



OFFICIAL MINUTES

Executive Session 4:00 PM | Work Session 4:30 PM | Town Council Meeting 5:30 PM

Wednesday, July 17, 2024

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

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.

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/82313295933>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 823 1329 5933

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s 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

Mayor Earle B. called the meeting to order at 4:00pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present Mayor Earle Bidez, Mayor Pro Eric Gotthelf, Town Council members Lynn Feiger, Gusty Kanakis, Tom Priest (zoom), Kate Schifani, and Brian Rodine (zoom).

Staff present: Town Attorney Mike Sawyer, Town Manager Michelle Metteer, Town Planners Scot Hunn and Madison Harris, and Town Clerk Jay Brunvand (zoom).

3. EXECUTIVE SESSION (4:00 PM)

- A.** An Executive Session pursuant to CRS Section 24-6-402(4)(b) for the purposes of consulting with the attorney to receive legal advice on legal questions related to the following matters:

Update on Case No. 21CW3030 and Strategy.

Motion by Eric G., second by Gusty K., to convene in executive session pursuant to CRS Section 24-6-402(4)(b) for the purposes of consulting with the attorney to receive legal advice on legal questions related to the following matters: Update on Case No. 21CW3030 and Strategy as presented. Motion passed 7-0.

Note: Council convened from Executive Session at 4:30pm, recessed the meeting, and convened in a work session.

NOTE: Work Sessions are public but not recorded.

4. WORK SESSION (4:30 PM)

A work session for the Council and Historic Preservation Commission to review and discuss Chapter 19 of the Minturn Municipal Code (Historic Preservation). Work sessions are limited to discussion between the participating boards. The public is welcome to attend for viewing purposes.

- A.** Historic Preservation Policy Review

The council convened in regular session at 5:45pm.

5. 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.** 06-19-2024 Minutes
- B.** 0030 Silver Star Trail - New Single Family Residence
- C.** 0003 Miles End Lane - New Single Family Residence
- D.** 0043 Miles End Lane - New Single Family Residence
- E.** 0186 Miles End Lane - New Single Family Residence
- F.** Resolution 31 - Series 2024 A Resolution Opting into the National Opioid Settlement: Kroger Co.
- G.** Resolution 32 - Series 2024 A Resolution Supporting a Department of Local Affairs Grant Application for the Repair of the Retaining Wall at Little Beach Park
- H.** Resolution 33 - Series 2024 A Resolution Approving a Contract with Stolfus Engineering for the Facilitation of the Safe Streets for All (SS4A) Grant Award
- I.** Amended Resolution 28 - Series 2024 A Resolution Approving a Temporary Use Permit for the Town of Minturn at 171 Main Street and 191 Main Street

Motion by Eric G., second by Gusty K., to approve the Consent Agenda of July 17, 2024 as presented. Motion passed 7-0.

6. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Gusty K. asked to move the historical discussion up to item 13a to just prior to the business items to accommodate the public in attendance.

Motion by Gusty K., second by Eric G., to approve the Agenda of July 17, 2024 as presented. Motion passed 7-0.

7. DECLARATION OF CONFLICTS OF INTEREST

8. 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.

Mr. Larry Stone, 152 Main St, welcomed Keving Rindy. and encouraged bear awareness and better trash cans.

9. COUNCIL COMMENTS & COMMITTEE REPORTS

Eric G. attended a climate collaborative meeting and update

Earle B discussed and updated on the eco transit to the transit authority. You will notice buses being renamed, route frequency, and fare free transit. They are looking at multi-modal to get you from the bus stop to your destination. It is now called CORE TRANSIT.

10. STAFF REPORTS

A. Introduction - Kevin Rindy, Minturn Building Permit Specialist & Code Compliance

Council welcomed Kevin R.

Michelle M. discussed the bear/trash issues in town and presented photos of the issue and discussed options for citizens.

11. SPECIAL PRESENTATIONS

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

12. DISCUSSION / DIRECTION ITEMS

A. MMC Chapter 19 Historic Preservation

Direction to staff cannot be provided in work session, therefore, staff recommends allowing for public comments from those interested, conducting any final discussion and then providing direction to staff on recommendations for historic preservation policy implementation. Two historic preservation applications are pending a continued first reading at the August 7, 2024 council meeting. Additional property owners and stakeholders are awaiting the Council's direction regarding the implementation of the historic preservation policy and how it may affect their properties. Likewise, interested Minturn stakeholders are looking to understand how historic preservation policy adjustments will affect Minturn's historic preservation program, therefore, the Council is strongly encouraged to provide clear direction on steps to move this matter forward.

