



Official Minutes

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

Wednesday October 3, 2018

Work Session – CANCELED
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 – CANCELED

Regular Session – 6:30pm
Please remember to bring your FY2019 Budget Book

1. Call to Order

Mayor Matt Scherr called the meeting to order at 6:34pm

- Roll Call

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

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

- Pledge of Allegiance

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

3. Approval of Consent Agenda

A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?

- September 19, 2018 Minutes
- Redevelopment Support Letter

Motion by Terry A., second by Chelsea W., to approve the Consent Agenda as presented. Motion passed 6-0. Note: George Brodin was excused absent.

4. Approval of Agenda

- Items to be Pulled or Added

Motion by John W., second by Terry A., to approve the agenda as proposed. Motion passed 6-0. Note: George Brodin was excused absent.

- Declaration of Conflicts of Interest

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Matt S. stated he will recuse for 1A discussion as he is Co-Chair of the group organized in support of the County effort.

5. Special Presentations

- Council Comments
- Committee Reports

Earle B. updated on the Battle Mountain group and their efforts to further a secondary water source from Cross Creek. The Town is investigating the possibility of an interconnect with ERWSD. Battle Mtn is working with the Planning Commission on a Concept Development Plan. He stated this is the time for community and citizen input, information is available at the Town offices and on the website, and the process will be continuing with the PUD process at Planning Commission and at Council levels.

Terry A. reiterated the need and desire for community input. Citizens can contact the Town, any Council member, or even Battle Mtn at 440 Main St.

John W. updated on the Climate Action Committee and the program for energy offsets and also on Eco Transit. They are conducting studies on bettering the county wide services including schedules and even electric buses.

John W. reported the County has released an App for your phone to help with individual waste controls and the county is working on a county wide composting site.

Matt S. noted National Election Registration Day. He reminded all to check their registration at govotecolorado.com. Matt S. stated the Minturn Matters topic for this month is the election ballot Blue Book. The date is Thursday October 18, (day after next Council Meeting). He noted this is a long ballot and the local items are at the bottom of the ballot.

PUBLIC HEARINGS AND/OR ACTION ITEMS

6. Public Hearing/Action: Two Elk Fire Update and Minturn Shooting Range Public Comment and Discussion – Sawyer

Matt S. introduced the item stating we had a forest fire this past weekend emanating from the shooting range located in the USFS lands just outside of the Town.

Michelle M. updated and introduced members from the Eagle River Fire District and the USFS. She noted the incredible assistance and the coordinated effort to tackle the fire. No structural damage was experienced. She thanked the ERFD, USFS, and Battle Mountain among many others for their massive effort to contain the fire to such a limited area.

Rangers Rick Truett and Marcia Gilles of the USFS spoke. About noon on Sunday September 30 the fire broke out at or adjacent to the shooting range. Currently the fire is 100% contained, it is not completely out so smoke will continue to be seen. The Two Elk trail and shooting range are currently closed at Cemetery Road in Minturn and will remain so until December 31, 2018.

Ranger Truett reported the fire was human caused. There was not further information released because it is currently an active investigation. The USFS is the lead investigator for the fire and information will be shared as able in the course of the investigation. Questions ensued as to \$180k to fight the fire (this amount was stated as a very rough estimate), it burned approximately 26.5 acres, 11,000 gal of water from Cross Creek was used. Minor contamination of Cross Creek was found in Two Elk from the retardant used which is being mitigated.

Ms. Darleen Stookey, 1723 Main St, discussed the retardant used. It can be toxic to fish. Ranger Truett stated they did call in a hazmat team. He stated this was protocol when retardant is used.

Matt S. asked if the cause was due to activities at the gun range; it was immediately east of the range and the source is under investigation. Matt S. noted shooting is allowed in almost all areas of the US Forest. He stated the benefit of the shooting range is to allow the activity in an accessible area. He noted although this range is in a populated place, the USFS does not have the resources to fund moving the range or administering this site, or even shutting down the gun

range. The local USFS personnel can temporarily close the site but not permanently close and or move it. Matt S. felt the site should be shut down until such time the site can be investigated. The site is too close to the town, homes, and even our sole water source. Matt S. asked the Council's interest to consider a letter to be sent to our Federal congressional representatives requesting they study the assessment of the range.

