



## AGENDA

### Town Council Regular Meeting

**Executive Session: 4:30PM**

**Regular Session: 5:30PM**

**Wednesday, October 18, 2023**

**Town Hall / Council Chambers - 302 Pine St Minturn, CO**

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The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

#### **MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:**

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87334536361>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 87334536361

**Please note:** all virtual participants are muted. To be called upon and unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it is your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

**Public Comments:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

#### **1) CALL TO ORDER**

The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session.

Mayor Earle B. called the meeting to order at 4:30pm.

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusty Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan.

Staff present: Attorney Michael Sawyer (zoom), and Town Manager Michelle Metteer.

**2) EXECUTIVE SESSION (4:30PM)**

- a) For discussion of a personnel matter under CRS Section 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. – Town Administrator review.

Motion by Gusty K., second by Terry A., to convene in Executive Session for the purpose of discussion of a personnel matter under CRS Section 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Town Administrator review. Motion passed 7-0.

**3) ROLL CALL AND PLEDGE OF ALLEGIANCE**

The Council convened in Regular Session at 5:42pm.

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusty Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan.

Staff present: Attorney Michael Sawyer (zoom), Town Manager Michelle Metteer and Jay Brunvand, Town Clerk/Treasurer.

**4) APPROVAL OF CONSENT AGENDA**

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

- a) Meeting Minutes – October 4, 2023 Meeting Minutes
- b) Liquor License – Retail Liquor Store License annual renewal application; Minturn Mile Liquor Store, 341 Main St, Gail Crowder, Owner/Manager

Motion by Terry A., second by Gusty K., to approve the Consent Agenda of October 18, 2023 as Presented. Motion passed 7-0.

**5) APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletion to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of October 18, 2023 as amended. Motion passed 7-0.

**6) DECLARATION OF CONFLICTS OF INTEREST**

**7) PUBLIC COMMENT**

Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.

**8) COUNCIL COMMENTS & COMMITTEE REPORTS**

Gusty K. reminded Halloween is approaching and to be kid-aware.

Terry A. noted the Minturn Community Fund and they are looking for volunteer snow shovelers for the shoveling squad. She reminded all of the MCF Halloween party at the Saloon. She expressed the desire to have a council member attend Cemetery Board Meetings; it was agreed this was a good idea.

Brian R. gave a Minturn Fitness Center update on the Board Meeting of 10/17/23. The Center is performing very well and shows a cash surplus YTD. At the meeting they preliminarily discussed a cash contribution for the Capital Reserve Fund. This was an update, not a request at this point.

Earle B. noted the Saloon is back open and that the Crazy Chicken is open as well. Both are up, running, and great food. He updated on the ECO Transit Committee and updated on the changes we will see noting the complete expanded system and the Fair-Free program will be limited this winter due to limited buses and original startup. Earle B. noted the Cemetery fence issue will be on the 12/6 agenda to discuss the wildlife concerns. He noted former Council Member Geoge Brodin was in a vehicle accident and will be in Denver for a couple months. We are all sending encouragement his direction.

**9) MANAGER'S REPORT**

**UPRR/Colorado Midland Pacific**

Colorado Midland Pacific (CMP) has begun diligence work on the Tennessee Pass rail line. The start of this work has included the removal of the Lionshead Rock that fell down the mountain and hit the tracks. It is my understanding that CMP has up to 10 years to conduct their diligence process. I have reached out to Sara Thompson Cassidy, CMP Representative at [srtcassidy@rgpc.com](mailto:srtcassidy@rgpc.com) for an update on this work and have yet to receive a response.

**Trash Removal RFP**

The Town of Minturn's contract with Vail Honeywagon expired some time ago. It is time to update the Town's refuse contract through the Request for Proposal (RFP) process. Staff anticipate beginning this process later this winter and will come to the Council with recommendations. We can accommodate up to two Council members taking part in the RFP interview process if anyone is interested. The Refuse Removal contract will require the approval of the town council prior to implementation.

**Town Prosecutor RFP**

Minturn will begin the RFP process for a new town prosecutor in the coming months. Legal representation is hired by the Town Council, so final candidates will be interviewed by the Council prior to a public decision and offer taking place. More to come.

### **River View Cemetery Fence Update**

Minturn general counsel Mike Sawyer and I participated on a call with Cemetery representatives Kendra Carberry, attorney and Sidney Harrington, administrator in hopes of finding common ground pertaining to the multiple wildlife impalements on the Cemetery fence. The disagreements were wide ranging and extensive. The conversation did not find opportunities to move forward collaboratively in removing the spears on the top of the fence posts. However, the Cemetery representatives offered the Council the opportunity to pay for the remainder of the fence remediation. The Cemetery representatives said if this opportunity is of interest to the Council, they will take the option back to their board for consideration.

