



OFFICIAL MINUTES

Town Council Regular Meeting

Wednesday, October 02, 2024 – 5:30pm

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/82460590052>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 824 6059 0052

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 5:30pm.

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, Brian Rodine and Kate Schifani.

Staff present: Town Planner Madison Harris Michael Sawyer, Town Manager Michelle Metteer, and Town Clerk Jay Brunvand (zoom).

3. 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. 09-18-2024 Minutes

B. Resolution 52 - Series 2024 A Resolution Supporting a Sales Tax increase to benefit the Eagle River Fire Protection District

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of October 2, 2024, as presented. Motion passed 7-0.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Kate S., second by Eric G., to approve the Agenda of October 2, 2024, as presented. Motion passed 7-0.

5. DECLARATION OF CONFLICTS OF INTEREST

6. 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.

Tim McMann, Avon Chicken Man, discussed speed in town and related issues. He also stated he was looking for funding for a sign to deter suicides off the Green Bridge in Red Cliff.

Mr. Larry Stone, 221 Main Street, discussed the need to harmonize the business community, the citizens, and the council, noting how we could be working together better.

Ms. Lynn Teach, 252 Main St, discussed a recent newspaper article.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

8. STAFF REPORTS

A. Manager's Report

Bellm Bridge Feasibility Study & Grant Opportunity 9/18/2024:

Jeff Spanel, Inter-Mountain Engineering and I met with SEH Engineering who is conducting the Bellm Bridge Feasibility Study as well as Sarah Marin, with Sustainable Strategies who is tasked with Minturn's grant application for any bridge repairs. The group reviewed the current progress of the Feasibility Study along with the timeline for the CDOT Bridge grant application.

The above group has tentatively scheduled to bring this matter before the Council at the October 2, 2024, meeting for consideration of either a repair or replacement of the bridge. The grant application process is highly competitive and the costs for either repair or replacement will be extensive – meaning, at this point, Minturn will not be able to conduct the infrastructure improvements without a loan or a grant.

10/2/2024:

SEH Engineers are not yet prepared to bring materials forward for discussion. The Town is hopeful these materials will be available by the October 16, 2024, Council meeting as the grant application is due by November 1, 2024. More to come.

HWY 24/Main Street Phase II Sidewalk Project Update

CDOT engineers continue to add additional scope and material requirements to the project, further limiting the amount of sidewalk that can be installed with the limited funds available. Both InterMountain Engineering and Stolfus Engineering will continue to work with CDOT representatives toward finding ways to thoughtfully address ongoing concerns while being a efficient and fiduciarly responsible with the public funds available.

Tank #2 (Steel Bolted Tank) Lining Project

Colorado Department of Public Health and Environment (CDPHE) has updated their tank permitting requirements. Jarod Limke with HDR, Inc. is now reviewing how these permitting updates impact the Town's ability to rehabilitate tank #2. A memo from HDR, Inc with an analysis of these impacts is forthcoming.

Public Utilities Commission (PUC) – Railroad Ave Pedestrian Improvements Application

The application for installing a sidewalk over the rail line at Railroad Ave and Taylor St has been submitted to the PUC. Once approved, the Town can move forward with the pedestrian safety improvements awarded through the CDOT Revitalization grant, however this may not begin until the spring of 2025.

Membrane Water treatment Plant Funding Analysis

I have begun the final analysis of all remaining funding opportunities toward the construction of a new membrane water treatment plant (WTP). Efforts underway include the consideration of the value a sale of the Highlands Parcels 1 & 2 for the purpose of a conservation easement would create financially for the Town. This work is being considered/analyzed by the Eagle Valley Land Trust and further discussions surrounding this option will be vetted with findings coming to Council by December.

An additional review of all potential grant applications is forthcoming with a detailed memo by Sustainable Strategies, Minturn's contracted grant writing and lobbying firm. This memo will also be provided to the Town Council for review.

Minturn Market

Staff continues to review the validity and value of the Minturn Market. There are extensive benefits that come with the annual summertime event, however the cost to the Market Fund remains uncertain and the bandwidth required of staff can stretch thin. Vendor recruitment remains a

challenge, and much is dependent on acquiring sponsorships. We will keep the Council apprised of progress for the 2025 summer season.

B. Minturn North Construction Co. CUP – Update

The Town Council granted a Conditional Use Permit to the Minturn North Construction Company via Resolution 27 - Series 2024 on June 5th, 2024. As part of that approval and the conditions attached to it, staff is required to submit to Council a quarterly review for the first year of operation, and subsequent years shall be subject to a yearly review. Staff has received no complaints regarding this CUP since it started being operational. They appear to keep the equipment and materials stored in an orderly fashion within the confines of the fence. The CUP holder, Minturn North Construction Company, has been issued no warnings and received no violations

Brian R. discussed comments he had received regarding the back up alarm on the large excavator and it is a nuisance.