Michelle M. noted that exempting the construction use tax for historic buildings would cause the tax to revert back to the home jurisdiction where the products were sold which would not save any money. Therefore, this is not a recommended option.

Mr. Robert Creasy, 479 Pine St, felt we should not segregate the downtown from the rest of the town for historical benefits. He felt we should inventory the buildings of historical importance rather than use the nomination process or use it in conjunction.

Ms. Shelley Bellm, 470 Pine St, she felt there should be a timeframe where if it is nominated and not passed it could protect the new purchasers as well. She felt we should have a historic district, felt owners should be able to nominate their own property, would like to exempt the 100 block FROM historic designation while mandating strict design guidelines. She submitted a letter which is included in these minutes. Eric G. noted that it was approved at the last emceeing that once nominated a property could not be renominated for five years even if it is sold. She also expressed the need to define what is historical. A family that lived in a house does not make the property historical. Kim, as real estate agent representing the Bellm's, noted that better defined guidelines was needed and to implement a faster process.

Ms. Lynn Teach, 255 Pine St, noted some buildings are not in the condition to be saved. She felt two or three people nominating a property was a better solution than only one person as is currently the idea.

Mr. Kelly Toon, 545 Main St, discussed ideas to simplify the application and consideration process.

Mr. Larry Stone, 152 Main St, the intent is to preserve the character of Minturn. We want to increase the vitality of the town not just the preservation of old properties.

Mr. Kevin Halliday discussed on projects he has worked on. He said new and old can and should work together.

Ms. Tracy Anderson, 1016 Mountain Dr, expressed the importance of saving our history in light of the change that we are looking at in the near future.

Mr. Spence Neubauer, 444 Main St, expressed that the character of Minturn came from the last 100 years of change. We should encourage preservation of history but embrace the change.

It was expressed by council that options 1-7 were good

Direction given:

- Eliminate option 8 construction use tax and option 9 residential use of buildings in the 100 block
- The other options could be considered
- Focus on involving the property owner they should have a say in the process and they have a minimal say at this time.

Note: Tom P. left the meeting at 6:20pm

13. BUSINESS ITEMS

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

A. Resolution 34 - Series 2024 A Resolution Adopting the Eagle County Hazard Mitigation Plan

An all-county effort led by Birch Barron and his team in the Eagle County Emergency Management Department worked over this past year to update the Eagle County Hazard Mitigation Plan. This plan identifies potential future hazards, community vulnerabilities, assessed threats and impacts to populations. This plan works to support Minturn toward better functioning in the event of a natural disaster. The goal of this process is to reduce risk and vulnerability of the Minturn public and as identified in the plan, to lessen impacts on life, the economy and infrastructure. Minturn's profile is included within the Hazard Mitigation Plan and identifies several potential threats to the community. See attachment for complete details. **The adoption of the Eagle County Hazard Mitigation Plan is required in order to be eligible for FEMA in the event of a disaster.** Earle B. felt the plan was very important and very helpful and demonstrates a lot of necessary work that Minturn needs to focus on.

Lynn F. asked about Minturn not having a fire department. She noted we are a member of the District and there is a fire house in town.

Motion by Eric G., second by Gusty K., to approve Resolution 34 – Series 2024 a Resolution adopting the Eagle County Hazard Mitigation Plan as presented. Motion passed 6-0. Note: Tom P. was excused absent.

B. Resolution 35 - Series 2024 A Resolution Adopting the Eagle River Community Water Plan

Michelle M. introduced those who presented an all-county led effort to consider past, present, and future human ecosystem river health values to identify opportunities to correct historical degradation and prevent and mitigate against non-desirable future conditions within the Eagle County watershed.

Motion by Kate S., second by Gusty K., to approve Resolution 35 – Series A Resolution Adopting the Eagle River Community Water Plan as presented. Motion passed 6-0. Note: Tom P. was excused absent.

Note: Brian R. left the meeting at 6:40pm

C. Resolution 36 - Series 2024 A Resolution to Approve the PRV Meter House Improvements

Engineer Jarod Limke presented. Staff is seeking confirmation from Council to move forward with the Request for Proposal process to install a pressure reducing valve (PRV) on the potable water distribution system. This PRV will allow for full storage utilization of both Minturn tanks #2 and #3. The only remaining work, which is not included in this project or cost estimate, will be the relining of tank #2 at an estimated cost of approximately \$140,000. Because Minturn's two main water storage tanks are located at different elevations, a PRV is needed to allow each tank to fully function without overflow. This work would be conducted within the current master meter housing and entirely within an already-created structure. If approved, an RFP would be issued, Council would approve the recommended contract and work could commence as early as this fall with a completion date of late winter/early spring.

