



OFFICIAL MINUTES
Town Council Executive Session I 4:30PM
Regular Meeting I 5:30PM
Wednesday, May 07, 2025
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/84688089613>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 846 8808 9613

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 4:34pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present: Mayor Earle Bidez, Mayor Pro Tem Eric Gotthelf, Town Council members Gusti Kanakis, Brian Rodine, Tom Priest and Kate Schifani. Note: Lynn Feiger was excused absent.

Staff present: Town Attorney Michael Sawyer, Town Clerk/Treasurer/Interim Town Manager Jay Brunvand, and interim Town Manager for Special Projects Katie Sickles.

3. EXECUTIVE SESSION

- A.** An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(e) related to proposed water treatment plant and possible inclusion of additional service area, Town of Minturn's water rights portfolio, and negotiations of Town Manager contract.

Motion by Tom P., second by Gusty K., to convene in Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(e) related to proposed water treatment plant and possible inclusion of additional service area, Town of Minturn's water rights portfolio, and negotiations of Town Manager contract as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

Council present: Mayor Earle Bidez, Mayor Pro Tem Eric Gotthelf, Town Council members Gusty Kanakis, Brian Rodine, Tom Priest and Kate Schifani. Note: Lynn Feiger was excused absent.

Staff present: Town Attorney Michael Sawyer, Town Clerk/Treasurer/Interim Town Manager Jay Brunvand, and interim Town Manager for Special Projects Katie Sickles.

The Council convened in Regular Session at 5:29pm.

Direction Given: Direction given to the town attorney to file a statement of opposition in water court case 25 CW3052.

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.** 04-14-2025 Minutes - Special Meeting
- B.** 04-16-2025 Minutes
- C.** 05-01-2025 Minutes - Special Meeting
- D.** Liquor License Renewal - Minturn Country Club
- E.** Liquor License Renewal - Thai Kitchen
- F.** Liquor License Renewal - Eagle River Inn
- G.** Eagle County Joint Resolution proclaiming May as Wildfire Preparedness Month
- H.** 0018 Abby Road - New Single Family Residence
- I.** 0057 Miles End Lane - New Single Family Residence

Motion by Gusty K, second by Kate S, to approve the Consent Agenda of May 7, 2025 as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Eric G, second by Tom P, to approve the Agenda for May 7, 2025 as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

6. DECLARATION OF CONFLICTS OF INTEREST

Mayor Earle B. stated that he would be recusing himself from Item 11A.

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

Brian R. thanked staff and the community for the May First Friday event, it was a unique event at the newly revamped Minturn Makers Space and included live glass blowing and other art demonstrations. He said he got to meet some new people, and that his kids really enjoyed the glass blowing.

Brian R. also mentioned that the drill work as you enter town has great signage and is forcing people to slow down. He noted that he would like CDOT to support more signage and traffic calming during regular periods, not just when work is being done on the highway.

Eric G. noted that he attended the recent Climate Action Collaborative board meeting.

Earle B. mentioned that Minturn is a finalist in the VVP Success Awards and that he will be attending the event tomorrow night (Thursday, May 8th). He also noted that two Minturn businesses are finalists for Small Business of the Year: Minturn Whisky Co. and The Belden Witch.

9. STAFF REPORTS

A. Manager's Report – Brunvand

Minturn Community Garden

The Minturn Community Garden applications are now available for 2025! Get your plot reserved now. The Garden committee will be building new plots this year and is in need of volunteer help in the days and weeks leading up to build day. The build day is scheduled for May 17th.

Community Slash Removal/Chipping Program

Eagle Valley Wildland is providing a free slash removal and chipping service for the community. Minturn's pick-up day is scheduled for May 18. All slash is to be stacked and ready on that date.

Items that are accepted include:

- Trees, logs, branches up to 15 inches in diameter
 - All materials must be free from wire or nails
 - HIGH, neatly stacked piles
 - Piles must be clear of vehicles
 - Piles within 5ft of roadway (not on road or sidewalk)
 - Piles smaller than 2 cubic yards should be combined with neighboring piles if practical.
- Items

NOT acceptable:

- No construction materials or treated lumber
- No rotten wood, root wads, stumps, dirt or rocks
- No grass clippings, trash, weeds, or bags of leaves
- No piles on the road or any paved surface
- No piles in ditches or depressions
- Do not place piles directly under power lines, near gas meters, phone/utility pedestals or mailboxes

Seasonal Street Sweeping

Minturn Public Works has begun the annual street sweeping. Please take note of the temporary signs as they are placed out, the intent is to have the signs placed where the cleaning will be completed the next day. This work will be done throughout the month of May and will culminate with the annual cleanup day. This year cleanup day is Saturday, May 31st .

