



Official Minutes

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

Wednesday June 6, 2018

Work Session – 5:00pm
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 – 5:00pm

- Review of 2017 Audited Financial Statements – Brunvand
- 2015 IBC Review with SafeBuilt & Exterior Offset Program Review – Place

Direction was to pursue stepping up to the 2015 IBC by reviewing other local communities that are currently utilizing the code and what they revised.

Regular Session – 6:30pm

1. Call to Order

Mayor Matt Scherr called the meeting to order at 6:32pm

- Roll Call

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

Staff present: Town Manager Michelle Metteer, Town Water Attorney Meghan Winokur, Interim Town Planner Scot Hunn, and Town Treasurer/Clerk Jay Brunvand

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Earle B., second by Chelsea W., to approve the agenda as presented. Motion passed 7-0.

- Declaration of Conflicts of Interest

3. Approval of Minutes

- May 16, 2018

Change: Spelling of Kristine with a K at Meyers discussion.

Motion by John W., second by George B., to approve the minutes of May 16, 2018 as amended. Motion passed 7-0.

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

Ms. Eugene Cojocari, Colorado Booting, spoke regarding a parking situation in Minturn where they were asked by a business to boot a car parked on private property. The vehicle was then towed and the boot subsequently was not returned. She requested Minturn take steps with an Ordinance to remedy this issue by making it illegal to not return the boot device.

Michelle M. comment that she had met with the individuals and has made changes to address the concerns. She stated the Town does not have an ordinance to collect the parking boot if the individual takes the boot with them.

5. Special Presentations

- Wildfire Hazards and Mitigation – ERFPD

Fire Chief Karl Bauer was introduced and reviewed a presentation on the upcoming 2018 wildfire season and the associated concerns. Homeowners are encouraged to contact the Eagle River Fire Protection District (ERFPD) to review their defensible space around their home. It was recommended that this information be placed in our newsletter and website for community distribution. Currently this and more information is available on the ERFPD website. Chief

Bauer updated on the County needs and the County-Region-State-Federal mutual aid assistance. Discussion ensued on notification and how the public is notified in an emergency.

- Minturn Water Update – Metteer

Michelle M. gave a detailed update of the water issues and the Minturn water system. Michelle M. introduced Willy Powell and, Meghan Winokur Holland and Hart, and Cristy Radabaugh of Martin and Wood. Ms. Radabaugh reviewed the Minturn Water Decision Tree. Currently the Town serves just over 1,000 users. Our water diversion can serve approximately 1,600. The 1,600 is an approximation due to actual seasonal flow of water in the stream and water loss within the distribution system. It was noted that the town has the potential to grow to upwards of 3,000 users which exceeds our current ability to divert and supply. To date, Minturn has never exceeded its senior water rights; however, it is possible this would occur in the future.

Minturn has augmentation water supplies in various areas on the Eagle and the Colorado Rivers. No eternal supplies are currently available on Cross Creek. If we exceed our diversion we would need to cease diversion. Future options for Cross Creek include Bolts Lake, pump back from Eagle River, use of non-Cross Creel water, and discussions with the Colorado Water Conservancy Board.

Michelle M. stated we have a number of near future commitments such as the 2011 School District agreement for an additional 120 users. A Membrane plant to replace the sand filters would run approximately \$5m. However, at some point we will exceed the existing diversion rights and the actual volume of water in Cross Creek as it may ebb and flow annually interseasonally. Michelle M. reviewed the future options. Discussion and questions ensued regarding options and alternative water sources.

Brian E. noted that the existing Sand Water treatment system works well for the water it is purifying, it is not sure how well it will work on other qualities of water.

Willy Powell, Town Consultant, commented on the opportunities that Minturn has such as the potential Dowd Jct purchase and development. Minturn would take ownership of the property and partner with the development. This would provide a large sales tax influx, property tax, Real Estate Transfer taxes, water tap and use fees, etc, for the town.

Mr. Darel Wegert, 1718 Main St, asked congressional authorization to use the Bolts Ditch; no, the legislation has not been approved by the Federal Congress. In the last session it passed the House but was not discussed by the Senate. Willy P. noted both the Bolts Ditch headgate and approximately 350 lineal feet are inside the US Forest making it illegal to use the ditch until Congress allows the line to be redrawn. It will be brought forward again this session. Mr. Wegert asked if the town has an easement for the Bolts Ditch across the Battle Mtn Resort land; not yet but it is being discussed, it is not seen as a blocking point to negotiations.