9. SPECIAL PRESENTATIONS

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

10. 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. Ordinance 11 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street

Council initially took this Ordinance up at their June 5, 2024 regular meeting. They continued the first reading hearing to August 7, 2024, with a work session to take place on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation. It was again continued to September 3, 2024 and then to October 2, 2024 in order to give staff time to bring an ordinance addressing the options through HPC, Planning Commission, and Council.

At the June 5, 2024 meeting Council discussed balancing historic preservation, economic feasibility, and the utilization of property, particularly in the Town's downtown, commercial generating area. In response to this a work session was scheduled at the July 17, 2024 meeting. During the work session staff brought forth nine different ideas for Council to discuss and give direction on. Staff was directed to bring back an ordinance addressing Options 1-7:

- Option 1: Eliminate the requirement for two sets of design review guidelines
- Option 2: Eliminating potentially redundant approval requirements
- Option 3: Allow for historically designated structures in the downtown corridor to have the immediate ability to functions as short term rentals on all floors
- Option 4: Encourage historic preservation reinvestment as part of the Downtown Development Authority Operations Plan

- Option 5: Require a minimum of two nominators for a structure to be nominated for historic designation
- Option 6: Create a process whereby property owners can determine if their structure would be historically designated without necessarily “supporting” such a designation
- Option 7: Allow residential in the Downtown Character Area on the back 50% ground floor of historically designated commercial buildings to create live/work opportunities

Several of these options, should they be implemented, should provide additional flexibility and stability to individual property owners within the 100 Block and throughout the rest of Town. That ordinance (Ordinance 20 - Series 2024) was reviewed on first reading Tuesday, September 3, 2024 and second reading was September 18, 2024. The ordinance passed with all directed options included.

In hopes that concrete answers have been provided for the owner of 151 Main Street via Ordinance 20 - Series 2024, staff suggests that Ordinance 11 - Series 2024, the nomination and designation of 151 Main Street, should be reviewed in accordance with the designation process.

Public Hearing Opened

Ms. Jan Aiello, 30 Mann Ave, discussed the town’s historical significance and the importance of keeping the charm of Minturn. She also read a letter from her daughter, Neilly. Both were in support of the historical preservation.

Mr. Marco Tonazzi, owner of 151 Main St. He discussed Option #6 stating this means the owner does have a say. He felt the property character has been maintained but feels the additional restrictions of historical designation would impede his use of the property. He is opposed to the designation. He said rules are not made for those that respect them, rather for those that don’t.

Mr. Ken Halliday, 811 Main St., spoke in support of the designation and the need for the ability to designate buildings to preserve our history.

Ms. Lynn Teach, 253 Pine St, spoke in support and discussed comments she has received regarding the historical significance of Minturn.

Mr. Larry Stone, 152 Main St, spoke of a remodel he did with his house but spoke about how mandating someone’s private property infringes on their property rights.

Mr. John Hoich, 175 Williams St (Molly G Building), spoke opposed to the historical designation program.

Mr. Tom Sullivan, 116 Nelson Ave, agreed we should encourage the historical value. He stated we changed the parking to work with the historical structures. If we don’t have historical designations, we need to change the parking requirements so to not have lot line to lot line buildings with no parking requirements. He said we are the only old town at this end of the valley and that needs to be preserved.

Tracy Anderson, 1016 Mountain Dr, submitted a letter online in support of the need for historical designations. This letter was read by the Town Clerk.

Public Hearing Closed

Council Comments:

Gusty K. noted we have modified the rules over the summer, and they are beneficial to the properties. He didn't want this work to go to waste.

Brian R. noted if the property owner did not support the designation on their building, he would not support it. He felt a nice building was more important than preservation against the owners wishes.

Tom P. felt supporting the owner was a cornerstone of the discussion. He felt the need to be uniform in the code throughout the town.

Lynn F. felt maintaining the property by the owner is not the same as protecting the historical value. She noted the previous structure on 161 Main St and how it was lost. She stated what one owner might feel is important to maintain as a historical value might not be the feeling of the next owner. We should encourage growth but not at the expense of the historical value.

Kate S. stated we want Minturn to grow but often you don't recognize the importance of something until it is gone.

Eric G. thanked all for the good discussion and noted the difficult decision at hand.

Earle B. noted that when 161 Main was torn down it was a loss to the town's character. He felt the historical feel of the town was as important as the economic viability of the property. He felt the two structures (151 and 155 Main) should be designated. He felt new structures should work within the design guidelines to encourage the character of the

Tom P. noted that he was suggesting that we are invoking two sets of rules by having two separate standards for the 100 block and the rest of town. We are inflicting additional rules because it is in the 100 block of Main Street.

