



## OFFICIAL MINUTES

### Work Session 4:30 / Town Council Meeting 5:30

Wednesday, November 20, 2024

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

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

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

#### MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/84623469591>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 846 2346 9591

**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. WORK SESSION (4:30pm)

##### A. Net Zero Roadmap

#### 2. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:43pm.

#### 3. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present Mayor Earle Bidez, Mayor Pro Eric Gotthelf, Town Council members Lynn Feiger, Gusty Kanakis, Tom Priest, Kate Schifani, and Brian Rodine. Note: Kate S. was present for the work session then left and attended by zoom for the regular meeting.

Staff present: Town Manager Michelle Metteer, Town Planner Scot Hunn, and Town Clerk Jay Brunvand (zoom).

#### **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. 11-06-2024 Minutes**

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of November 20, 2024, as presented. Motion passed 6-0. Note: Kate S. was excused absent.

#### **5. APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

Motion by Eric G., second by Gusty K., to approve the Agenda of November 20, 2024, as presented. Motion passed 6-0.

#### **6. DECLARATION OF CONFLICTS OF INTEREST**

Note: Kate S. rejoined the meeting at 5:45 via zoom

#### **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.

Mr. Michael Boyd, 502 Eagle St, spoke of the historic preservation in town.

#### **8. COUNCIL COMMENTS & COMMITTEE REPORTS**

Brian R. asked about budget items regarding the bike park.

Tom P. updated on the MFC scholarship program and fund raising for that program.

Gusty K updated on the NWCCOG QQ meeting he attended. He discussed additional fees that they are implementing. He congratulated Michelle M. for her 15yr anniversary with the town.

Eric G. updated on a vacancy on the Minturn Scholarship Committee and encouraged those interested to apply.

#### **9. STAFF REPORTS**

##### **A. Manager's Report**

### **Eagle River Water Quality / EPA 5-Year Superfund Site Review**

The Eagle River Stakeholders, of which Minturn is a partner, is looking to support the request (letter included as an attachment to this Manager Report) that as part of the EPA/CDPHE regular 5-year review cycle of the Eagle Mine Superfund Site, valuable Eagle River water data collected by ERWSD/UERWA be included in the formal review. This request is valuable toward ensuring the ongoing Superfund Site remediation is as thorough as possible. Unless there are four council members to direct otherwise, Minturn will support this effort.

### **Ghost Car Request**

During the community bulb out discussion, residents requested the use of a “ghost car” to help facilitate speed enforcement. I made that request to the Eagle County Sheriff’s Office however due to their constant use throughout the county and for regular patrol functions, ECSD is unable to dedicate a car to Minturn’s enforcement needs.

### **Main Street Bulb Outs**

We conducted a meeting with CDOT Region 3 representatives and determined Minturn can apply for a crosswalk with rapid flashing signs at the intersection of HWY 24 and Little Beach Park. This is encouraging news as when the Phase I sidewalks were installed this amenity was not allowed. CDOT is also taking a look at the ability to install smaller temporary bulb outs as Minturn has initially requested. These smaller bulb outs would be the same length as the current yellow no-parking areas in place. This concept is not to CDOT “standards” and so they are reviewing this request internally (but their review and willingness to consider this option is an improvement from the denial we received the first time around).

### **Public Utilities Commission (PUC) Approval – Railroad Ave Pedestrian Safety Improvements**

I am excited to announce that after significant effort to complete and submit the PUC application for the installation of sidewalks along Railroad Ave, the request has been approved (see attached approval notice). Minturn plans to conduct the Railroad Ave Pedestrian Improvement Plan starting in the Spring of 2025 and possibly in coordination with other construction work in the Taylor St area if combined cost savings can be achieved.