Ms Lynn Teach, 253 Pine St, what happens to the water that is diverted from an alternative source? Would this be used by all town residents or just some? This is still being discussed.

Mr. Greg Sparhawk, 254 Pine St, regarding the 1,600 users, what does the storage in Bolts Lake give us toward that number? Those questions are still being reviewed. Bolts Lake storage is proposed to be between 320 and 1,200-acre feet; therefore, the cost and the benefit is still under review.

Ms. Shelley Bellm, 470 Pine St, she noted this is not the first discussion of water needs. In 2008 it was anticipated the developer (BMR) would bring water. She stressed the need for the developer to bring water rights as part of any negotiation. Terry A. stated the council is very interested in seeing where we stand with and without the Battle Mountain Development. Earle B. said BMR will bring water, it is a discussion of storage and treatment. Ms. Bellm reminded all that a large portion of the SFE's for Battle Mtn was for proposed hotel, it was not 1,700 individual homes. With the hotel gone, this would significantly reduce the needs by BMR.

Mr. Brian Sipes, 102 Nelson Ave, discussed size of property and the right to develop property by the owner. Cristy R. noted that at this point much of the discussion on Bolts Lake would be for the use of augmentation.

- Committee Reports

Brian E. updated on a Radio Free Minturn meeting held recently he noted several things in the works and that they are working on a fund drive.

Terry A. noted the Bike Park group met to discuss the possible bike park which might include a pump track.

John W. noted an ECO Transit meeting he attended. The discussion included a rate discussion and the high cost of \$4 per seat. John W. will report back with options as they are discussed.

- Council Comments

Terry A. announced July 5 is the first show for the Minturn Concert Series. It runs for eight weeks thereafter.

Brian E. noted earlier in the week he saw kids riding their bikes and to be aware and look twice as school is out for the summer. If you see ERWSD trucks in town they are cleaning out the sewer mains.

Matt S. noted the ballots for the State Primary have been mailed and look for them in your mailboxes. Single Stream Curbside recycling is not available in Minturn, sometimes they comeingle but it is not all the time. There is a free single stream container on the North end of the Town Hall. The first Summer Market is June 16.

PUBLIC HEARINGS AND/OR ACTION ITEMS

Note: Due to the lateness of the hour, items 6 and 7 were taken up after item 8.

Motion by John W., second by Earle B., to continue the meeting past 10:30. Motion passed 7-0.

6. Public Hearing/Action Item: Presentation and acceptance of the FY 2017 Financial Audit – Brunvand

Motion by John W., second by Chelsea W., to accept the FY 2017 Financial Audit as presented. Motion passed 7-0.

7. Public Hearing/Action Item: Ordinance 03 – Series 2018 an Ordinance regarding Election Practices – Brunvand

Motion by Earle B., second by John W., to continue to the June 20, 2018 Council Meeting Ordinance 03 – Series 2018 (First Reading). Motion passed 7-0.

DISCUSSION AND/OR DIRECTION ITEMS

8. Discussion/Direction Item: Construction Use Tax – Metteer/Bellm

Note: this item was taken up prior to action items 6 and 7.

Ms. Shelley Bellm was present to discuss consideration of a potential Use Tax on Construction items. The proposal is to ask the voters to pass a Use Tax on construction items sold outside of town. Currently a person who replaces his windows and buys them in Avon at Home Depot a 4% tax is charged and given to Avon. With this proposal, the 4% tax would go to Minturn not Avon. The tax is only charged on construction materials permanently affixed to the home. Therefore, it does not include carpet, landscaping, etc. Normally, there is a \$10k exemption and it is only charged on materials, not labor. The value and the tax is based on the value placed on the building permit when issued.

Example:

A \$19,500 project would be less \$10k to be \$9,500 then that is multiplied by 50% to exempt the labor portion to equal \$4,750. This is multiplied by the tax of 4% for a tax of \$190.