Town Manager's House

I have reached out to several local contractors in an effort to get the house spruced up in anticipation of the new Town Manager's arrival. This work will include some roof repair and general R&M.

Town Hall Windows

This project was originally scheduled for the end of April. With the Town Manager interviews this has been rescheduled for June (possibly later). Once a schedule is announced we will notify.

Minturn Market

2025 marks the 28th anniversary of the Minturn market, hosted by the Town of Minturn. The original Eagle County market, and the local's favorite, Minturn Market is a true family-friendly artisan market showcasing a variety of local products – food trucks, fresh produce, baked goods, art & pottery, clothing & jewelry, pet products and much more! You'll enjoy live music, live art demonstrations, whisky and wine tastings, and a Kids Zone featuring a climbing wall, bounce house and face painting. The Minturn market takes place Saturdays, June 21st through September 6th from 9am – 2pm rain or shine, in historic downtown Minturn.

Eagle Valley Library District BOOKMOBILE

The Bookmobile will visit Minturn twice a month. During the month of May the Bookmobile will be at the Minturn Town Hall parked on Pine St. The schedule is Wednesday May 7 and 21 from

1:30-3:30pm. Routes and days are subject to change. Please call 970-328-8800 or visit evld.org for current route updates.

Additional:

Jay B. mentioned that there will be upcoming construction for the Highway 24 turning lane (being added by County Road), as well as the County Road paving and the bike path connector extension. This work is expected to start late May / early June and will continue throughout the summer. Local (Taylor St) traffic will be routed to N. Main St. across Bellm Bridge, while construction traffic (heavy equipment / trucks) will be routed to the County Rd (USFS bridge), so that we can avoid heavy trucks on Bellm Bridge. There will be single lane closures / diversions on Highway 24.

B. Manager's Report – Sickles

Note: I notified Mayor Bidez and returned to the office on April 28 with a bucket load of stuff to address including a Little Beach Park site visit before Jeff left on vacation. I will firm up May and June schedules when more information is available regarding a potential new Town Manager.

- A. Water Treatment Plant (WTP) Funding sources will be discussed at the next meeting. I will schedule regular Water Committee meetings to keep Mayor Bidez and Council member Kanakis updated between regular Council meetings.
- B. Bellm Bridge Design & Engineering: I am waiting for CDOT to send a final IGA for electronic signatures.
- C. North Main Street Pedestrian Improvements (Railroad Ave): The bid deadline was rescheduled to May 12.
- D. Tank #2 / Steel Bolted Tank repairs: On the agenda.
- E. Pressure Reducing Valve (PRV) Master Meter Housing upgrades: Weather dependent and moving forward.
- F. Repaving (reconstruction) of Taylor Street:
 - 1. Town Engineer Jeff Spanel has spec'd out a concrete and asphalt pans. Asphalt is far more practical in cost.
 - 2. The property owner at 569 Taylor is continuing discussions regarding paving and liability regarding the Minturn Mile access.
- G. Little Beach Park Retaining Wall repair/replacement: Site tour with more information and thoughts on project. A PSA for Inter-Mountain Engineering is on the agenda.
- H. Little Beach Park Improvements and Playground: Discussion with GOCO on May 5. I may have more information or just wait until the May 21 meeting.
- I. Main St / US HWY 24 Phase II Sidewalk construction: Stolfus is working on the bid alternative plans.
- J. Prepare to update the Minturn Boneyard conservation easement management plan owned by the Town of Minturn: Waiting for EVLT staff availability.
- K. Belden stormwater installation project crossing the Boneyard: CDOT/Forest Service Plans and Restoration Plan under review and will be forwarded to EVLT.
- L. Main Street-US Hwy 24/Cemetery Road Pedestrian Crossing: The bid deadline was rescheduled to May 12.
- M. Nelson Avenue Improvement plus potential Heat Exchange: A resolution ratifying the letter submitted with a grant due April 30.

- N. Safe Streets For All: Notified the IMTPR that the Town of Minturn adopted the Safe Streets For All plan.
- O. Norman Street Repaving: The bid deadline was rescheduled to May 12.
- P. I Attached a page from the draft Inter Mountain Transportation Planning Region Plan regarding 17.4% of workers in Lake County commute to Eagle County likely through Minturn unless working remote.

