



## Official Minutes

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

**Wednesday February 15, 2017**

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

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

**COUNCIL MEMBERS:**

Terry Armistead  
Sidney Harrington  
Kristina Krone  
Sage Pierson  
John Widerman

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 – 5:30 – 6:30 pm**

- Discussion on Owner Rentals (ie: VRBO/Air BnB, etc) – Powell

### **Regular Session – 6:30 pm**

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

Mayor Pro Tem Bidez called the meeting to order at 6:34pm

- Roll Call

Those present included: Mayor Pro Tem Earle Bidez, Town Council members, Sidney Harrington, Sage Pierson, Terry Armistead, Kristina Krone, and John Widerman. Note: Mayor Matt Scherr was excused absent.

Staff present: Town Attorney Michael Sawyer, Town Planner Janet Hawkinson, Econ Dev Michelle Metteer, and Town Treasurer/Clerk Jay Brunvand.

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Motion by Terry A., second by Sidney H., to approve the agenda as presented. Motion passed 6-0. Note: Mayor Matt Scherr was excused absent.

## **3. Approval of Minutes**

- February 1, 2017

Motion by John W., second by Kristina K., to approve the minutes of January 18, 2017 as presented. Motion passed 6-0. Note: Mayor Matt Scherr was excused absent.

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

Mr. Stan Mintz, 167 Williams St., asked the Town if they could communicate closer with the citizens to educate them on the issues of speeding in town. Discussion ensued regarding speeding and it was noted this is on the council and the staff lists and continues to be addressed.

Mr. Kelly Toon, 531 Main St, commented on how fast cars and specifically large trucks and how they are slowing down for Main St at the 500 block which is way too late. He encouraged a stepped-up enforcement both in to and out of town. Additional discussion included snow removal on the CDOT right of way.

Council requested this discussion be included as a work session item in the near future.

## **5. Special Presentations**

- Committee Reports
- Council Comments

John W., ECO Board mtg, Transit ridership is up in Minturn.

Sage P. said she will work hard to make the speeding in town is reduced. The Council expressed citizen safety is a primary concern.

## **PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS**

- 6. Public Hearing/Discussion/Action Item: Ordinance 01 – Series 2017 (Second Reading) an Ordinance amending Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 Building Code**

**related to the Battle Mountain “mountain top” area – Hawkinson/Sawyer (30min)**

Earle B. introduced the item and referred to Michael S. Staff is requesting this item be tabled until the March 1, 2015 meeting. Several items are still being discussed between Staff and the applicant and a further continuance will give time for those issues to be resolved.

Opened the public hearing.

No public Comment.

Public Hearing was continued to the March 1, 2017 Council meeting.

Motion by John W., second by Sage P., to continue Ordinance 01 – Series 2017 (Second Reading) an Ordinance amending Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 Building Code related to the Battle Mountain “mountain top” area to the March 1, 2017 Council Meeting. Motion passed 6-0. Note: Mayor Matt Scherr was excused absent.

**7. Discussion/Action Item: Ordinance 02 – Series 2017 (First Reading) an Ordinance Adopting the Development Agreement Implementing the Mountaintop Concept Alternative within the Mountaintop Area of the Battle Mountain Property – Hawkinson/Sawyer (30min)**

Michael S. outlined the Ordinance and reviewed the history of the agreements originally approved. He stated the proposed agreement does not address some of the original items due to the fact this review is limited only to the mountain top area and the large lots proposed in that area. It was noted this adoption will allow the developer to toggle between the large lot concepts and the ski area concepts. Although the option exists it will be difficult for anyone other than a very specialized organization to proceed with the ski area concept.

The proposed agreement will modify the dedications to the Town that were a part of the original agreement. This modification is necessary because the original agreement anticipated impacts project wide where the proposed agreement only affects the Mountain Top does not include areas such as the Bolts Lake upgrades.

The proposed agreement addresses certain wildlife migration routes and nesting areas. As well the proposed agreement addresses the Shrine Pass Road public access. Michael S. noted the proposed agreement sets property rights and zoning for 20 years. In light of the size of the development, Staff does not feel this is unreasonable.

Mr. Tim McGuire spoke for the applicant. He noted the access easements addressed will become public in 2017 in order to address the gas and power access, and public access to Shrine Pass. It was noted Shrine Pass was never intended to be limited in either the original or the proposed agreements however it is being memorialized in the proposed agreement.

Public Hearing was opened.

Mr. Kelly Toon, 531 Main St, asked about various access points that could be an option for public access. Mr. McGuire clarified that it has not been considered at this point, and the agreement does address access provisions which are sustainable and safe to the public.

Public Hearing was continued to the March 1, 2017 Council meeting.

In response to question, Michael S. clarified that Bolts Lake was part of the original agreement and included the essential water rights for the project as it was then proposed. Under this new proposal, the Town water rights will not be impacted. Therefore, the Bolts Lake is not required to be addressed with this document since no water demand is created. Once the Bolts Lake area is discussed, it will be addressed at that time. The original agreement does not change the development requirements of the lake as the development progresses in that area.

In response to questions it was stated by Mr. McGuire that the density of the Mountain Top area would be in the 50 to 100 units. Although allowed at 100 units per 350-acre parcel, due to grades and other factors, not all of the land can be developed to its highest use.

