



OFFICIAL MINUTES

Executive Session 4:30 | Town Council Meeting 5:30

Wednesday, August 07, 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/84560394178>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 845 6039 4178

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 4:30pm.

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 (zoom), and Brian Rodine. Note: Kate Schifani was excused absent.

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

- 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: Ford Quiet Title and Battle North Diligence

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 Ford Quiet Title and Battle North Diligence as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

Those present in the Executive Session included the Council present, Attorneys Mike S. and Rob Marsh and Town Manager Michelle M.

Note: Council convened from Executive Session at 5:37pm and convened in Regular Session.

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.** 07-17-2024 Minutes
- B.** 0008 Silver Star Trail - New Single Family Residence
- C.** 0141 Miles End Lane - New Single Family Residence
- D.** 0185 Miles End Lane - New Single Family Residence
- E.** 0096 Miles End Lane - New Single Family Residence
- F.** 0206 Miles End Lane - New Single Family Residence
- G.** 0226 Miles End Lane - New Single Family Residence
- H.** 0024 Silver Star Trail - New Single Family Residence
- I.** Resolution 43 - Series 2024 A Resolution Approving a Contract with Tatanka Historical Associates, Inc. to Execute the Historic Resource Survey Grant
- J.** Resolution 44 - Series 2024 A Resolution Supporting the Legislative Position of the Colorado Association of Ski Towns (CAST) as it Relates to Local's Housing Efforts
- K.** Resolution 41 - Series 2024 A Resolution Reappointing Judge Erik Johnson

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of August 7, 2024 as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Michelle M. noted the change in the agenda to add Resolution 45 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period as item 11-F.

Motion by Eric G., second by Gusty K., to approve the Agenda of August 7, 2024 as amended. Motion passed 6-0. Note: Kate Schifani was excused absent.

6. DECLARATION OF CONFLICTS OF INTEREST

7. PUBLIC COMMENT

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

Ms. Shelley Bellm, 474 Pine St., discussed issues she is having with property sales of her personal prop due to the historic issues and the confusion it is causing.

Mr. Kelly Toon, 531 Main, spoke of the new extended yellow curbs and how that is cutting into the on-street parking. He encouraged enforcement of the speed limits vs limiting parking.

Mr. Ken Halliday recommended other ways of slowing traffic such as additional cross walks.

8. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. noted the bear signs and to protect your trash.

Brian R. spoke of his ongoing discussions with CDOT and how we are trying to get out representatives to help work with CDOT.

Lynn F. updated on meetings with Eagle CO wildlife district and Vail Health Community Outreach.

Eric G. spoke of meetings with Eagle Co housing Authority and additional funding for ADU's and the Climate Action Collaborative.

9. STAFF REPORTS

A. Manager's Report

Bulb Outs

Temporary bollards will be installed in the coming weeks as part of the bulb out program to increase line of sight for pedestrians and vehicles utilizing side streets adjoining Main Street. Bulb outs were recommended in the Imagine Minturn Community Plan and have been requested by multiple residents. With this effort comes change, which has not been supported by all. There are some businesses on Main Street who have expressed concern about the loss of parking and the inability of customers to find parking, hence, not utilizing their establishments. As was stated when the program began, this is a temporary measure that will be reviewed by Council for considering the benefits vs drawbacks and addressed accordingly.

Community Events

With the results of the Community Survey, staff has reevaluated the community events to ensure the events being offered by the town are in alignment with the interests of the community. A brief survey was published to seek resident feedback on desired new community events. Included is a summary of the survey results. With Council's support and given the short turnaround for a "fall harvest" type event, staff looks to support Minturn's local businesses in scheduling a few "First Friday" events for the community.

Safe Streets 4 All (SS4A)

Staff are preparing for the kickoff meeting of the Safe Streets for All planning grant. All contracts and paperwork have been signed and residents have volunteered to take part in the initial stakeholder group. More to come.