Discussion ensued. Council concurred this action was a regional concern and action should be taken. Council concerns expressed were a dry summer, this is the third fire started by humans and guns this summer in the County, the wind was just right to blow the fire away from town, a few ruin it for all, the facility itself is not set up to avoid dry tender, if the range is to continue it must be maintained and fire-defensible spaces developed, anger was expressed that this even happened and affected so many so close to the fire line after the other fires this summer from the same cause, the range is an asset to the community when used responsibly, it was noted other USFS facilities such as hiking and biking trails are closed every year during times when use will damage the trail.

Ms. Shelley Bellm, 470 Pine St, stated there is a group of users in place to address the issues at the gun range. She stated the fire conditions were ripe for a fire and this happened to be next to the gun range and it easily could have been started by a hunter in the area. She asked the audience and council to allow the group to address the issues of upkeep, sound, use, etc. She stated if the range is closed the users will go to other adjacent areas to recreate.

Mr. John Smith, 525 Pine St, stated we need a shooting range and that use in that area will create sound and the rock walls will echo. He said he felt we should address this with congress now.

Ms. Debra Davis, 1796 Main St, said she is on the gun range committee and that any change would take a lot of time. She agreed a letter was a good idea and that short and long-term considerations and mitigation can take place locally in the meantime. She asked about grants; there are some available. She stated any ideas presented cannot move forward without funding.

Ms. Mackenzie Davis, 1796 Main St, stated her concern is the volume of use has grown as has the type of use such as exploding targets. This use affects her enjoyment of property.

Mr. Kelly Toon, 531 Main St, asked to get Bolts Lake back as that would have been a better place to pull water from, felt the gun range was poorly located for animal calving and migration, Camp Hale would be a better place. Was upset at the frequency of this occurrence within Eagle County, four fires from the same root cause: guns. Felt safety and regulations should be addressed prior to it reopening.

Others spoke reiterating similar sentiments.

Fire Chief Karl Bower, Eagle River Fire District, echoed the appreciation of the way the fire was hit with so many resources that it had little chance to run much further than it did. He stated this and other fires will occur due to the fuels available; the risk is real. He stated most of the cost will be paid by the USFS however, it is also covered by mutual aid which would not be reimbursed. Suppressing the fire is most important, then cost thereafter.

Terry A. read several letters from citizens who could not be present including Virginia Olson of Nelson Ave, Laura Wolf of 1688 Main St. The letters spoke in opposition to the existing gun range and how it is managed reiterating similar statements made.

Deputy Scott Peterson, Minturn PD/Eagle County Sheriff's Dept, outlined the rules of the gun range that do exist. He said the hours are encouraged to be 8am to sundown. He stated if you hear a late-night shooter, call dispatch and they will respond. He said there are more ECSO officers on duty than USFS Rangers.

Ms. Sidney Harrington, 543 Taylor St, spoke in opposition and also felt it was unkept.

Ms. Therese Anders, 271 Main St, was a previous resident of south Minturn. She spoke of the noise from the range, she was concerned that it took so long for the fire restrictions to be placed over the summer, once Stage II was issued how long it took to close the range.

Ranger Truett confirmed the Shrine Pass area is a fee area, he stated there are a variety of ways to implement fees in other areas. He appreciated the feedback tonight and noted the importance of responsible use of the forest. He stated he is looking for community-based solutions where the community and the USFS can work together to achieve solutions. He stated the fire galvanized their commitment toward solutions to protect the citizens, animals, and forest.

Town Attorney Richard C. responded that they had looked at USFS regulations and the legal status of the gun range. He said this does not have a Special Use Permit which would designate a responsible party for the gun range rules and maintenance. He stated the possibility of moving it off USFS land and onto State land may allow for better management through regulation. This would start with a conversation with the USFS Rangers.