Motion by Terry A., second by Sage P., to approve Ordinance 02 – Series 2017 (First Reading) an Ordinance Adopting the Development Agreement Implementing the Mountaintop Concept Alternative within the Mountaintop Area of the Battle Mountain Property as presented. Motion Passed 6-0. Note: Mayor Matt Scherr was excused absent.

**8. Discussion/Action Item: Consideration of Resolution No. 06 – Series 2017 A Resolution approving an IGA for an Operations Agreement between the Eagle River Water and Sanitation District and the Town of Minturn – Brunvand**

Motion by John W., second by Sage P., to approve Resolution No. 06 – Series 2017 A Resolution approving an IGA for an Operations Agreement between the Eagle River Water and Sanitation District and the Town of Minturn as presented. Motion passed 6-0. Note: Mayor Matt Scherr was excused absent.

**9. Discussion/Action Item: Consideration for the Mayor to sign the 100-Block Parking letter in support of improved customer access to local businesses via local employees utilizing/parking in the Municipal Lot – Metteer (20 min)**

Michelle M. outlined the details for the request and noted it is an item on the Economic Development Committee. This is a first step and will be reviewed continually for effectiveness. Sage P. noted the importance of the parking concerns in the 100 Block and felt this would make a difference. She did note the importance of monitoring and reviewing the concerns. Michelle M. highlighted how this action will be publicly promoted.

Motion by Sidney H., second by Terry A., to authorize the Mayor or Mayor Pro Tem to sign the 100-Block Parking letter in support of improved customer access to local businesses via

local employees utilizing/parking in the Municipal Lot as presented. Motion passed 6-0.  
Note: Mayor Matt Scherr was excused absent.

## COUNCIL AND STAFF REPORTS

### **10. Town Planner (5min)**

Janet H. updated the Council on Planning Commission items.

### **11. Town Manager (5min)**

- Manager's Report

In Willy P.'s absence, Michelle M. reviewed the Manager's Report.

### **Minturn to Dowd Bike Path**

Should we develop a political strategy with Eagle County to address our concerns with the State Land Board?

### **Dowd Junction Items**

We received from United Properties a conceptual site plan and Janet, Matt and I had a telephone conference with UP to discuss. Several flaws were observed. It was decided UP would revisit assumptions regarding tenant needs and layouts. Following their findings we will conduct a design charrette, likely in March.

Forest Service is reviewing the Agreement of Intent submitted by the Town.

### **Bolts Ditch Legislation**

The bill was passed on the House floor, thank you Representative Polis. Senators Gardner and Bennett have introduced in the Senate.

Michelle and Willy met with DOLA representatives on Feb 9 so they could witness their funding of Entryway/100 Block improvements and learn of Minturn's desired request for future funding of Main St. Pedestrian Improvements in South Minturn. The DOLA reps attending were: Greg Winkler, the District Rep, Irv Holter, Executive Director of DOLA and Chantel Unfug, Director of the Division of Local Government.

### **Maloit Park School District Housing**

I met with the Eagle County School District Board on Feb 8 to discuss housing at Maloit Park. The town has an annexation agreement with the District which grants up to 150 residential units. The Board favored using the northerly portion of the property for the housing development. This would necessitate terminating the Rummage Sale lease in 2018. I said the town favored development in the northerly area, would support public employee housing and want the project to be phased. Important to the town is an understanding of the maximum number of units the District would add prior to completion of a replacement water treatment facility.

### **Main Street Pedestrian Planning**

One on one meetings with effected property owners are being scheduled for March 7.

Additional Items reviewed:

Eagle County Housing and Development Advisory Committee appointment – this will be taken up at the March 1, 2017 meeting.

Parking Fine Structure – Michelle M. reviewed a short memo on parking fines. It has become apparent that individuals are repeatedly offending and causing parking and snow removal operations. It was noted that this does work with other discussions held this night on the parking issues throughout town. It was directed this come forward along

- Action Report

### **12. Town Attorney**

The Eagle River Properties lawsuit has been approved and signed and the town will be receiving the agreed payment in the near future.

## **EXECUTIVE SESSION**

### **13. Executive Session:**

An Executive Session for the purpose of discussing Town Manager transition strategies and its effect on personnel under C.R.S. Section 24-6-402(4)(f)

Due in part that Mayor Matt S. was not in attendance, this item was pushed to the March 1, 2017 Council Meeting.

## **FUTURE AGENDA ITEMS**

### **14. Next Meeting – March 1, 2017**

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### **15. Future Meetings:**

- Work Session on housing – Hawkinson
- Review 100-Block Employee Parking Plan Phase I
- Speeding and parking issue discussion

### **16. Set Future Meeting Dates**

- a) Council Meetings:
- March 1, 2017
  - March 15, 2017
  - April 5, 2017

**17. Other Dates:**

- Office Closed: February 20, 2017 – President’s Day
- Annual Audit: February 21-24, 2017
- Barstool acing: April 8, 2017 Saturday held at the upper Little Beach Park parking lot and will include live music.

**18. Adjournment**

Motion by John W., second by Sage P., to adjourn the meeting at 8:11pm. Motion passed 6-0. Note: Mayor Matt Scherr was excused absent.

  
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Matt Scherr, Mayor

ATTEST:

  
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Jay Brunvand, Town Clerk