Railroad Avenue Pedestrian Improvements

The initial Public Utilities Commission application has been submitted for review to allow for pedestrian access over the (already paved) railroad at Railroad Avenue and Taylor St. Once approved by the PUC, staff will put the project out to RFP and come before Council for contract approval before work can begin, hopefully later this fall.

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.

- A.** Minturn Scholarship Fund - Shelley Bellm
- B.** Core Transit Update - Tonya Allen

Mr. Simon Dixon, 471 Taylor, spoke of supporting options for the transit program. Ms. Allen discussed the real-time apps, maps, and brochures, and she spoke of the first and last mile of getting to and from the bus stops.

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.** 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.

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 function 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

Staff is currently in the process of drafting this ordinance to bring back to Council for review and discussion. 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. As part of this process the Town has also received significant written public comment. That is attached to this agenda item. Please note that due to not wanting to have duplicates of the public comment in the packet, unless it is specific to 155 Main Street, all written public comment has been listed under 151 Main Street.

It was noted that the Town has received over 20 written public comments with the general consensus to change the existing process by encouraging historical uniqueness while allowing the flexibility to maintain and encourage the town's economic vitality.

Gusty K. confirmed that the property owners are onboard with the proposal. Madison H. stated that no concerns have been expressed. Discussion ensued as to how once designated, how can you remove or update a given property.

Brian R. spoke in support of keeping Minturn Minturn. He felt the HPC code should allow the owner to self-designate their property and expressed concerns with the restrictiveness of the existing code.

Lynn F. felt a lot of the problems and confusion is due to the misunderstanding that this designation would not allow them to do anything to their property, this is not the case. She encouraged patience to allow the process to work through the questions. This will highlight the openness to updating, remodeling, and saving historical properties. She stated we have relatively few historical buildings, but these two units are the most prominent.

Earle B. noted this is a process and encouraged the options 1-7

Mr. Tom Warren, MR MINTURN 155 Main, spoke that the historical designation without the option to do anything with the property. He expressed appreciation and limited optimism to move forward.

Tom P. disagreed with the position that properties that were residential should be allowed to continue as residential, he agreed with the balance of the proposals.

Michelle M. noted a note from Lorane and Roy Vasquez who encouraged the historical designation for 151 and 155 Main.

Public Hearing Opened

Mr. Larry Stone, 152 Main St, felt it important that the town provide a historical packet that could be provided outlining what can be done with a designated property. He felt the startup costs of water fees is far more restrictive than the historic status. He felt we have a lot of empty spaces in the 100 block and we need to create viability. He felt it important that the property owner be able to self-designate their property.

Mr. Michael Gottino, 110 Taylor St, he stated we are known to be too restrictive for developers. He encouraged balance.

Mr. Robert Creasy, 455 Pine St, encouraged a list of properties within the town. He stated if we get it right, then owners will want their properties to be designated.

Mr. Tom Sullivan, 116 Nelson Ave, the reason we have vacant buildings is because of the landlords. He said the property they leased at 151 Main was sold and the rent went from under \$1500 a month to \$5000/month. Further, MR MINTURN will not give a long-term lease on their properties because they are all for sale. These are just not realistic options for small business owners and the initial investment necessary.

Mr. Ken Halladay, 811 Main, noted a historic town will bring business but not overnight. He encouraged the list of potential historic properties be developed. He stated the two houses (151 and 155 Main) are our front door and should be protected along with the trees on those lots. He encouraged an FAQ to answer what historic designation means and what it comes with.

Mr. Kelly Toon, 531 Main St, member of the HPC Commission. Spoke that the HPC is very open to ensuring once designated an owner can and should maintain and preserve their properties. This does not mean they can't do any maintenance, updates, or additions.

Mr. Ken Mentz, 167 Williams St, said he keeps hearing money, developer, returns over and over. Our current landlords are keeping those properties empty by not offering reasonable terms.

Mr. Woody Woodruff, 344 Eagle St, spoke of our opportunities and that we are right on the interstate. He felt the impetus of this discussion was the old bikeshop (GET ADDRESS). It isn't the town's responsibility to ensure property owners and developers make a huge profit.