### **Colorado Open Records Act (CORA) Policy Update**

Minturn has updated the CORA request process. The updated policy is attached for the Council's review. This update is in line with the state statute. Schedule A is forthcoming along with the updated CORA request form.

### **New Council Packet Process & Document Starting November 1, 2023**

Staff have been in training for the last three weeks learning the updated Council packet and website access process. This will go live for the November 1, 2023, Council meeting. This new process will bring significant efficiencies to the Council packet creation process and provide an increased level of transparency to the public by having the Zoom video of the meetings uploaded to YouTube and accessible to the public directly from the Council packet webpage on the Town's website. We ask for your patience while we work through this transition.

### **Emergency Preparedness Planning**

I continue to work on emergency preparedness for Minturn in the event of natural disaster or other event requiring a town-wide emergency response. I am currently updating the Minturn Evacuation Plan and have sent it to corresponding agencies for their review before finalization and approval by Council.

#### **10) SPECIAL PRESENTATIONS**

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

#### **11) BUSINESS ITEMS**

Items and/or Public Hearings listed under Business may be old or new and may require review or action by the Council.

- a) Ordinance 14 – Series 2023 (First Reading) An Ordinance Amending the 2021 International building code to exempt sprinkler systems from single family residential units less than 6000sf.

Minturn adopted the 2021 Building Codes via Ordinance 5 - Series 2023 earlier this year, however requirements for the sprinkling of all residential structures were not eliminated from the code

during this process. Staff is bringing forward an ordinance to correct this oversight and limit the sprinkling of one and two-family dwellings to those whose total aggregate fire area exceeds 6,000 square feet.

Council concurred with the need. Discussion ensued as to how the 6,000sf was determined.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Gusty K., second by Lynn F., to approve Ordinance 14 – Series 2023, First Reading, an Ordinance Amending the 2021 International building code to exempt sprinkler systems from single family residential units less than 6000sf as presented. Motion passed 7-0.

b) Resolution 30 – Series 2023 A Resolution Approving the Update of the Minturn Snow Removal Plan

At 7896' in elevation, snow removal operations consume the majority of our public work's wintertime schedule. With the addition of sidewalks along sections of Main Street to increase connectivity, town staff has adjusted how we will service snow plowing and removal operations in town.

The 2019/20 Winter season was the first year of Minturn's Snow Removal Plan. During the original approval process in 2019, the fluid nature of this document was identified to be ongoing.

- changes will continue to be made to improve the snow removal process and experience. This update is a continuation of that process which includes the allowance of hand shoveling snow from sidewalks onto town-owned roads (not to include CDOT Right-of-Way) between the hours of 4:00AM to 7:00AM in alignment with the snow removal street schedule. This would get the snow out and then removed by our PW's plows before it is packed down. It was noted this is sidewalk snow ONLY, not driveway. If approved, an Ordinance will be required to change the MMC and allow this activity.

Discussion ensued as to how this would work with the alternating streetside parking. Additional items that will not be included in the plan but rather are operational changes made in the field or informational efforts include:

- No Parking Pine Street & Boulder St (Norman to Toledo) starting at 8:00AM as requested by a town resident;
- Information to residents regarding the freeze/thaw cycle which includes water running down all town streets;
  - Shade caused by trees and tall buildings exacerbates this issue by re-freezing the thawed water
- Minturn Community Fund Shovel Squad

Michelle M. noted the town is contractually obligated to plow and remove the snow in the CDOT ROW. In the snow plow plan, Main, Pine, Toledo, Taylor, and Mann are designated emergency

and bus routes making them priority plowing. All other roads are secondary routes and hit after the priority routes. The town will utilize an outside snowplow company for contracted plowing assistance similar to prior years.

Public Comments:

Two written comments were submitted as follows:

- > Hi
- >
- > Just want to go on the record, and please read at the next meeting when they talk about water rates.
- >
- > “Council needs to stop raising our water rates and stop taking money from the water fund to pay non water related bills, payroll etc.”
- >
- > Thanks
- > Frank Lorenti