Motion by Lynn T., second by Eric G., to approve Resolution 36 – Series A Resolution approving the PRV Meter Housing improvements as presented. Motion passed 5-0. Note: Tom P and Brian R. were excused absent.

D. Resolution 37 - Series 2024 A Resolution Appointing Historic Preservation Commission Members

The HPC is a five-member commission appointed with “three-year staggered terms...” - Minturn Municipal Code (“MMC”) Sec. 19-2-30 (1). Sec. 19-2-20 of the MMC states that “At least 3 of the voting members shall be full time Residents, Property or business Owners, or designated representatives of Property or business Owners within the Town” and that “At least 2 of the voting members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to History, Architecture, Landscape Architecture, American Studies, American Civilization, Construction and Building Trades; Cultural Geography, Cultural Anthropology, Environmental Expertise, Planning, Real Estate, or Archeology. The Town Council may waive this requirement on a determination that there are not eligible prospective members who meet these criteria.” There are no term limits, only that public review and appointment take place. Staff has advertised the openings of the HPC and received two applications, who are qualified to serve. Council is asked to appoint two applicants to the two open three-year terms.

Applicants:

- Robert Creasy - 453 Pine Street
- Lynn Teach - 253 Pine Street

The applicants will have time to answer questions from the Council. Ballots will be provided to the Council with the applicant's names. Council will be asked to choose their top applicants. Meetings are held once a month on the third Tuesday, with the ability to add more should the occasion call for it. Of the three HPC members still appointed, there is a mix of full-time residents, property owners, business owners as well as experience in Architecture, Education, and Building Trades.

No balloting was required. The Council elected to simply appoint the two applicants to the two referenced seats.

Motion by Kate S., second by Gusty K., to approve Resolution 37 - Series 2024 A Resolution appointing Lynn Teach and Robert Creasy to serve on the Minturn Historic Preservation Commission through July 31, 2027 as presented. Motion passed 6-0. Note: Tom P. and Brian R. were excused absent.

E. Resolution 38 - Series 2024 A Resolution Approving a Contract with Ewing Construction for the Extension of the ECO Trail into Minturn

Recently, the ECO Trail was completed between the USFS bridge at the north end of town southward to just before the Minturn Town boundary. The ending location was due to not having the necessary easement approvals to cross Union Pacific property as those approvals were conditional upon the approval of the Minturn North project. With the Minturn North approvals, Union Pacific has provided the necessary easements for the ECO Trail to cross their parcel of land and work can commence. Eagle County has offered to cover the costs associated with the completion of this section of the ECO Trail. This is a generous offer which Minturn has accepted. For this to occur, Minturn will need to secure the contract with Ewing Construction, who is already onsite and mobilized for the Minturn North project – saving time and money. This contract was obtained through a sole-source procurement given the unique specifics of the contract and the work already being done in the area by Ewing.

Motion by Kate S., second by Eric G., to approve Resolution 38 – Series 2024 A Resolution Approving a Contract with Ewing Construction for the Extension of the ECO Trail into Minturn as presented. Motion passed 6-0. Note: Tom P. and Brian R. were excused absent.

F. Ordinance 17 - Series 2024 (First Reading) An Ordinance Approving a Short-Term Rental Tax Ballot Question for the November 5, 2024, General Election

In November 2005, during a county wide coordinated election, the town passed a ballot measure allowing the town to assess a 1.5% Lodging Tax on all STR rentals. This included commercial lodging facilities as well as residential facilities. An STR is defined as a unit rented for 30 days or less. Staff is requesting direction to proceed with a ballot request in the November 2024 County wide coordinated election to increase the Lodging tax 5% points, from 1.5% to 6.5% for RESIDENTIAL rentals ONLY. Commercial properties are assessed property taxes at 26.3% and residential properties at 6.7% of assessed value. Due to this almost 4x variance, we are only looking at this tax to be applied only to residential STR's.