Ms. Lynn Teach, 253 Pine St, if the property is qualified but has been so upgraded over the years, it might not be historical. She noted, once things are gone, you can't get it back. She said she knows here building was wanted but no one wants a 30day month to month lease.

Ms. Cathy Sullivan, 116 Nelson Ave, never had a maintenance issue with her building. It was bought and remodeled at a significant cost which pushed the rent cost. She then moved her business to a MR MINTURN property and said her concern with staying open was the 30day month to month lease.

Ms. Tracy Anderson, 1016 Mtn Drive, bought her home years ago because it was a great town. She encouraged a long-term view and to protect our history.

Public Hearing Closed

Earle B. noted that in the packet are all letters that were submitted and several have come since then. They all will be made available online for viewing and a printed copy can be requested.

Gusty K. felt it important that the owners need be in favor of the designation of their property.

Brian R. stated he was not comfortable without the owner's buy-in. He felt we should have organic development.

Lynn F. felt the owners should have a say but not the final voice. She was not willing to have a developer come in and make changes we can't support. She felt a designated building should have opportunities to maintain or add to the building. She said Minturn has always had a small commercial base and reasonable rents and leases would solve our vacancy issues. She felt these two buildings should be designated.

Eric G. thanked all for coming out to express their concerns.

Earle B. expressed support for 151 and 155 Main designation. He said we need commercial businesses in the 100 block is crucial.

Tom P. appreciated the passion. He stated we need to take things slow; the properties need to be preserved. We need to fix our documentation and regulations and then move forward.

Motion by Brian R., second by Gusty K., to table to the meeting scheduled Sept 3 to allow the lower commission to review prior to it coming back to council Ordinance Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street. Motion passed 6-0. Note: Kate Schifani was excused absent.

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.

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 directions on. Staff was directed to bring back an ordinance addressing Options 1-7:

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- 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

Staff is currently in the process of drafting this ordinance to bring back to Council for review and discussion. 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. As part of this process the Town has also received significant written public comment. That is attached to this agenda item. Please note that due to not wanting to have duplicates of the public comment in the packet, unless it is specific to 155 Main Street, all written public comment has been listed under 151 Main Street.

It was noted that the Town has received over 20 written public comments with the general consensus to encourage historical uniqueness while allowing the flexibility to maintain and encourage the town's economic vitality.

Tom Warren, MR MINTURN, stated they submitted several plans for the bike store, and they gained no traction. He asked for clarification of what the designation would mean for their buildings. He stated he would feel much more comfortable with the seven options and what that would mean for his buildings after hearing some of the comments from the council. He said they have only taken the one building due to significant deficiencies.

Public Hearing Opened

Mr. Larry Stone, 152 Main St., noted that commercial property taxes are significantly higher than residential. It is a major hurdle for a business.

Ms. Lynn Teach, 253. Pine, hoped council would consider the same issues for both buildings.

Public Hearing Closed

Motion by Gusty K., second by Eric G., to table to Tuesday Sept 3 to allow the lower commission to review prior to it coming back to council Ordinance Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street. Motion passed 6-0. Note: Kate Schifani was excused absent.

Note: Tom P. left the meeting at 8:10pm.

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

It was presented that this is an Ordinance to present a ballot question at the Nov 5 County Election to increase the Lodging Tax for residential STR's from 1.5% to 6.5% and stood for questions. It was noted there are no changes from First Reading

Public Hearing Opened

No Public Comments

Public Hearing Closed

Motion by Gusty K., second by Eric G., to approve Ordinance 17 - Series 2024 (Second Reading) An Ordinance Approving a Short-Term Rental Tax Ballot Question for the November 5, 2024, General Election as presented. Motion Passed 5-0.

D. Ordinance 18 - Series 2024 (Second Reading) An Ordinance Approving a Downtown Development Authority Ballot Question for a November 5, 2024, Special Mail Ballot Election

Michelle M. presented that 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 the 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 on 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.

It was noted that, because of the specificity of the district boundaries and the qualified elector eligibility and vetting requirements, the County cannot accommodate this issue in the County-wide Coordinated Election; thereby forcing us to hold our own limited mail ballot special election.

