigation and it is voluntary.

Motion by Earle B., second by Chelsea W., to approve Resolution 11 - Series 2018 a Resolution supporting voluntary water reduction on outdoor irrigation for the summer 2018 season. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

## DISCUSSION AND/OR DIRECTION ITEMS

### 9. Discussion/Direction Item: Future Water Operations Intro – Metteer

Michelle M. noted Cross Creek is limited to approximately 1600 people. Future options for a secondary water source may/will include further utilizing our water rights on the Eagle River and potentially drilling wells.

### 10. Discussion/Direction Item: USFS MOU Dog Waste Stations - Metteer

Michelle M. noted that our trails and trail heads are becoming over burdened by dog waste. The USFS does not have the ability to monitor this issue. This MOU will address an action plan to address the situation. The Minturn Community Fund has donated two dog-waste stations which will be installed by the USFS and maintained by the Town and the USFS.

## COUNCIL INFORMATION / UPDATES

### 11. Staff Updates

- Manager's Report

#### **Dog Waste Stations**

Minturn and the USFS are working on an MOU for the maintenance of dog waste stations at the Meadow Mountain and Grouse Creek trailheads. As we all know, this has been an issue for years. Minturn will be committing to the maintenance of the stations and removal of waste container contents for the next year in a trial effort to see how things go, so please remember to scoop the poop!

#### **PUD Holding Zone / Game Creek Character Area – Union Pacific Site Visit**

Representatives from Union Pacific Railroad will be coming to town next week to review the issues within the PUD Holding Zone. Topics of discussion should include but are not limited to: water lines, conditional use permits, approved leased areas and zoning process.

### **Two-Hour parking signs installed**

The two-hour parking signs have been installed within the 100 block. We are utilizing the off-season to provide warnings to folks in violation of the two-hour rule. We're hopeful everyone will become acquainted with the new system before summer is in full swing.

### **New collections agency**

Minturn has enlisted the services of a new collection agency for unpaid tickets and invoices due to the town.

### **2019 CDOT Repaving Project / Minturn Sidewalk project**

Minturn representatives met with a wide variety of DOLA, HDR, Stolfus and CDOT representatives to discuss the merging of the construction plans for the combined 2019 highway repaving and sidewalk project. Weather depending, the project is expected to start April/May 2019. Combined total project cost expected around \$6M. Environmental clearances have been obtained. Consideration for installing flashing pedestrian signs at the following crosswalks: Toledo Ave/Main and Meek Ave/Main. This cost to be solely funded by the town of Minturn. Retaining wall to be constructed through the narrows and expected to be about 4' tall. Additional review needed for the following: Minturn to set up meeting for construction phasing, schedule and public information. More information needed for conduit options

### **Staff Update**

Minturn is searching for a new town planner. A job description can be found at: <http://minturn.org/pdf/jobs/2018Job%20Description%20-%20Planning%20Director.pdf>. In the interim, Minturn will be contracting the day to day planning functions with Scott Hunn who is currently working on the MMC Chapter 16 rewrite.

### **Community Board Approval**

As part of the Economic Development Strategic Plan, staff has requested, and received approval from the owners of the 100-block for, the installation of a second community board on the north side of Mountain Pedaler in the 100-block. This continues the town's efforts to facilitate communication via non-electronic methods.

### **Overhanging Tree**

There is a dead tree hanging above the S turn on the cliff as motorist's approach town from the north end. Both CDOT and the USFS have been notified of the issue. It is on Forest Service land and the Forest Service will need to have it removed if deemed a hazard.

Michelle M. noted a second Community Bulletin board will be installed near Nelson and Main.

- Staff Reports
  - Town Planner

Michelle M. referenced the packet which contained several recently approved items. She noted them in the event a Council Member had a question or concern.

- Town Treasurer

- Property taxes are coming in for 2018. Taxes are paid in February and June or in April to the County and distributed to the Town. As of April, we have collected 62.41% of our annual taxes budgeted this year at \$497,336.00; this is right where we should be.
- Sales taxes are collected monthly paid by the vendor for the previous month to the state and then transferred to the Town. Taxes collected by the vendor in January are due to the State by the 20<sup>th</sup> of the following February and then transferred to the Town by the second Tuesday of March. With this payment schedule in mind we have collected through March and are right at 1% under our anticipated collections based on budget and also about 1% under last year at this time. Overall, right where we hope to be.
- The individual that had been leasing the Town Manager House (210 Eagle St) has vacated in anticipation of Michellé moving in as per her employment contract. The house is undergoing some much-needed repairs and updating. It is anticipated she will move in by the end of May.
- We have started to incur expenses for the South Minturn Sidewalk Project as we secure easements for construction. Although budgeted in 2018 these expenses are not part of any grant work or match. As stated in other various updates, the money for the project which Minturn is liable for has been carved out in our savings and held in reserve so has to have it when we need it.
- I have been working on leasing the Lease Lot. As of April, I have leased what we have available. In the 2018 budget we estimated \$70,200 in this lease revenue. Due to the timing of when some of the leases were closed and the point that several were reported to be larger than they measured out at I estimate this enterprise will fall short of budget by \$13,500. In light this will bring in almost \$60,000 it is still a worthy endeavor. Currently the leases are as follows:
  - Site 1 – Apeak Asphalt
  - Site 2a – Worker Bee Landscaping
  - Site 2b – Alta Stone and Masonry (New for 2018)
  - Site 3 – Wilcon Energy and Propane
  - Site 4 – FILANC Contractor (New for 2018)
  - Site 5 – JC Services Landscaping (New for 2018)
  - Site 7 – Gore Range Landscaping (New for 2018)
  - Sites 6, 8, and 9 are being used by the Town Public Works
- At the last meeting the Council passed revised water fees for new construction. These fees went into effect 7 days after publication, so May 13.

- Future Meeting Topics

Michelle M. noted July 4 is a meeting date and a holiday. She asked if the Council would like to reschedule or simply cancel the meeting. Direction was to cancel unless a meeting is needed.

**11a Executive Session: An Executive session for the purpose of conferencing the Town Attorney for the purposes of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that are subject to negotiations and to instruct negotiators under CRS Section 24-6-402(4)(e) – Battle Mountain, Water Rights, and Meyers Vs. Minturn – Metteer/Sawyer**

Motion by Chelsea W., second by Terry A. to convene in Executive session for the purpose of conferencing the Town Attorney for the purposes of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that are subject to negotiations and to instruct negotiators under CRS Section 24-6-402(4)(e) – Battle Mountain, Water Rights, and Meyers Vs. Minturn. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

At 9:36pm the council convened in Regular Session. Matt S. read executive session announcement #4. There were no objections.

### MISCELLANEOUS ITEMS

#### 12. Future Meeting Dates

a) Council Meetings:

- June 6, 2018
- June 20, 2018
- July 4, 2018 (Canceled)

#### 13. Other Dates:


- Memorial Day – Office Closed 5/28/18

#### 14. Adjournment

Motion by Chelsea W., second by Earle B., to adjourn at 9:38pm. Motion passed 5-0. Note: George Brodin and John Widerman were excused absent.

  
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Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