Katie S. also thanked Jay Brunvand Town Clerk, for his years of service to the Town. It's Professional Municipal Clerks Week, and Jay has been serving the Town of Minturn as Clerk and Treasurer for 27 years.

C. Planning Director's Report – Hunn

Minturn Forward Code Update Project:

The Planning Department continues to work with Western Slope Consulting (Matt Farrar) and the Planning Commission to develop and review new articles and sections of Chapters 16 (Zoning) and 17 (Subdivision) of the Minturn Municipal Code as part of the Minturn Forward Code Update Project. The new Chapters

16 & 17 will replace the existing Chapters upon adoption. To date, the following articles and sections of the new code have been completed:

Article 5 – Land Use Application Requirements & Procedures - COMPLETE

- This article sets forth the purposes, application submittal requirements, review criteria, and processes for each land use application type (i.e. rezoning, PUDs, zoning variances, conditional use permits, DRB applications).
- This is considered by staff as perhaps the most critical article in the new code. This article will correct contradictions and conflicts in the current code by standardizing language, processes, and terms while clarifying the intent of each different land use application review by the Town.
- The clarity and standardization of certain elements of the code will create efficiency for the Town and predictability for applicants.

Article 8 – Subdivision Application Requirements and Procedures - COMPLETE

- This article replaces previous Chapter 17 – Subdivisions, of the Town Code and adds clarity to the process and administrative aspects of applying for a subdivision.
- Like Article 5, this new article includes elements (text, certain processes and/or requirements) of the existing code along with new language, new provisions, and layout/format to be more user-friendly.

Article 11 – Annexation and Disconnection - COMPLETE

- This article replaces Section 16-1-70. - Annexation and disconnection procedure, of the current code.
- The new Article 11 adds significantly more details and explanations regarding the procedures, application requirements, and processes for both annexations and disconnections.
- This article is complete and awaiting final review and editing by the Town Attorney.

Article 12 – Environmental Impact Report - COMPLETE

- This article replaces the previous environmental impact report section of the code and adds clarity to the process and administrative aspects.

- This article includes existing provisions (existing code) along with new provisions that allow the Town to evaluate potential development impacts on the natural environment.
- This article will also address potential development impacts on social, fiscal, or cultural environments of the Town.

Each new article or section of code has been vetted internally (by the Planning department, the Town Attorney, and the Town Engineer) prior to presenting a draft document to the Planning Commission for review. Following Planning Commission review, the draft document is then revised and represented to the Planning Commission before moving on to additional articles and sections.

Next Steps:

Next steps in our process include creation and review of new review of Article 2 – Zone Districts (including new zone district mapping) and Article 3 – Use Regulations & Standards (allowable uses, as well as development and dimensional standards such as building setbacks, building height, and maximum lot coverage). One of the primary goals of the Minturn Forward re-code project has been to update the Town’s zone districts; to consolidate zone districts and to simplify the code. Therefore, our focus on Articles 2 and 3 is highly anticipated, is more complex/time consuming than previous code sections that have been completed and will involve significant public engagement.

Staff will commence public engagement notification (newsletter, door hangers, website notification) in May, notifying residents of Minturn of open houses that will be scheduled in June. The goal of the open houses will be to:

1. Inform property owners – based on individual neighborhoods – what their existing zoning categories are, what their existing allowable uses are, and how, if at all, their zoning, uses or development standards (setbacks, building heights, lot coverage maximums) are proposed to change.
2. Gather feedback and answer questions about existing zoning and property rights, any how any proposed changes may impact individual property rights in the future.
3. Seek feedback on any changes to purposes and geographic extent of new zone districts.

Active Land Use Applications:

Eagle County School District – Maloit Park Preliminary Subdivision Plat Review

Staff has been reviewing the Eagle County School District Maloit Park Preliminary Plan for Subdivision application since late 2023. In fall 2024, the application was sent to referral agencies as well as the Town’s consultant team for review. The Applicant has recently re-submitted the proposal with detailed responses to referral agency comments. Once staff determines that referral issues or comments have been adequately addressed, the subdivision application will be scheduled for a public hearing before the Planning Commission, who will make a recommendation for the Council’s consideration.

Tom P. – Is there a proposed timeline yet for this project?