Nella Trail, Erin Trail & Janice Aiello  
30 Mann Avenue  
Minturn, CO 81645

Dear Town of Minturn residence and council members,  
Living on the corner of Main and Mann in Minturn my whole life, I can say that snow removal has always been a troublesome area. We are a small community, and often our tax dollars get diverted into more pressing matters than clearing the snow buildup throughout town daily, particularly during a high snowfall year. With that in mind, I want to address the struggles our household faces annually with removing snow around our property. We have few places where snow can sit all winter, without causing issues to our roof, blocking utility meters, etc. We do our best to remove the bulk of the snow away from the edges of the property that border our streets, to help the town crew with maintaining our block. Our main grievance is, if daily upkeep is not a reality during heavy snowfall years, we are often taking multiple truckloads of snow with our pickup to the snow dump area by the cemetery, one day a week, over the weekends. Luckily, not too far for us, however, it does create extra work when more reasonable and logical solutions could be available to us less than 20 yards from us. Unfortunately, when trying to empty our truck at the end of our street, where there is already a town deposit spot, we get reported and have town maintenance people asking us to not do that and take it to the cemetery. My question to the council is simply, why? For years, there has been selective enforcement of those snow dumping rules. Annually, I see one of our neighbors with a bobcat dump snow on a weekly basis to that same spot, however I suspect since he once worked for the town, people look the other way. I also see many of my other neighbors simply take their snow blower and point the spray direction directly out into the street, not early morning during the “grace hours” when town personnel are out working the plows. These are not the only instances where selective enforcement is at play, rather a small sampling of what goes on. For this reason, I do hope the town considers making the smaller snow depository spots accessible for residence to deposit their excess snow. If you need to move excess snow from

your property, you should be able to bring it to the closest collection point to you. Help us help the town, make it logical for us to remove said snow, OR enforce the rules equally across the town, and restructure how the town prioritizes snow removal. There is nothing more frustrating than trying to do right by following the rules of the town, spending extra time and gas to get the snow to the correct spot, only to see your neighbor's bobcat-ing snow from their property on a weekly basis. With regards specifically to the sidewalk zamboni, if that were to travel more than once on a super heavy snow day, the CDOT plow debris would be more manageable for driveways that face Main Street. We regularly take care of our neighbor's driveway during the winter, and noticed how bad the plow debris is from our house, further south. My guess is, street parking disappears beyond our block, allowing CDOT to push their blades up against the sidewalk edge, blowing the towns worth of snow debris onto the sidewalk and every Main Street facing driveway. South Minturn could use more help with that.

Ms. Lynn Teach, 253 Pine St, felt the alternate streetside parking seems to work but the pushing of snow from sidewalks should follow the alternate parking or it should be pushed more to the center of the roadway to get it away from the gutters where it would be packed down.

Mr. Michael Boyd, 502 ½ Eagle St, felt adding the 4am-7am time frame would just make an enforcement issue.

Mr. Donald Gallegos, 882 Main St, asked about the parallel parking and alt side parking. He felt the 4am-7am did not work for those that work all day. Michelle M. reminded all that this is a test and a fluid document but hoped this would work noting that during and after the larger snowstorms it might not work as well. Snow plow and removal will continue to be the priority.

Hawkeye Flaherty, 160 Main St, asked if salt could be used in the 100blk instead of mag Chl. This will be looked into.

Terry A. asked Arnold M. of the plan outlook. Arnold M. felt it was working well. During a snowstorm they work as fast as safely can to plow and remove the snow piles. She asked about enforcement. Michelle M. noted that this will be watched and if citizens have complaints, pictures, or video to please contact the town and we will follow up.

Motion by Terry A., second by Gusty K., to approve Resolution 30 – Series 2023 A Resolution Approving the Update of the Minturn Snow Removal Plan as presented. Motion passed 7-0.

It was noted the follow-up on the Mag Chl will be a separate discussion when the necessary information can be gathered.

## **12) DISCUSSION / DIRECTION ITEMS**

### **a) Water Treatment Plant alternatives analysis – Water Rates (Metteer)**

Michelle M. introduced Nate Summers, UMB Bank. Mr. Summers outlined the original plan was a membrane plant and new well fields on the Eagle River. This option did not pan out due to cost and water quality issues. The town currently has two of our three sand filters offline and are now

considering the following options. It was noted the user bill costs included in the Alternatives uses a 30yr SRF loan at 3.25% with the \$3m Congressionally Directed Spending funds:

- Alternative A: \$8,600,000 + \$100,000 annual O&M
  - Rehabilitation of Existing Slow Sand Filters
  - results in an average residential user paying approximately **\$205/month** (2024 estimated rates). This equates to a **43% increase** to the current FY2023 user rates.
- Alternative B: \$19,700,000 + \$200,000 annual O&M
  - Packaged Conventional Water Treatment Plant
  - results in an average residential user paying approximately **\$259/month** (2024 estimated rates). This equates to a **81%** increase to the current FY2023 user rates.
- Alternative C: \$14,800,000 + \$140,000 annual O&M
  - Membrane Water Treatment Plant
  - results in an average residential user paying approximately **\$242/month** (2024 estimated rates). This equates to a **69%** increase to the current FY2023 user rates.