### **Battle North Potential Water Service Review**

I have been meeting weekly with Battle North representatives to find out if any opportunity exists for cost-sharing of a new membrane water treatment plant. My current efforts include review of the potential surface diversion feature at the confluence of the Eagle River and Cross Creek, determining project cost increases for expanding the size of the WTP facility to house future pre-treatment infrastructure, timing of future financial development contributions, regulatory requirements associated with a System Revolving Fund (SRF) loan, EPA NEPA application timing as this effects the Town’s \$3M Congressionally Directed Spending funds and submittal of a \$1M request to the EPA for consideration to cover the remainder of the design and engineering work.

## **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. Eagle County Gives Day Proclamation**

Mr. Darell Wegert, 1718 Main St, introduced and spoke to the Proclamation. Earle B. read the Proclamation into the record and the Council was in support.

**B. Traffic Logix Speed Safety Camera System**

Mr. Mark Coupland presented via zoom. This presentation highlighted the need for slower traffic speeds to increase safety.

Gusty K. noted that we could start with a warning only and stay that process or, after 30 days we could switch to issuing tickets. It was stressed that the town would control if we and when we might move from warnings to tickets.

Brian R. noted that, to move forward, we would want an intense citizen education program. The intent is to slow down speeders. It was noted that there will be a lot of citizen input in the upcoming meetings.

Mr. Heath Mosness, ECSO, spoke in support of this program. He stated there are several areas that they might also be interested to monitor in if this program works in Minturn.

**C. Safe Streets for All (SS4A) Update**

Matt Brown and Sheryl Beckman, Stolfus Engineering. They reviewed the Minturn Road data ascertained from the SS4A grant. Options included various mixes between shared road space for vehicles, bikes, parking, and pedestrians. Next steps were discussed.

Concern was expressed by the Council that the current building boom will further affect the motorized/nonmotorized impacts.

Gusty K. noted the lighted crosswalks are more effective than those just painted on the street.

They will be back with further presentations in January through March.

**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 61 - Series 2024 A Resolution Adopting the 2025-2027 Minturn Strategic Plan**

Michelle M. presented and requested adoption of the 2025-2027 Minturn Strategic Plan.

Motion by Gusty K., second by Tom P., to approve Resolution 61 - Series 2024 A Resolution Adopting the 2025-2027 Minturn Strategic Plan as corrected. Motion passed 7-0.

**B. Ordinance 21 - Series 2024 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2024 Town of Minturn Budget**

This is an annual Ordinance to account for various increases in revenues and expenditures which are anticipated to exceed their original budget. Each change in Exhibit "A" is listed in fund order showing the increased amount and the revised total budgeted amount. This Ordinance takes into account only those items which are anticipated to exceed their original line item budget. Revenues which exceed their original budget indicates additional revenue, expenses that exceed their original budget indicates overspending of that line item. Revenues and expenses that exceed their original budget need to be supplemented in order to properly recognize and then utilize this variance in the appropriated budget. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed. This means the Ordinance and action requested only addressed excess revenue and expense, it does not address items that will save money by coming in under budget. This may give a false view that we are overspending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

Public Hearing opened

No Public Comment

Public Hearing Closed

Motion by Tom P., second by Eric G., to approve Ordinance 21 - Series 2024 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2024 Town of Minturn Budget as presented. Motion passed 7-0.

**C. Ordinance 22 - Series 2024 (First Reading) An Ordinance Levying General Property Taxes for the Year 2025, to Meet General Operating Costs of Government for the Town of Minturn, Colorado for the 2025 Budget Year**

This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn's annual General Fund revenues.

Public Hearing opened

No Public Comment

Public Hearing Closed

Motion by Gusty K., second by Tom P., to approve Ordinance 22 - Series 2024 (First Reading) An Ordinance Levying General Property Taxes for the Year 2025, to Meet General Operating Costs of Government for the Town of Minturn, Colorado for the 2025 Budget Year as presented. Motion passed 7-0.

**D. Ordinance 23 - Series 2024 (First Reading) An Ordinance Approving Revenues, Appropriating Expenditures, Approving Transfers and Adopting the Town of Minturn**

Budget for the Period Beginning on the First Day of January 2025 and Ending on the Last Day of December, 2025

This is an annual ordinance that reports, allocates, and appropriates the beginning fund balance, all anticipated revenues, and all anticipated expenses for each fund as detailed in the budget document. To date all directed changes to the preliminary budget accepted at the first meeting in October 2024 have been assimilated into these final numbers. Council will receive a final budget shortly after second reading in December which will reflect the budget as approved by this Ordinance.