Over half the municipalities in Colorado have a Use Tax, most Use Taxes match the existing sales tax rate, in most transactions the Use Tax replaces the Sales Tax giving the tax to the municipality the construction is built in not the municipality the construction supplies were purchased in. In the event the purchase is made within a county where there is no municipal tax then it would increase the cost to the builder.

Discussion ensued as to if the Council desires to move forward with the election. Direction was unanimous to move forward with placing a Use Tax question on the November 6, 2018 Ballot.

COUNCIL INFORMATION / UPDATES

9. Staff Updates

- Manager's Report

Town Hall Security

Staff continues to make improvements toward increasing town hall security. With the recent vandalism of a town hall broken window, staff has been pricing out costs for security cameras and data subscription services. Risk management training will also be reviewed by the ECSO with staff for handling in-person threat situations.

River Setback follow-up

During public comment at the May 16th Council meeting, request was made to allow land created through the Eagle River Restoration project of 2003 to become privately owned. Minturn is tasked by the EPA with the upkeep of this section of the river and ensuring its riparian area is maintained as such. Discussions continue regarding the ability to work with residents to meet all needs.

Service line water leak on UPRR property

Recently, a letter to the editor of the Vail Daily referenced a broken water service line on private property and the town's role in addressing the issue. It's important to note, private property owners have rights regarding their decision to repair or abandon a broken line. Those rights are dependent on wide variety of factors for varying situations. The decision of the private property owner and their rights regarding a signed lease between the two parties is not for the town to direct. The town does have an interest in stopping the loss of water. In this particular case, the water loss is being monitored and will be billed to the property, but more importantly, the leak needs to be stopped.

Mr. Chuck Harmon, the owner of a mobile home on the UPRR property. In this case the water service line is owned by UPRR and Mr. Harmon owns the unit. Michelle M. determined the intent is to get the leak repaired by the owner. However, MMC Sec 16-22-40(4) determined the leak repair would exceed 50% of the value of the home so the line can not be repaired and allow the existing mobile homes to remain.

Mr. Harmon contended that, although the cost to repair the line would exceed 50% value of the mobile home, it does not exceed 50% of the value of the mobile home park/land which the privately-owned home sits upon. Therefore, the UPRR should be allowed to repair the line without affecting the status of the mobile homes currently on the land. At this point the UPRR has terminated his lease and he is appealing to both the town and the UPRR. Mr. Harmon noted that although the water is off the line is still not repaired. He asked the town to review the code citation and to reverse the Town Manager's interpretation.

Michelle M. stated no permits have been submitted and Town Attorney Michael S. agreed with her interpretation of the code; however, no permits have been submitted so there is not valuation to base on. The line in question is a service line from the main line. Therefore, it is a

consideration for the UPRR as the property owner to make the repairs and allow the trailers to remain or to remove the service line and abandon the water taps. Michelle M. noted the UPRR can move forward with the service line repairs and the value consideration can then be determined with the assistance of legal advice.

Matt S. summarized the issue and asked that we postpone any decision until the June 20 meeting at which time the Michael S. will be in attendance.

Voluntary Water Regulations Reminder

Just a friendly reminder for folks about the voluntary watering guidelines and times for their outdoor irrigation needs. Recommendations included on additional page for review.

Minturn Market

The Minturn Market starts Saturday, June 16th and will run for 13 consecutive Saturdays through September 8th. Hours of operation are 9am to 2pm. Please remember not to park in the downtown parking lot between Williams and Main St on Saturday mornings. For additional information contact Kathy Biggs, market@minturn.org.

- 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) – Water Rights – Metteer/Sawyer

Motion by John W., 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) – Water Rights. Motion passed 7-0.

MISCELLANEOUS ITEMS

11. Future Meeting Dates

- a) Council Meetings:
- June 20, 2018
 - July 4, 2018 (Canceled)
 - July 18, 2018

12. Other Dates:

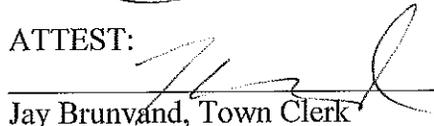
13. Adjournment

Motion by John W., second by Brian E., to adjourn at 12:02am. Motion passed 7-0.



Mayor

ATTEST:



Jay Brunvand, Town Clerk