Discussion ensued as to what properties are included or not.

Public Hearing Opened

Ms. Lynn Teach, 253 Pine St, asked about the bonds and who would be paying the bonds back. It was noted the DDA would be liable for the bonds, not the residents or the town itself. Bill Shrum noted the property taxes are not increased, rather the TIF revenue is used to pay the bonds. TIF is the amount above the base value currently assessed. If the property tax is \$10, and the next year is increased to \$12 through the assessment, the \$10 goes to the town, the \$2 goes to the DDA. The bond concern is to allow in the future, it is not anticipated at this point.

Mr. Ken Mentz, 167 Williams St, asked what happens if property values/taxes go DOWN. Bill Shrum stated property tax trends normally increase. If the DDA as a whole experiences

decrement (assessment decrease), and falls below the baseline, then the DDA would not receive revenue until they exceed that baseline again. Mr. Mentz stated he had not received any information on this. Michelle M. noted the public process and that his HOA Manager of Record was an integral part of the process.

Public Hearing Closed

Motion by Eric G., second by Gusty K., to approve Ordinance 18 - Series 2024 (Second Reading) An Ordinance Approving a Downtown Development Authority Ballot Question for a November 5, 2024, Special Mail Ballot Election as presented. Motion passed 5-0. Note: Kate Schifani and Tom Priest were excused absent.

- E. Resolution 42-Series 2024, A Resolution Approving an IGA with the Eagle County Clerk and Recorder for coordinated election services on the November 5, 2024, General Election

During the August 7 council meeting, Council will be considering Ord 17-2024 on second reading to present to the voters a proposal to increase the existing Lodging Tax from 1.5% to 6.5%. This question will be run on the County wide coordinated election for only Minturn voters. TABOR allows tax issues such as this to be run in the normal April municipal election or in the November County wide General Election. This Resolution will approve the IGA required by the County Clerk's Office.

Motion by Gusty K., second by Lynn F., to approve Resolution 42-Series 2024, A Resolution Approving an IGA with the Eagle County Clerk and Recorder for coordinated election services on the November 5, 2024, General Election as presented. Motion passed 5-0. Note: Kate Schifani and Tom Priest were excused absent.

- F. Resolution 45 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period

Note: this item was added to the agenda at approval of the agenda previously.

Mike S. presented that unfortunately, we are going to need a Fourth Amendment to the Settlement Agreement. Once of the closing document is a declaration of restrictive covenants. This document was provided to me only a day or two before I left on vacation for 2 weeks. Upon reviewing this document in advance of the August 7 Council meeting it will need many modifications.

At the time that the Battle Mountain development agreement was approved by the Town Council, I made the following statement in the public meeting:

"The developer is requesting that this be a use by right but subject to a covenant whereby the Town could include certain mitigation requirements. The covenant has not been drafted yet and will be subject to review and approval by the Town Council."

This means that the restrictive covenant will need to be on the agenda for August 21. Because the outside date of the settlement is currently August 22, I believe it is prudent to give the parties an additional week to implement the Closing. To that end, I have extended the outside date to Sept 6.

Motion by gusty k_, second by _eric_, to approve Resolution 45 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period as amended to correct the resolution title and the outside date. Motion passed 5-0.

12. DISCUSSION / DIRECTION ITEMS

A. Battle North Diligence Review

The Town is in the final stages of implementing a Settlement Agreement with the owners of the Battle Mountain property ("Battle Mountain"). The settlement would resolve litigation filed by the Town for breach of various agreements stemming from the annexation and proposed development of the Battle Mountain property. The Settlement Agreement is attached as Exhibit 1. Town staff and its legal team want to provide Council with a description of the implementation of the Settlement Agreement and the due diligence undertaken by the Town with respect to property to be conveyed to the Town.