ANALYSIS:

The current and projected sales tax rates for STR are as follows. (NOTE: The commercial lodging would remain at the current level, the STR would move to the projected and non-lodging would sales tax would remain at 8.9%):

CURRENT Lodging Tax For both Residential and Commercial		Projected Lodging Tax for Residential	
State	2.9%	State	2.9%
County	1.5%	County	1.5%
Transit	0.5%	Transit	0.5%
Town	4.0%	Town	4.0%
Lodging	<u>1.5%</u>	Lodging	<u>6.5%</u>
	10.4%		15.4%

Estimating the projected revenue picture with this change:

	1.50%	6.5% *
2021	18,960	38,307
2022	20,457	61,081
2023	14,461	52,832

*Commercial factored at 1.5%

The above table shows what we received at 1.5% and what we would have received based on the combined 1.5% commercial and 6.5% residential STR. Our current 1.5% lodging tax is not designated for a specific use, rather, it is available for any General Fund use in the budget process. Although this is a very specific tax on a very specific funding source, often a tax question is more successful if the funds are directed or earmarked for a specific community need. Any ear mark directed should be based on the Strategic Plan. This could be, but not limited to, community enhancements, events, parks, childcare, or housing options.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Gusty K., second by Eric G., to approve Ordinance 17 - Series 2024 (First Reading) An Ordinance Approving a Short-Term Rental Tax Ballot Question for the November 5, 2024 General Election as presented. Motion passed 5-0. Tom P. and Brian R. were excused absent.

G. Ordinance 18 - Series 2024 (First Reading) An Ordinance Approving a Downtown Development Authority Ballot Question for the November 5, 2024, General Election

The Town of Minturn has been considering the values a DDA could bring to this community off and on for almost three years. In this time, staff and some business and property owners of Minturn's downtown area have investigated this option with the culmination of the attendance at the 2022 DCI Conference in Colorado Springs. From there the Town returned with an action plan

for the potential to create a DDA from which we have slowly been progressing ever since. The Town recently completed a secondary financial analysis by consultant Jim Mann, to better understand the potential income revenues of a DDA. This analysis is currently being expounded to include a debt authorization recommendation amount, to be included in second reading. During Q2, the Town (with help from DCI) held final meetings with downtown stakeholders (including an in-person open house event on June 10th) and had a public discussion during the June 19th Town Council Meeting, on this topic. There was broad support from downtown commercial stakeholders, and from Town Council. A Downtown Development Authority functions as quasi-municipal corporation which is intended to halt or prevent deterioration of property values or structures in a Central Business District. To this end, a DDA is focused with finding ways for improving real estate development, infrastructure, and operations of a downtown area. It does this by leveraging any future increase in assessed property valuations within the approved DDA boundary. This allows the DDA to reinvest in Minturn's downtown and keep money in Minturn which would have otherwise gone to the bevy of other organizations that see revenue through property taxes, such as the School District, Cemetery District, Library District, Eagle County, and others. The complete mill levy breakout can be found on electronic page 81 of the 2024 Minturn budget. This is all done through a mechanism called Tax Increment Financing (TIF). Staff is recommending the above concept which includes no increase in taxes. To form a DDA, firstly, the Council must approve the concept. An election of the property owners and leaseholders included in the DDA boundary is then required. If approved, a DDA has a lifespan of 30 years with the potential to be extended by an affirmative action of the Council. An additional memo, including the final financial assessment and debt authorization recommendation, will be forthcoming for second reading.

Gusty K. noted this is only voted on by members of the district, it is not a town wide election.

Lynn F. asked for clarification of the boundaries of the district. Michelle M. noted the map and then how it can change over time as new members petition in.

Discussion ensued as to how funding proforma numbers were calculated and how the funding will work and how advanced funds could be utilized.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Eric G., second by Kate S., to approve F. Ordinance 18 - Series 2024 (First Reading) An Ordinance Approving a Downtown Development Authority Ballot Question for the November 5, 2024, General Election as presented. Motion passed 5-0. Tom P. and Brian R. were excused absent.

H. Resolution 39 - Series 2024 A Resolution for Minturn North PUD to Request Exemption from Sec. 16-17-110. - Underground utilities

The developers of Minturn North PUD would like to request temporary exemption from Sec. 16-17-110 - Underground utilities for the duration of infrastructure work. Sec. 16-17-110 - Underground utilities states the following: “Except as otherwise approved by the Town Council, all wires, cables or other equipment for the distribution of electric energy and telecommunications signals, with the exception of transformers, meters, junction boxes and similar equipment, shall be placed underground. Where developments are approved along or with crossing existing overhead power and communication facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and right-of-way shall be provided as part of the development.” The Applicant is requesting a two-year exemption from Sec. 16-17-110, as this need is temporary in nature. Per the Applicant’s email: “The temporary overhead power line will supply electricity to the job site through the duration of infrastructure work. Use of this line should not exceed two years.”

Discussion ensued as to this request. Concern was expressed that the line might be too low for ongoing non-Minturn North construction, this will not be the case.