Scot H - If we can get the Town approvals done this summer, then the applicant still needs to submit a final plat. Scot is estimating that actual construction likely won’t happen until

spring 2026, although it's possible if things move quickly that something could start happening this fall.

Midtown Village PUD Final Plan and Plat for Planned Unit Development

The town has received an application from Midtown Lofts, LLC., for Final Plan, Final Plat, and Subdivision Improvements Agreement (SIA) for the Midtown Village PUD. Midtown Village PUD received Preliminary Plan approval in January 2025. Next steps in the process include completing initial review ("completeness" review) of the application to ensure that the Applicant has addressed conditions of Preliminary Plan approval and has presented a complete application. Following that step, the Town will initiate a formal public referral review when the application will be referred to other agencies for review and comment.

Design Review Board Administration & Building Activity

In addition to a heavy case load of design review board applications for Minturn North PUD and Belden Place PUD developments, staff continue to meet with other property owners interested in new or remodel projects while working with our building official to coordinate and complete review of building permits and inspections in the field. Staff anticipate a busy spring and summer, with more DRB applications for projects like Belden Place and Minturn North PUDs, as well as individual new home projects.

Other Planning Department Activities:

- The Highlands Parcels 1 and 2 Public Engagement
Staff have completed the first and second steps in the public process to determine the future use of the Highlands Parcels Nos. 1 and 2.
- In early January, the Town launched a webpage with background information about the parcels, as well as information about the Town's intended process – including public input – to decide how best to use those parcels. A survey was conducted (online and handwritten options) and the Town hosted an open house on Wednesday, January 29th at Town Hall.
- In February, the Town hosted representatives from the Eagle County Open Space and Natural Resources Department, as well as the Eagle Valley Land Trust to guide Council through a discussion about potential open space/conservation scenarios and strategies.
- Next Steps:
 - Council directed staff to invite Jessica Foulis, Executive Director of EVLT, to another work session to continue discussions related to potential private conservation buyer scenarios.
 - Council also directed staff to work with the Town Attorney to develop a zoning strategy for the Highlands Parcels. Staff is currently working on this (zoning) effort.
 - Staff will work with Jessica Foulis to schedule a follow-up work session in May or June.

Eagle County Regional Housing Action Plan Partnership

The planning director has been participating alongside representatives from Eagle County, Avon, Eagle, Gypsum, Red Cliff, and Vail in a regional housing action plan task force

spearheaded by Eagle County and the Town of Avon. The purpose of this effort is to create a regional housing action plan – looking at alignment between land use policies and community housing goals within and across jurisdictions, as well as identifying potential funding sources to implement priorities and projects - and is based on a housing needs assessment being finalized by Economic Planning Systems (EPS). The assessment is based on community survey work and an extensive process by EPS to work with each partner jurisdiction to compile data on existing land use and development, existing housing policies and housing units/supply in each jurisdiction, as well as demographics and market trends. The partnership presented the initial results of the assessment to each of the partner jurisdictions in October and November. EPS has published a final report and will present the findings of the assessment at the Council’s May 21st regular meeting.

Eagle County Wildland Urban Interface (WUI) Code Working Group

The planning director and the code enforcement officer have been participating in a regional effort spearheaded by the Eagle County Wildfire Collaborative group to understand and discuss alternatives, pros, and cons related to the potential adoption of Wildland Urban Interface (WUI) code requirements in member jurisdictions (towns, special districts, and fire districts). This group has been meeting since the start of 2024 and work completed to date includes sharing and analysis of each jurisdictions’ existing land use, zoning, and building code regulations and policies to better understand where, if at all, there are commonalities across or among jurisdictions by way of fire or wildfire related terms, regulations, or design requirements for things like home construction, landscape design and materials, and access to private property.

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 Items may be old or new and may require review or action by the Council.

- A. Resolution 16 - Series 2025 - Request for Exemption from Sec. 16-17-110. - Underground utilities for 161 Main Street**

Earle B. recused himself due to a conflict of interest and left the room at 5:48pm.

The owners/developers of 161 Main Street would like to request 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 an exemption from Sec. 16-17-110, with the concern that if they underground as required, the placement of the transformer needed could potentially affect traffic flow on Williams Street even though it would be on their property. Per the Applicant’s email: “Xcel recommends that we utilize a power pole with a pole mounted transformer located at the corner of our property as required by the utility tariff rules. However, we are concerned that this would interfere with traffic flow on Williams St. Xcel is willing to locate the pole further onto our lot and connect to their existing overhead lines mid span, however we are concerned that the town would consider this to be an “overhead utility line” even though it does not attach to our building.”