Ranger Gilles stated this is a Level II use which is a low level and relies on volunteer clean up and supervision. She stated they do not have the resources available to change that level. To change the designation would require a NEPA process.

John W. asked how we can best get the citizens together with the USFS? Ranger Rick stated the decision is that of the USFS with the input of citizens. Concerned citizens that spoke tonight have had their comments heard, those that would like to continue to comment can contact the USFS office in Minturn at 970/827-5715.

Matt S. agreed there should be a gun range which is well managed, however, this current location is not an appropriate location. He felt the Council should move forward with their options available as well to encourage change.

Mr. Rob Davis, 1796 Main St., encouraged further discussion. He felt it should be relocated. He asked if an organization could build a more appropriate range in another area with better control, could the USFS put the land up and exchange the site or this one. He felt the town should pursue an Animal Refuge Zone in our future town planning.

Matt S. requested authorization to write a letter to our federal representatives requesting it be shut down, submitted to the gun range citizen group, and begin looking for a more appropriate location for this gun range. The letter would better establish and focus the issues surrounding the range.

Discussion ensued as to how change could best be initiated, a strategy formed, and stakeholders identified. Concern was expressed that to act before the fire investigation is complete might be seen as a “knee-jerk” solution causing more issues that it might solve.

Direction was given for Matt S. to draft such letter. The letter will be available in a near future packet.

Note: Chelsea W. left the meeting excused at 9:10. The quorum stood at five members.

Michelle M. requested a change in the agenda to allow the Annexation be taken up next as representatives were present and waiting.

Note: As a result, Agenda Item 9 was taken up at this point and then the meeting continued with item 7.

7. Public Hearing/Action: Resolution 20 – Series 2018 a Resolution opposing State Amendment 74 – Sawyer

Michael S. outlined the issue for the Council stating the Amendment redefines the definition of a Takings by the government. The new definition is considered broad enough that many municipal codes such as a limited building height could be redefined as a Takings.

Brian E. stated if a claim is made and awarded the tax payers would pay litigation and the cost of the judgement. It is much broader than other state’s which have passed and subsequently rescinded similar legislation.

Motion by Brian E., second by Terry A., to approve Resolution 20 – Series 2018 a Resolution opposing State Amendment 74. Motion passed 5-0. Note: George Brodin and Chelsea were excused absent.

8. Public Hearing/Action: Resolution 21 – Series 2018 a Resolution in support of Eagle County Ballot Issue 1A – Metteer

Note: Matt S. recused himself due to a Conflict of Interest and exited the room. Matt S. expressed a conflict of interest because he is the Co-Chair of the organization in support of the ballot issue. The quorum stood at four members.

Earle B. outlined the issue and where information is to be found on the ballot question. It was noted this is an extension of an existing tax, therefore, it is essentially not a new tax.

Motion by Terry A., second by Brian E., to approve Resolution 21 – Series 2018 a Resolution in support of Eagle County Ballot Issue 1A. Motion passed 4-0. Note: George Brodin and Chelsea W. were excused absent and Matt S. stood recused.

Note: at this point Matt S. resumed his seat at the Council table. The quorum stood at five members.

9. Public Hearing/Action: Resolution 22 – Series 2018 – intent to annex Lots 1, 2, 3, and Parcel A, River View Cemetery, County of Eagle, State of Colorado – Sawyer

Note: by request, this item was taken up prior to Agenda Item 7.

Michael S. outlined the history and request for the Council. The annexation process was outlined, the cemetery will not bring any revenue but will require some town services which will cost the town. Staff is recommending approval and he stated Sidney Harrington, Cemetery Administrator, was present for questions. She stated they want to be annexed into the town in order to also acquire land adjacent to the cemetery owned by the Town of Minturn.

Motion by Brian E., second by Earle B., to approve Resolution 22 – Series 2018 – intent to annex Lots 1, 2, 3, and Parcel A, River View Cemetery, County of Eagle, State of Colorado. Motion passed 5-0. Note: George Brodin and Chelsea W. were excused absent.

