



## **Official Minutes**

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

**Wednesday December 5, 2018**

**Work Session – 4:00PM**  
**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 – 4:00pm (at Donovan Pavilion, Vail)**

- **In Lieu of a Work Session the Council will be attending the Eagle Valley Towns and County Dinner at the Donovan Pavilion – Vail, CO**

### **Regular Session – 6:30pm**

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

Matt S. called the meeting to order at 6:49pm.

- Roll Call

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

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, 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)**

Ms. Mary Beth Hagerty, 789 Main St, commented on parking. She stated during the winter there is limited parking due to rentals. She asked who owns the land in front of the homes in the area and commented that a neighbor has posted no parking signs in the area. Michelle M. stated she will work with Ms. Hagerty stating some is CDOT right-of-way but will work with her.

Michelle M. noted the Eagle River Enclave variance. She stated the Council will hold a special meeting at 6:30 on 12/14/18 at the Town Hall to consider the requested variance.

**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?*

- November 21, 2018 Minutes
- 542 Main St LLC, DBA Sunrise renewal of a Hotel and Restaurant Liquor license; 132 Main St; Douglas McAvity, Owner/Manager – Brunvand
- FM Saloon LTD, The Saloon renewal of a Hotel and Restaurant Liquor license; 146 N Main St; Steve Campbell, Owner/Manager – Brunvand

Motion by George B., second by Brian E., to approve the December 5, 2018 Consent Agenda as presented. Motion passed 6-0. Note: Chelsea Winters was excused absent.

**4. Approval of Agenda**

- Items to be Pulled or Added

Add an Executive Session to the end of the meeting.

Motion by Terry A., second by Earle B., to approve the Agenda as amended. Motion passed 6-0. Note: Chelsea Winters was excused absent.

- Declaration of Conflicts of Interest

**5. Special Presentations**

- Council Comments

Earle B. expressed his condolences for the passing of Mr. Willy Joe Trujillo of Minturn.

Brian E. expressed his condolences for Mr. Bindu Pomeroy. Brian E. read the announcement and this will be a hard-felt loss to the community and the Vail Ski and Snowboard Academy.

- Committee Reports

John W. noted the Eagle Mine Stakeholders meeting beginning tomorrow at 4pm at the Avon Library.

John W. updated on the most recent Eco Transit board meeting. The Town has free 10-punch passes available. Contact the Town for details. He noted every bus running through town will stop at the USFS transfer and then head directly to Vail; four busses in the morning and four in the late afternoon.

George B. attended the One Book One Valley presentation.

Brian E. attended the Radio Free Minturn board meeting. The meeting involved where they are and planning for next year.

Terry A. thanked Michelle M. and her nephew, Gabe, for their invaluable assistance at the Minturn Tree lighting.

Matt S. reminded all to apply for the Family Leadership Institute which teaches how to be involved in the community. It starts <http://fltiofcolorado.colostate.edu/>.

Matt S. thanked the Town of Vail for hosting this evenings dinner which invited all the municipalities and County.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

### **6. Public Hearing/Action: Ordinance 13 - Series 2018 (First Reading) – An Ordinance approving the 2015 International Building Code – Metteer/Place**

*Note: Mr. Derick Place, SafeBuilt, and Ms. Shelley Bellm, 470 Pine St, were present during this discussion.*

Michelle M. introduced the item stating this has been on the Council TO-DO list. This is first reading to consider the adopting the 2015 IBC code and will be updated or considered every three years to ensure we are using the most tested and current codes. She introduced Mr. Place and Ms. Bellm who are intimately familiar with the International Building Code.

Three items she wanted to address: woodboring fireplaces, roof snow load, and abatement codes. She also noted there is an External Offset program which will be included as well.

Mr. Place and Ms. Bellm outlined what the code(s) are and what they do. The codes include the standard building codes used by all contractors and suppliers. The codes create consistencies and safety requirements without the need for municipalities doing the work themselves. He stated the codes should not be adopted too quickly as often inconsistencies are rooted out and often municipalities like to modify some codes to work better within their communities.

Michael S. noted often the codes assist in ongoing issues after the initial building construction.

Discussion ensued on the smoke emitted from woodburning fireplaces and how existing units can keep the use. It was noted that often it is cheaper to heat with wood stoves and this should be considered when reviewing affordable housing options. Ms. Bellm noted Minturn has not banned woodburning fireplaces; it was banned in a previous code adoption but was not extended in more recent adoptions. Mr. Place stated we should look at the Town of Eagle's code and he outlined their modifications. Essentially you can maintain the nonconforming stove but you cannot replace or expand the use.

Matt S. noted he received a letter from the Association of Pool and Spa Professionals recommending approval. This letter will be included for the record.

Discussion ensued on snow load. Ms. Bellm stated Minturn currently is at 80lbs/sqft, Vail is at 90, the IBC recommends 75. Ms. Shelley Bellm noted the flatter the roof, the higher the load requirement there should be. The recommendation from Council was to match Vail's amendment.

The abatement code was discussed. Michael S. stated this code allows enforcement of buildings that present a hazard to adjacent structures or the public due to maintenance needs and/or age. Staff recommended this section of the code be adopted; currently it is not adopted.