Madison H:

There are essentially 2 options for this project to underground utility lines: One would be placing a pole at the rear of the property, where it would feel like it’s edging out into Williams St., and the other would be placing a transformer at the rear of the property which would also feel like it’s edging out into Williams St.

Applicant: Spence Neubauer, 161 Main St.

The original plan was to underground from one of the existing poles and transformers, however Xcel requires the transformer to be on the property / lot (can’t cross right of way), for all new construction, and commercial requires the large transformer. The other option is to place a pole that connects to the current overhead line (wouldn’t be adding new overhead lines).

The third (preferred) option, is to move the existing pole 10 ft. toward the building (on the property line), but this requires 3 new high-voltage lines (on Xcel property). The applicant would still underground from there to the property. This was displayed and demonstrated on the screen during the meeting.

If the 171 Main St. lot does ever get redeveloped, they could also tie into that transformer then.

Tom P. inquired about requirements / code regarding ground-mounted vs. pole-mounted transformers.

Spence N. responded regarding the safety / distance requirements.

Brian R. noted that during the initial meetings about this project, the only primary concern from the public was regarding the pinching of Nelson Ave / Williams St. This would help mitigate that.

Madison H. noted that if approved, Staff did suggest one condition, that conduit should be laid to allow for eventual full undergrounding (in the event of expanded development of the 100 block).

Mr. Spence Neubauer reiterated that they are undergrounding from that spot to their property (they are undergrounding the service lines).

Motion by Gusty K, second by Kate S, to approve Resolution 16 - Series 2025 to approve the request by the owners of 161 Main Street to be granted exemption from Sec. 16-17-110 - Underground utilities as presented. Motion passed 5-0. Note: Lynn Feiger was excused absent. Earle B. stood recused.

Earle B. resumed his seat at the dais.

B. Resolution 17 - Series 2025, A Resolution approving an RFP for the Water Treatment Plant Membrane Design Specification Work

Council is asked to approve Resolution 17– Series 2025 a Resolution authorizing the encumbrance of Water Works Enterprise Funds to provide detailed submittal drawings/documents of a membrane microfiltration/ultra-filtration system for the Minturn Water Treatment Plan Project. In the 4th Quarter of 2024, Minturn Town Council directed staff and consultants to proceed with the design of a membrane system water treatment plant to replace the current direct filtration WTP consisting of three slow sand filters. The Town of Minturn is soliciting firm price proposals for supplying a membrane Microfiltration / Ultrafiltration (MF/UF) system for the Minturn WTP Project based on the information provided in a Request for Proposal (RFP). Based on a thorough evaluation of the proposals that are received, the Town of Minturn, (Minturn) and HDR Engineering, Inc (HDR or Engineer) will select a MF/UF System Manufacturer (Supplier) to provide detailed submittal drawings. The successful bidder could potentially provide equipment for the project, however any funding decision after the submittal of detailed drawings will be considered later. An infrastructure & Service goal is to “Analyze grant funding & bond options for WTP” is documented in the Town of Minturn Strategic Plan 2025-2027. To determine funding needs, significant water treatment details and the cost of the new Water Treatment Plant including the completion of anticipated 90% plans, the potential supplier’s detailed submissions are necessary. HDR Engineering, Inc (HDR or Engineer) has estimated the membrane system at about One Million Dollars. Detailed submittal document cost is about 10% so an encumbrance and guarantee of approximately \$100,000 to be paid directly to the awarded supplier for detailed submittal documents/drawings only.

Motion by Eric G, second by Gusty K, to approve Resolution 17 - Series 2025, A Resolution approving an RFP for the Water Treatment Plant Membrane Design Specification Work as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

C. Resolution 18 - Series 2025 - A Resolution Ratifying a Revitalizing Main Street \$250,000 grant for Nelson Avenue heated street