10. Public Hearing/Action: Resolution 23 – Series 2018 – A Resolution in support of Proposition 110 “Let’s Go, Colorado” to increase funding for statewide and local transportation needs – Metteer

Matt S. outlined the issue. He stated this is one of two state ballot issues regarding highway funding issues, 109 and 110. He noted 109 requires funding through the sale of bonds but does not provide authority to bond. He stated 110 is much more robust to fix our roads which are listed as the some of the worst road quality in the country. This funding is provided by a .62% state sales tax.

Discussion ensued as to the positive merits of Proposition 110. It was noted this is a 20-year tax which would then sunset and would provide funding for many of the currently identified state projects.

Motion by Terry A., second by Brian E., to approve Resolution 23 – Series 2018 – A Resolution in support of Proposition 110 “Let’s Go, Colorado” to increase funding for statewide and local transportation needs. Motion passed 5-0. Note: George Brodin and Chelsea W. were excused absent.

11. Public Hearing/Action: Council motion to formally accept the FY2019 Preliminary Budget – Brunvand

Jay B. outlined that this was an acceptance of the FY 2019 Budget and would set forth the public hearing dates.

Motion by John W., second by Brian E., to accept the Fiscal Year 2019 Proposed Annual Budget and set Public Hearings at 6:30pm on November 7 and November 21, 2018 to be held in the Council Chambers at 302 Pine St, Minturn as presented. Motion passed 5-0. Note George B. and Chelsea W were excused absent.

DISCUSSION AND/OR DIRECTION ITEMS

12. Discussion/Direction: Short Term Rental Program status update – Metteer

Michelle M. outlined the item. She noted the staff has been administering this program and has found it easily enforced while accomplishing its intended purpose.

COUNCIL INFORMATION / UPDATES

13. Staff Updates

- Manager Report

Storage

The use of land for storage purposes is currently not allowed anywhere within Minturn town limits per the Minturn Municipal Code. This topic arose several times during the last Planning Commission meeting and will need to continue to be addressed in other areas around town as staff time becomes available.

Boneyard Open Space

Appraisal work has been secured for the property as part of the Conservation Easement documents which continue to be on track for end of year closing.

Eagle County Sheriff's Office

The town is preparing for negotiation discussions to begin regarding the renewal of the Eagle County Sheriff's office contract for service. Residents and businesses are asked to please provide feedback by the October 17th Council meeting to be included in the discussions.

Matt S. asked if this would be noticed in a mailing; Michelle M. stated it would be in the newsletter.

Bridge Work

Annual bridge inspections were conducted this summer. As part of the ongoing maintenance program, Public Works is now working through the list of recommended repairs. This week a mini-excavator was rented, and work was conducted under Bellm Bridge to shore the structural beams. Additional issues include a deteriorating bridge under the bridge on CR 14, improving handrails, eliminating potholes and repairing concrete in areas.

Battle Mountain Concept Review

Battle Mountain Concept Plan had a second review at the September 26 Planning Commission meeting. Although not part of the required process, the Commission asked Battle Mountain to send out post cards notifying the public about the review and discussion. The Planning Commission has now asked Battle Mountain return to Commission for a third concept review and any additional input by the public.

Town Hall Security

Six outdoor surveillance cameras have been installed around the perimeter of the building and are in daily use. Staff is hopeful this will help deter vandalism and increase safety.

Brian E. reviewed the currently enacted Stage I Fire Restrictions. Stage I County Restrictions do not include the USFS lands, they have similar but different restrictions in place. Minturn fire regulations mirror the Counties.

- Future Meeting Topics

MISCELLANEOUS ITEMS

14. Future Meeting Dates

- a) Council Meetings:
- October 17, 2018
 - November 7, 2018
 - November 21, 2018

15. Other Dates:

- October 17, 2018 – Town Manager Review
- October 30, 2018 – Minturn Halloween

16. Adjournment

Motion by John W., second by Terry A., to adjourn at 10:10pm. Motion passed 5-0. Note George B. and Chelsea W were excused absent.



Mayor

ATTEST:



Jay Brunvand, Town Clerk