Michelle M. stated she would request direction from Council regarding eliminating wood burning fireplaces (this includes pellet stoves), to adopt Vail's snow load structure, to adopt or include the Abatement Section, to review the fire sprinkling requirement to ensure it maintains the needs and desires of the community.

Public Comment opened

No Public comment

Public Comment closed

Mr. Place noted that when the existing code was adopted some of the items that were amended have been corrected or included within the new 2015 code. He also said we need to adopt the Appendix or the codes are not enforceable.

Motion by Earle B., second by Terry A., to approve Ordinance 13 - Series 2018 (First Reading) – An Ordinance approving the 2015 International Building Code as discussed to include to add the abatement codes, the ADA code, add the appendices to each code, modify snow load to reflect Vail's code. Further evaluation will include wood burning stoves, which fire codes are included

which were amended previously, review the recommendations regarding the residential fire suppression. Motion passed 6-0. Note: Chelsea W. was excused absent.

**7. Public Hearing/Action: Resolution 30 – Series 2018 A Resolution authorizing the Town Manager to sign the BoneYard Conservation Easement and Closing Documents on behalf of the Town of Minturn – Metteer**

Michelle M. introduced the item. Matt S. stated this was originally scheduled to be included in the Consent Agenda but felt it should be noted the work George B. has done with this project and he further noted the work done to by all to get this project to this point.

Motion by George B., second by John W., to approve Resolution 30 – Series 2018 A Resolution authorizing the Town Manager to sign the BoneYard Conservation Easement and Closing Documents on behalf of the Town of Minturn as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

**8. Public Hearing/Action: Ordinance 12 – Series 2018 (Second Reading) – An Ordinance amending the Minturn Municipal Code to provide for a Use Tax on Construction and Building Materials as related to ballot question 2A. – Metteer**

It was noted no changes have been made since First Reading.

Public comment opened  
No public comment  
Public comment closed

Motion by Earle B., second by George B., to approve Ordinance 12 – Series 2018 (Second Reading) – An Ordinance amending the Minturn Municipal Code to provide for a Use Tax on Construction and Building Materials as related to ballot question 2A as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

**9. Public Hearing/Action: Ordinance 08 – Series 2018 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2018 Town of Minturn Budget – Brunvand**

Jay B. noted any changes and recommended approval.

Public hearing opened  
No comment  
Public hearing closed

Motion by Brian E., second by Terry., to approve Ordinance 08 – Series 2018 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2018 Town of Minturn Budget as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

**10. Public Hearing/Action: Ordinance 09 – Series 2018 (Second Reading) An Ordinance Setting the 2019 General Property Tax Mill Levy for the Town of Minturn – Brunvand**

Jay B noted no changes from first reading and recommended approval.

Public hearing opened  
No comment  
Public hearing closed

Motion by Terry A., second by Brian E., to approve Ordinance 10 – Series 2018 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2019 for the Town of Minturn as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

**11. Public Hearing/Action: Ordinance 10 – Series 2018 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2019 for the Town of Minturn – Brunvand**

Jay B. stated no changes from first reading

Public hearing opened  
No comment  
Public hearing closed

Motion by John W., second by Terry A., to approve Ordinance 10 – Series 2018 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2019 for the Town of Minturn as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

**12. Public Hearing/Action: Ordinance 11 – Series 2018 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2019 Revenues and Expenses by Fund – Brunvand**

Jay B stated no changes

Public hearing opened  
No comment  
Public hearing closed

Motion by Brian E., second by Terry A., to approve Ordinance 11 – Series 2018 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2019 Revenues and Expenses by Fund as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

**COUNCIL INFORMATION / UPDATES**

**13. Staff Updates**

- Manager Report

Matt S. asked regarding annual compensation of Town Manager Metteer based on her very positive performance review. Discussion ensued to the options available. It was noted the money as presented is currently approved within the 2019 budget. Direction was to include from the wage pool a 3% COLA and a 2.5% Merit increase effective January 1, 2019.

- 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) and (f) – Battle Mountain – Metteer**

*Note: Town Water Attorney Megan Winokur joined the Executive Session by phone.*

Motion by George B., second by Brian E., 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 (f) – Battle Mountain as presented. Motion passed 6-0. Note: Chelsea W. was excused absent.

Direction given as a result of the Executive Session: Megan W. to write a response letter, to research secondary water source options, and request a non-lawyer meeting.

### MISCELLANEOUS ITEMS

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

##### a) Council Meetings:


- December 14, 2018 **SPECIAL MEETING**
- December 19, 2018
- January 3, 2019
- January 17, 2019

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

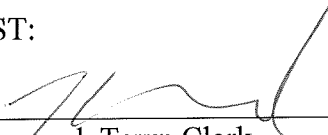
- December 25, 2018 Christmas – Office Closed
- January 1, 2018 New Year's Day – Office Closed

### 17. Adjournment

Motion by John W., second by George B., to adjourn at 10:51pm. Motion passed 6-0. Note: Chelsea W. was excused absent.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