Motion by Gusty K., second by Lynn F., to approve Resolution 39 - Series 2024 A Resolution for Minturn North PUD to Request Exemption from Sec. 16-17-110. - Underground utilities as presented. Motion passed 5-0. Tom P. and Brian R. were excused absent.

I. Resolution 40 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period

Staff is requesting a short time frame extension to the approval process of the Battle Mtn Settlement approvals period. This process has been extended from its original deadline of from March 6, 2024 to June 19, 2024, a second extension to July 18, 2024 to a new deadline of August 22, 2024.

Council will be receiving a report at the August 7 meeting outlining the process and the findings.

Motion by Kate S., second by Gusty K., to approve Resolution 40 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period as presented. Motion passed 5-0. Tom P. and Brian R. were excused absent.

14. FUTURE AGENDA ITEMS

A. Future Meeting Agenda Items

15. ADJOURN

Motion by Kate S., second by Gusty K., to adjourn the meeting at 8:02pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings & Events:

- August 6, 2024 National Night Out
- August 7, 2024
- August 21, 2024
- September 2, 2024 Labor Day - Town Hall Closed
- September 4, 2024

Name: Dave Janssens

Email: davejanssens@gmail.com

Message: I am writing to express my concerns regarding the impact of historical preservation on economic growth in our beloved town of Minturn. While historical preservation is undoubtedly important for maintaining our town's unique character and heritage, it is crucial to strike a balance that also allows for sustainable economic development. Historical preservation, if not approached thoughtfully, can sometimes hinder economic growth. The strict regulations and limitations imposed on the renovation or redevelopment of historical buildings often result in increased costs and bureaucratic delays. This can deter potential investors, entrepreneurs, and businesses from considering Minturn as a viable location for their ventures. Moreover, the maintenance and upkeep of historical buildings can be financially burdensome for property owners. The high costs associated with preserving the original architectural features and meeting historical preservation standards can limit their ability to invest in other areas, such as technological advancements or modernization, which are essential for attracting and retaining businesses. Additionally, the restrictions imposed by historical preservation regulations can limit the flexibility and adaptability of historical buildings to meet the changing needs of the community. As the demands and preferences of residents and visitors evolve, it is crucial to have the freedom to modify and repurpose these buildings to accommodate new businesses or amenities that align with the evolving needs of our community. By allowing for more flexibility, we can foster innovation, create job opportunities, and keep Minturn competitive in the broader economic landscape.

Dan Bellm, Jacque Lovato, Jody Matthews
192 Main Street
Minturn, CO 81645

7/10/2024

Minturn Town Council
Minturn Town Manager

Minturn, CO 8164

Dear Minturn Town Council and Town Manager

Subject: Implications of the Historic Preservation Commission on Property Sale, Property Owner Rights, and Zoning Requirements

We hope this letter finds you well. We are writing to seek clarification and guidance regarding the implications of the Historic Preservation Commission on the sale of properties within the Town, and potential historic designation, and the rights of property owners affected by these regulations.

As a property owner in Minturn, we understand and appreciate the importance of preserving the historical and architectural integrity of our community. However, we have concerns about how these preservation efforts may impact my ability to sell our property and exercise our rights as owners.

One primary concern is the extent to which the Historic Preservation Commission's guidelines and restrictions may affect the marketability and valuation of properties within the Town. Potential buyers might be deterred by the potential of additional regulations and approval processes required for modifications or renovations to these properties. This could lead to a decrease in property value and a longer time on the market compared to properties not subject to such regulations.

Any member of our community may nominate a property for historical designation and the property owner does not have to agree to this designation. It would seem to us that this is a taking by the Town and the property owner loses their ability to make any changes or improvements to the location. It is crucial to know how the commission balances the preservation goals with the rights of property owners to use and enjoy their properties.

Furthermore, we are interested in learning about any appeals process available to property owners who may disagree with the commission's decisions or requirements. Ensuring that there is a fair and transparent process for addressing grievances is essential for maintaining trust and cooperation between property owners and the Historic Preservation Commission.

A particular concern for our property at 192 Main Street is the potential for commercial development. The 100 Block is zoned for commercial use, and if a prospective buyer wanted to

develop a commercial or mixed-use building, the historic preservation of a residence on this property would significantly diminish its true value. Furthermore, a historic preservation designation would hinder the proper refurbishment of the existing building.

We believe that a clear understanding of these issues is vital not only for us but for all property owners. Transparent communication and cooperation between the Historic Preservation Commission and property owners are key to achieving the shared goal of preserving our community's historical heritage while respecting individual property rights.

Thank you for your time and attention to this matter. We look forward to your response and to working collaboratively to address these important issues.

Sincerely,

Dan, Jacque & Jody