The structure of the Settlement Agreement allows Battle Mountain to apply for various Town land use approvals and, if those approvals are granted, Battle Mountain will convey certain land to the Town. Over the last 10 months, the Council has held a public meeting to consider the various land use approvals identified in the Settlement Agreement and granted associated approvals. These approval documents are being held by the Town Clerk in a sort of escrow pending completion of the due diligence period provided for in the Settlement Agreement (and extended through subsequent amendments). These approvals include:

A. Adoption of various amendments to the Town Code that provide:

- a. New residential and limited commercial zoning for the Battle Mountain property; residential development of the Battle Mountain property is capped at 250 units.
- b. An exception that allows the Battle Mountain property to be served with potable water by a non-Minturn water supplier (Eagle River Water and Sanitation District).
- c. A subdivision exemption process for land areas larger than 5 acres. Parcels created by the subdivision exemption process have no development right without going through a future Town subdivision or design review application process.

B. Formation of up to 4 metropolitan districts which will finance infrastructure development, provide services for Battle Mountain property (e.g. private road maintenance and operation), and undertake ownership and coordination of environmental compliance for lands located within the superfund site.

C. Adoption of a Development Agreement that grants Battle Mountain vested rights for a period of 30 years and guides the process for future land use to occur.

D. Disconnection from Minturn of the Rex Flats and Gilman areas.

E. Exemption plat creating parcels within the Battle Mountain property (Exhibit 2). The exemption plat is in the process of being reviewed and approved subject to conditions recommended by staff in an administrative process.

F. Dissolution of the General Improvement District that was created in 2008.

Upon "Closing" of the Settlement Agreement, the various approval documents will be recorded in the public records. This will result in the previous land use approvals as associated agreements

(primarily adopted in 2008) being vacated and no longer binding on the parties. Also, as part of the Closing, the Town will receive deeds and covenants for the following parcels depicted on Exhibit 3.

1. A deed conveying the Highlands parcels (Parcels 1 and 2) consisting of approximately 55 acres. A separate access easement granting two routes over the Old Tailing Pile parcel (Parcel 3) will also be conveyed to the Town.
2. A deed conveying the Reservoir South parcel (Parcel 5) which is adjacent to the Bolts Lake Reservoir site and contains approximately 13 acres.
3. A deed conveying two small parcels between the Eagle River and Highway 24 (Parcels 6 and 8) containing approximately 3 acres.
4. A deed conveying a two-acre parcel next to the Minturn Fitness Center (Parcel 11) which can be used for public purposes such as recreation and arts facilities and up to three employee housing units.
5. A covenant granting the Town the right to purchase the Old Tailings Pile parcel (Parcel 3) after construction of Bolts Lake Reservoir and remediation of the property. The parcel is approximately 65 acres in size. The right to purchase is for \$1.
6. A covenant granting the Town the right to purchase the Processing (Parcel 4) after construction of Bolts Lake Reservoir and restoration of the property. The parcel is approximately 7 acres in size. The right to purchase is for \$1.
7. A covenant granting the Town the right to purchase the Maloit wetlands parcel (Parcel 3) after remediation and delisting from the superfund site. The parcel is approximately 17 acres in size. The right to purchase is for \$1.
8. An easement across the Consolidated Tailings Pile parcel for recreation purposes.

Battle Mountain and the Town are currently working on the form of the conveyance documents.

Environmental Due Diligence: Some of the parcels that lie within the Superfund Site are subject to environmental covenants with the Colorado Department of Public Health and Environment. A memorandum from Battle Mountain discussing the covenants is attached as Exhibit 4. After remediation of parcels that will be eventually conveyed to the Town (e.g. Old Tailings Pile), these environmental covenants may be modified to allow for new uses of the property. Additional environmental assessment to be included prior to August 7, 2024. [Link here for the Phase I Environmental Site Assessment \(ESA\).](#)

Valuation Due Diligence The: Town commissioned an appraisal of the parcels that it will receive in fee or in which it will obtain easement rights. Jonathan Lengel is a licensed appraiser who specializes in complex valuations in and around Eagle County. A copy of his appraisal report is attached as Exhibit 5. A summary of the appraisal valuation is below. It is important to note two variables. First, the appraisal makes assumptions about the future uses of the parcels. The Code amendments zoned the parcels that the Town will receive in fee as “holding zone.” This means that before any land use can occur on these parcels, there will be a public process to determine how the land should be used. As such, the value associated with each parcel could change

depending on the future zoning designation. Second, the valuations are in current dollars and contemplate a current conveyance to the Town. Some parcels with meaningful valuation will not be transferred to the Town until the Bolts Lake Reservoir is completed and environmental remediation undertaken. As such, the future value that the Town will obtain could be discounted to account for time.