Motion by Lynn T., second by Gusty K., to approve Ordinance 11 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street as presented. Motion passed 5-2. (Nay: Brian R. and Tom P.)

B. Ordinance 12 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street

Council initially took this Ordinance up at their June 5, 2024 regular meeting. They continued the first reading hearing to August 7, 2024, with a work session to take place on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation. It was

again continued to September 3, 2024 and then to October 2, 2024 in order to give staff time to bring an ordinance addressing the options through HPC, Planning Commission, and Council.

At the June 5, 2024 meeting Council discussed balancing historic preservation, economic feasibility, and the utilization of property, particularly in the Town's downtown, commercial generating area. In response to this a work session was scheduled at the July 17, 2024 meeting.

During the work session staff brought forth nine different ideas for Council to discuss and give direction on. Staff was directed to bring back an ordinance addressing Options 1-7:

- Option 1: Eliminate the requirement for two sets of design review guidelines
- Option 2: Eliminating potentially redundant approval requirements
- Option 3: Allow for historically designated structures in the downtown corridor to have the immediate ability to functions as short term rentals on all floors
- Option 4: Encourage historic preservation reinvestment as part of the Downtown Development Authority Operations Plan
- Option 5: Require a minimum of two nominators for a structure to be nominated for historic designation
- Option 6: Create a process whereby property owners can determine if their structure would be historically designated without necessarily "supporting" such a designation
- Option 7: Allow residential in the Downtown Character Area on the back 50% ground floor of historically designated commercial buildings to create live/work opportunities

Several of these options, should they be implemented, should provide additional flexibility and stability to individual property owners within the 100 Block and throughout the rest of Town. That ordinance (Ordinance 20 - Series 2024) was reviewed on first reading Tuesday, September 3, 2024 and second reading was September 18, 2024. The ordinance passed with all directed options included.

In hopes that concrete answers have been provided for the owner of 155 Main Street via Ordinance 20 - Series 2024, staff suggests that Ordinance 12 - Series 2024, the nomination and designation of 155 Main Street, should be reviewed in accordance with the designation process.

Public Hearing Opened

Mr. Larry Stone, 152 Main St., noted 151 Main is empty because the rental rates are low for very expensive properties, and it just doesn't math out feasibly. He asked if we are willing to adjust our Ordinance to make rental more viable as this would help both 151 and 155. This was discussed.

Ms. Lynn Teach, 253 Pine St, rented this building for years for her business. She felt it had minimal issues and confirmed that they are in good shape and worthy of historical designation.

Mr. Tom Warren, representing MR MINTURN, felt the concessions in the Ordinance does change their desire to support of the designation.

Motion by Gusty K., second by Eric G., to approve Ordinance 12 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street as presented. Motion passed 7-0.

C. Motion to accept the 2025 Annual Budget

As required by Colorado State law, the Council must accept the proposed budget for the following year no later than October 15 of the preceding year. This budget recognizes revenues and expenses for the forthcoming year in a manner responsive to Council discussions over the past several months. Over the coming meetings, Council will have other discussions on this budget as well as Public Hearings before it is finalized and approved during the December 4, 2024 Council Meeting. In August, the state legislature held a Special Session to consider and eventually adopt a compromise deal and led to the removal of two ballot initiatives. The new bill, which was quickly signed into law by the Governor, lowers residential assessments rates from 7.15% to 6.25% for property taxes going to local governments as well as lowers commercial assessment rates from 29% to 25%. In late August, the town received our preliminary Assessed Valuation where our Property Tax revenues are anticipated to remain almost flat. This budget reflects the legislative actions; however, because this was directly on the heels of the legislative session. It is probable that the final Assessed Valuation will further impact or revenue. During the upcoming council meetings, Council will have an opportunity to review the budget, special projects, and legislative effects. Please reference the Budget Schedule and Calendar included on pages 74-82. This will give you a clear vision of which meetings will include budget discussions, public hearings, and approvals. We all know the budget includes the operational items like electric bills and general day-to-day items. My intent is not to review that material in detail, rather to highlight some of the recent items of note in our General Fund revenues and expenses and allow for council and public questions.

Motion by Tom P., second by Brian R., to accept the Fiscal Year 2025 Draft Annual Budget and set Public Hearing at 5:30pm on November 6, 2024 to be held in the Council Chambers and via ZOOM at 302 Pine St, Minturn.

11. DISCUSSION / DIRECTION ITEMS

12. FUTURE AGENDA ITEMS

A. Future Agenda Items

- Scholarship member appointment
- Bellm Bridge cost update
- Funding an HPC budget

13. ADJOURN

Motion by Kate S., second by Tom P., to adjourn at 7:26pm.

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- October 16, 2024
- November 6, 2024
- November 20, 2024