Council is asked to approve Resolution 18 – Series 2025 a Resolution ratifying direction to apply for a Colorado Department of Transportation Revitalizing Main Street grant for Nelson Avenue Heat the Streets Sustainable Snowmelt Project. Name of Project: Town of Minturn – Nelson Avenue Heat the Street Grant: Revitalizing Main Street (RMS). The project site includes Nelson Avenue from 116 Nelson Ave down the hill to US 24/Main Street. Nelson Avenue is owned by the Town of Minturn and falls under local jurisdiction. While the project’s southern boundary touches the intersection with US 24/Main Street, a state-maintained roadway under CDOT jurisdiction, no construction activities or improvements will occur within the CDOT right-of-way. All project improvements will be confined to locally owned streets. In addition, Minturn Whiskey Company, the project partner, owns adjacent property at the corner of Nelson and Main Streets. Minturn Whiskey will (outside the scope of this grant) make private improvements on its site to support the snowmelt system, including installing heat exchange infrastructure that will supply renewable thermal energy to the public snowmelt network. The project has been discussed within a Land Use application. The project is not specifically identified within the Strategic Plan 2025-

2027, however the April 30, 2025, grant cycle is likely the last CDOT/RMS funds until the State budget recovers. The project is not budgeted, however the town match of \$31,564 is a discount compared to the engineer's estimate of \$95,399 for street drainage improvement and paving.

The Town received a public comment email from Michael Boyd, which was read into the record by Jay Brunvand, Town Clerk, and is included below.

From: Michael Boyd
504 Eagle River Street

I would like to say the thoughts of heating this area, I believe, are of good intent and I thank council, staff and Minturn Whisky Company for putting in the time offering, proposing and reviewing this.

This would be a business agreement though and more details might need to be addressed prior to applying for a grant and deciding if this specific application is the best way to move forward.

This is a business agreement, and details need to be addressed before applying for a grant and deciding if this application is the best approach.

#1 will we have an access easement to inspect, and maintain the pumps? Location?

#2 who is responsible for these costs?

#3 will the whiskey company guarantee continuous heat when called for?

#4 will this be transferable with the property, all conditions and hot water guaranteed?

And the last and most important in the grant application that mentions geothermal technology, if complications and problems arise from this project, are we responsible to re-pay this grant or any portion of it? We as a government are applying for this grant with a partnership with a private entity.

If you choose to move forward with all the details worked out, I suggest you do the road improvements after the building is complete with a c/o and the stub outs ready to go prior to starting this because this is an extensive project/ 2 yrs? And all the equipment and building process will destroy any new street work.

I thank you for your time and I wish for Spence and Stephanie the best with this major undertaking, they are great neighbors and friends.

Sincerely,
Michael Boyd

Additional public comment:
Ms. Lynn Teach, 253 Pine St.

Ms. Teach inquired about how the installation would affect properties on upper Nelson, since some of those properties have no other access. As well as some of the businesses on Williams St. What about parking for the hotel, parking for other downtown businesses, turnaround for delivery trucks, and access for emergency vehicles? Lynn asked that Council give serious thought to how properties will be affected before deciding whether this project would be necessary.

Mr. Spence Neubauer, 161 Main St:
If this all happens, there would be a contract between the Town and the company.

Regarding how this would all work - the town had in the budget that was approved by town council to pave the street. Jeff Spanel came back at 83 or 85,000 to just pave the street. So that construction was already going to be done. So this would actually be less of a cost to the town if we get the grant, than just paving it. Let's say we never build the building and the heating is there; it does not change anything. The street is still paved. There's something underneath it. There's just some heating stuff that maybe you could hook up to later. But it doesn't ruin anything if the street gets paved with it and it's not heated. It's actually still better than it is now. The other thing is that construction management would be in line with paving that street anyway, it wouldn't complicate things. We were just trying to add a little bit to a project that was already in the pipeline and actually apply for a grant that would lower the town's cost than just paving.

Mr. Stefanie Neubauer, 161 Main St:

With our discussions, we'd also talked about putting in some contracts as far as the boiler becoming something that stays with the property, even if we don't distill so that we would always continue to give Minturn access to that heat.

Katie S:

Per Jeff Spanel, only one lane would be closed at a time, whether we do the full heating project or just repaving.

Ms. Krista Driscoll, 115 Nelson Ave:

Ms. Driscoll read a letter that she wrote in support of this, that she had sent to Stef and Spence Neubauer to submit with their grant proposals:

As residents of Minturn, Colorado, whose home is located on Nelson Avenue, we would like to voice our support for the snow melt project posed by Minturn Whisky Company in collaboration with the Town of Minturn. This project will address critical safety and accessibility challenges posed by icy conditions on the hill during winter months and create a more hospitable living environment for us and our neighbors. In the five years since we purchased our home. We've witnessed numerous vehicles attempt the hill, slide backwards, and then ramp up their speed on a second try to try to make it up the hill. The snow packed hill is also enticing to local children whom we've seen sledding in the roadway. We try to help mitigate the dangers by advising children that it's not a safe place to play and using our residential snowblower to help clear and widen the road whenever we can, but it's only a matter of time until a motorist strikes a child while trying to navigate the street.