PARCEL NAME	PARCEL ID	ZONING	CONCEPTUAL USAGE	DATE OF VALUE	MARKET VALUE
Highlands 1	Parcel A	Holding District	Low Density Residential	January 15, 2024	\$6,700,000
Highlands 2	Parcel B	Holding District	Low Density Residential	January 15, 2024	\$9,800,000
Old Tailings Pile	Parcel C	Holding District	High Density Residential	September 1, 2028	\$26,000,000
Recreation Center	Parcel D	Holding District	Public arts/recreation Restricted Residential	January 15, 2024	\$796,000
Reservoir South	Parcel E	Holding District	Reservoir access for public	January 15, 2024	\$25,000
Highway Tract B	Parcel F	Holding District	Recreation	January 15, 2024	\$30,000
Highway Tract D	Parcel G	Holding District	Recreation	January 15, 2024	\$8,000
Consolidated Tailings Pile	Parcel H	Bolts OS/Rec. Dist.	Recreation/public utility	January 15, 2024	\$525,000
Soil Processing	Parcel I	Bolts OS/Rec. Dist.	Recreation/reservoir access for public	September 1, 2028	\$3,700,000
Maloit Wetlands	Parcel J	Bolts OS/Rec. Dist.	Recreation	January 15, 2024	\$30,000

The combined value of the parcels and property interests that the Town will eventually acquire is around \$47,600,000. This is a substantial value to the Town. The Settlement Agreement provides that the land obtained in the settlement also compensates the water enterprise fund. To that end, proceeds from the sale of a portion of the property can be used to assist with costs associated with a water treatment plant.

Legal Due Diligence: The Town will obtain title insurance for the parcels conveyed to it. The Town attorney has undertaken a review of the title commitment and is working with the title company to have any inapplicable exceptions removed. The Town is paying the costs of the title insurance policy. There are no water rights conveyed as part of this transaction.

Matters Required for Closing: Closing is scheduled to occur on or before August 22. As noted, the Town is working on the form of various conveyance deeds and covenants to implement the Settlement Agreement's terms. The form of the exemption plat is still undergoing some work and final approval is handled administratively. Additionally, at Closing documentation will be executed that terminates the pending litigation "with prejudice" meaning that the claims cannot be re-filed.

Ms. Polly Jessen, Environmental Attorney for the town, outlined the liability etc. of the environmental condition of the site(s). Earle B. asked if there was a path that Minturn could be held liable? Only if the town were to cause damage to the cap or other mitigations that go against what is requested by the state or EPA in their Comfort Letters. Ms. Jessen noted the forthcoming Comfort Letters will be explicit and clear in their directions.

Mike S. noted the appraisal values of the properties. He stated they assume the highest and best use, which might not occur. He noted these values are present values and we will not receive the land for a number of years. He stated it is important to note the values are tens of millions of dollars. Michelle M. noted that the town's historic portfolio of land has been limited and this will significantly increase those holdings.

Michelle M. noted we plan to include the recreation parcel once it is remediated. This could be reasonable to accommodate by this fall.

13. FUTURE AGENDA ITEMS

A. Future Agenda Items

Michelle M. confirmed, in order to have all Council Members present, the Council Meeting will be held on Tuesday 9/3 NOT 9/4.

14. ADJOURN

Motion by Eric G., second by Lynn F., to adjourn the meeting at 9:20pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings & Events:

- August 21, 2024
- September 2, 2024 Labor Day - Town Hall Closed
- September 4, 2024
- September 18, 2024