In addition to the three listed Alternatives, the town is studying increasing the production of the wells in an effort to use the wells instead of the water diversion which would limit our need for new for the Alternatives. Council asked for the alternatives to be reevaluated in conjunction with the well study. Mr. Summers noted that, as a result of the engineering and legal costs to prove out the alternatives, the Enterprise Fund has been operating at a loss for the past several years. In response to questions, he stated that the Alternatives do NOT include any allowance for projected growth which would result from one or more projects in town that are currently going through the review process. And that Generally speaking, smaller communities making larger improvements results in greater costs per connection due to economies of scale, and larger communities being able to spread cost more efficiently. Additionally, the EPA's guidance is that water rates generally become burdensome or unaffordable when the average monthly bill exceeds about 4% as a percentage of annual Median Household Income. We have shown in the following graph how each of these communities' water affordability shows against vs. EPA guidance. The US EPA sets affordability at 2.5% of the Median Household Income, the MHI for Minturn is approximately \$106,000.

Discussion ensued as to the MHI of \$106k and the high costs associated with the local area. Michelle M. asked of a discount for under MHI families. Yes, this could be done. Mr. Summers stated currently there are no state/fed programs that could assist with this. Michelle M. noted this represents a lot of issues we face with grants and not being a Disadvantaged Community.

Gusty K. felt this was valuable information but we need to know what our wells can produce as this may information may be too preliminary. He expressed we should not set rates until we have the well pumping capacity study and we should not choose an Alternative. Discussion ensued as to the need to rehabilitate filter 3, ascertain the well capacity, and then make a decision with the alternatives priced out.

Terry A. felt we should not consider options until we have sufficient information on the Alternatives. Lynn F. agreed and stated a membrane would not be able to treat Eagle River water.



Michelle M. noted the well study was commissioned prior to moving forward with the well capacity study.

Brian R. felt we should utilize the discussed tiered rate structure for water use. He stated we don't look at high density projects that would help pay the bills. We are in a low growth period and questioned if a 2<sup>nd</sup> homeowner could have a higher rate than a permanent homeowner. Michelle M. stated Minturn has not been interested in a tiered rate program although we have implemented a tiered rate for irrigation only accounts. Terry A. reminded we are in a water moratorium, the water use is at the emergency level already.

Michelle M. clarified that the Council wants to move to a tiered rate and 2<sup>nd</sup> home rate. Council asked if these rates could be modeled and agreed we should use the recommended 12.5% increase for 2024 base rates.

Public Comments:

Micheal Boyd, 502 ½ Eagle St, discussed using 1sfe so if you have more than one SFE it I more expensive. He stated the base rate adds up even if you only use 4kgal/mo combined over multiple taps.

Ms. Lynn Teach, 253 Pine St, asked about the \$3M. Michelle M. said it is an EPA process and we would want to ask them for that money for a specific use, not just "water".

Mr. John Widerman, Edwards, discussed our system and challenges. Regardless of what system (tiered, base +, etc) the rate will increase based on project costs.

Discussion ensued on water use vs. overwatering; the amount of water needed to have green landscaping but not overwatered.

Direction given:

- model tiered ERWSD and outdoor irrigation based on area
- look at 2<sup>nd</sup> homeowner rates – Legal issues
- Interested in looking at the definition of an SFE

#### b) Budget Review

Michelle M. reviewed previous items covered related to business license fees. All business licenses would now be \$75 regardless of the operation.

STR rates would remain at \$300 annually plus we would charge a per bedroom fee.

Contractor license would be a standard fee and be good for one year, not three years.

She noted budgeted projects of

- Nelson and Norman repairs
- Belm Bridge – repairs at approximately \$400k and an additional \$35k for engineering.

- A reserve study for the town hall, currently the town hall does not have a reserve fund
- UPRR leases – it was reported the lease costs are less than originally reviewed, we would be allowed to sublease, but would not have a 10yr lease option. The leases would continue at an annual renewal but month to month. UPRR might offer a longer lease for the Municipal Parking lot.

Council did not want to pursue the additional leases.

(a) Council Wage

The current wage is \$400/mo for the mayor and \$200/mo for the Council. Additional called meetings are \$200/meeting mayor and \$100/meeting for Council. After discussion it was requested to pursue doubling the current rates.

**13) FUTURE AGENDA ITEMS**

**14) ADJOURN**

Motion by Kate S., second by Brian R. to adjourn the meeting at 8:46pm

**INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- Nov 1, 2023
- Nov 15, 2023
- Dec 6, 2023
- Dec 20, 2023