The snow melt system, which combines geothermal technology and waste heat from Minturn Whisky Company, offers a practical, sustainable solution to these issues. By keeping the hill clear of snow and ice, the project will improve safety for residents like us as well as visitors and guests who stay at the properties in the area. Paving the roadway will also enhance its appearance during the summer months when Nelson Avenue becomes part of the local farmers market, which attracts visitors from all over the county and region. The project demonstrates an exceptional commitment to innovation and sustainability and sets an example for other rural towns by showing how local businesses and municipalities can collaborate to solve long-standing infrastructure challenges while supporting clean energy goals. We strongly urge you to support this transformative project, which will benefit not only the people of Minturn, but will protect our safety and that of our friends and neighbors and serve as a model for other communities facing similar challenges.

Motion by Tom P, second by Kate S, to approve Resolution 18 - Series 2025 - A Resolution Ratifying a Revitalizing Main Street \$250,000 grant for Nelson Avenue heated street as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

D. Resolution 19 - Series 2025 a Resolution approving a Professional Services Agreement for the Little Beach Park retaining wall.

Council is asked to approve the Professional Services Agreement (PSA) to Inter-Mountain Engineering for consulting engineering and design for Little Beach Park Retaining Wall and Access Road: Name of Project: Town of Minturn – Little Beach Park Retaining Wall/Access Road DOLA: EIAF Grant \$147,000 with Town Match \$153,097 Grant #: 9968 Inter-Mountain Engineering submitted the sole proposal for engineering and design. The submittal cost is within the 2025 budget.

Motion by Gusty K, second by Tom P, to approve Resolution 19 - Series 2025 a Resolution approving a Professional Services Agreement for the Little Beach Park retaining wall as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

E. Ordinance 05 - Series 2025 (First Reading) - Continuance - An Ordinance Renewing the Xcel Energy Franchise Agreement – Brunvand

On June 1, 2005, the Town Council executed a franchise agreement between the Town of Minturn and Xcel Energy of Colorado (the “Company”), as set forth in Ordinance No. 11 – Series of 2005 (the “Agreement”). The Agreement grants the Company a non-exclusive right to use Town streets and property to provide gas and electricity service to the Town and the Town’s residents (the “Utility Service”). The term of the Agreement is set to expire on June 1, 2025. Town staff is currently negotiating with the Company regarding a new franchise agreement between the Town and the Company for a renewed term. While negotiations over the final draft and approval of the Agreement are ongoing, the Town wishes to amend the Agreement with a temporary extension of ninety (90) days to allow for uninterrupted Utility Service to the Town and its residents until the new franchise agreement is completed and executed. The proposed Ordinance would approve an amendment to the Agreement to provide for this temporary ninety-day extension of the Agreement. Town staff recommends adopting the Ordinance as set forth.

Mike S:

As you are aware, the majority of Minturn is served with electrical power (and gas) by Xcel Energy. We currently have a franchise agreement with them. A franchise agreement, essentially, is consent to allow a utility to utilize the town's rights of way and certain other property to facilitate the distribution of energy within the community. We are in the process of negotiating the new franchise agreement. There are a few provisions that we've identified that need some follow-up with Xcel. It's going to take a little bit longer than the end of May, which is when the current franchise expires. So we are proposing a 90-day extension of the franchise agreement. Xcel has stated that they're okay with that. They did submit a few comments on the proposed form, so at second reading of the ordinance, we may have a few edits to the document.

You may be wondering why on earth are we using an ordinance to approve a simple extension to a franchise agreement? And the answer is that the town charter requires that all matters involving franchise agreements be done by ordinance. So, this will come back to you at second reading, I would think in the next 45 days, a version of the franchise agreement for consideration.

Brian R: Are we forced to stay with Xcel, or could we ever consider changing?

Mike S: Xcel owns the transmission equipment, so it's not really feasible to change.

I'm not personally aware of any situations where, for example, Holy Cross's bought out the transmission equipment of Xcel and people have switched. Now some municipalities have condemned or acquired through negotiation the distribution network for utilities within their communities and operate their own power utilities.

I'm not aware except under some probably pretty major circumstance of a situation where a municipality has tried to get one power provider in for another.

Tom P: What are the key points that are different in the new agreement?

Mike S: Will bring that to council once we have an agreement to present. The thing that we're primarily trying to work through with Xcel right now is the scope of property owned by the town where they can locate facilities. They have in their form a fairly expansive definition of property upon which they can put their distribution network. And as you all are aware, the town of Minturn owns a bunch of parcels of property which are not streets, they're not utility easements, they're assets that we hold that we need to make sure that there's not a claim of a right to place utility infrastructure on it without the town's both approval and compensation.

Eric G: Does this have any correlation with the Town's hopeful plans for a solar field in the future?

Mike S: Not directly, the franchise agreement has to do with distribution. A solar field would be done under a power purchase agreement.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Kate S, second by Gusti K, to approve Ordinance 05 – series 2025 (First Reading) an Ordinance of the Town of Minturn, Colorado, granting a temporary extension of the franchise agreement between the town of Minturn and Xcel energy of Colorado for the use of town property to provide gas and electric utility service to the town and its residents. as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

12. DISCUSSION / DIRECTION ITEMS

A. Tank 2 Report and Recommendations

Tank #2 / Steel Bolted Tank repairs – work with HDR Engineering and Minturn's water treatment plant operator, John Volk, to execute the repairs necessary to rehabilitate Minturn's water tank #2.

The evaluation attached identifies several

1. Alternative a) No Action or Do Nothing is the recommended short-term approach. Operate tank 2 until the Town determines they can no longer operate the tank. Once Tank 2 is offline the additional volume that can't be used by Tank 3 will now be usable, offsetting the storage loss to the system. This would be prior to any PRV, or control structures set in place between Tank 2 and Tank 3.
2. If not already, begin planning and saving for a new tank within the next 5 years.
3. If applicable, the money allocated for a tank liner/bladder system or tank rehabilitation be saved for a new tank or used for other infrastructure improvements as seen fit by the Town.
4. Seek and apply for funding for a new tank construction.
5. Alternate e), construction of a new bolted or welded steel tank is the recommended alternative to address Tank 2 deficiencies and CDPHE violations. Construct a new bolted or welded steel tank is recommended over install a liner/bladder system, plural component liner, and tank rehabilitation alternatives.
6. Alternate f) construction of a new concrete tank should not be ruled out immediately, unless time is of the essence. Due to funding cycles, there may be enough time to consider tank alternatives in more detail. A concrete tank will take more planning and constructing further out into the future than the other tanks, but the long-term savings potential and minimal maintenance requirements need strong consideration.

The proposed action is #1 or Alternative a No action with #2 start planning and saving for a new tank. The new tank located at the WTP can provide adequate storage for the Town of Minturn. However, there is a major downside if the Town must take Tank 2 offline. If a repair to the distribution system is required from the WTP to Mann Avenue the entire town could be out of water. There is one loop from 1031 Main to 811 Main. If a repair is required in that area, we can send water through the 6" line on the East side of Hwy 24. If repairs are made outside of this area the entire town is out of water. IMMEDIATE ACTION: John Volk was advised of the 3-year sanitary survey with CDPHE last week. CDPHE issued a significant deficiency for the leaking bolted tank. The inspector directed the Town to address it. A 5-year comprehensive inspection is due this year. John can have the divers patch the leaks with epoxy from inside the tank. This was done in 2020, but leaks developed after about 8 months. This is not a permanent fix but will buy a time until the next inspection. The cost is about \$5,000 and I directed John to proceed with this maintenance project.

Tom P:

Of the five contractors HCR spoke with regarding a liner system for tank two, all five strongly recommended against. And would not be willing to provide a quote to install a liner system. So where does that leave us?

Katie S. noted that the contractors won't recommend that due to the expected duration – a liner won't last and is not designed for a cold climate.

Gusty K. suggested that Council move forward with proposed action # 1 and plan for replacement in the next five years. Council agreed.

Direction Given:

Recommended action is #1 or Alternative a No action with #2 start planning and saving for a new tank.

13. FUTURE AGENDA ITEMS

A. Future Meeting Topics

14. ADJOURN

Motion by Kate, second by Kate S, to adjourn the meeting at 6:29pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- May 21, 2025
- June 4, 2025
- June 18, 2025
- July 2, 2025 – Meeting Canceled
- July 16, 2025