Public Hearing opened  
No Public Comment  
Public Hearing Closed

Motion by Eric G., second by Gusty K., to approve Ordinance 23 - Series 2024 (First Reading) An Ordinance Approving Revenues, Appropriating Expenditures, Approving Transfers and Adopting the Town of Minturn Budget for the Period Beginning on the First Day of January 2025 and Ending on the Last Day of December, 2025 as presented. Motion passed 7-0.

## **12. DISCUSSION / DIRECTION ITEMS**

### **A. Holiday Lighting**

At their regular meeting of August 21, 2024, the Council discussed the recently implemented Minturn Water Tank seasonal lighting improvements and voted to approve on first reading Ordinance No. 19, Series 2024 - an ordinance amending the Town's exterior lighting exemptions to allow for seasonal uplighting of the water tank for Town purposes. During deliberations, the Council discussed revisions to the ordinance to add daily time limits for holiday/ornamental lighting, but ultimately voted to approve on first reading without any revisions. At the same meeting, the Council discussed the Town's exterior lighting policies including the Town's "dark sky" lighting requirements, holiday lighting (the definition of holiday lighting as well as whether the Town should enforce time limits on holiday lighting displays), and the differences between temporary holiday lighting, ornamental lighting, and permanent exterior lighting. Following the Council's action to approve Ordinance No. 19, Series 2024 on first reading, with no changes, Council directed staff to facilitate a general discussion related to the Town's existing outdoor lighting regulations to:

- Clarify the intent of the Town's dark or "night" sky exterior lighting regulations.
- Separate the Town's exterior lighting regulations (for permanent fixtures) from the Town's allowance for temporary, holiday/ornamental lighting.
- Discuss potential code changes to the Code to update the Town's definition of "holiday" lighting and to consider time limits on holiday lighting displays.

#### **Dark or "Night" Sky Lighting Regulations**

During the Council's deliberation on August 21st, a question was asked about the Town's dark or "night" sky ordinance: how the Town's existing requirements for dark sky compliant lighting related to holiday lighting, and whether the Town was enforcing these requirements.

Section 16-17-180 - Exterior illumination standards, of the Minturn Municipal Code provides the following statement of purpose and definitions:

a) Purpose and intent. The purpose of this Article is to establish rules and regulations governing the installation of outdoor lighting in the Town. These regulations are intended to:

- (1) Promote appropriate light for safety and security;
- (2) Help preserve the small town character;
- (3) Prevent inappropriate and poorly designed or installed outdoor lighting;
- (4) Reduce glaring and offensive light sources;
- (5) Reduce nighttime light pollution and protect the night sky;
- (6) Provide clear guidance pertaining to exterior light fixtures for developers and homeowners; and
- (7) Phase out existing nonconforming fixtures that are in violation of this Article, including those owned by the Town.

b) Definitions. For the purpose of this Article, the following definitions shall apply: Exterior lighting means permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Full cut-off fixture means a light fixture designed and installed where no direct light (as opposed to scattered light) is emitted at or above a horizontal plane running through the lowest point on the fixture. Glare means intense light that results in discomfort and/or a reduction of visual performance and visibility. Holiday/ornamental lighting means festoon-type lights. Light pollution means any manmade light that diminishes the ability to view the night sky. Light trespass means light falling on the property of another or the public right-of-way, when it is not required to do so.

c) Applicability. These lighting standards shall be applicable to all new construction in the Town. Additionally, residents and business owners are required to replace all nonconforming exterior light fixtures when a building permit is issued for any exterior project with a permit valuation greater than or equal to one thousand five hundred dollars (\$1,500.00). Business owners and residents with nonconforming fixtures are encouraged to comply with these regulations when replacing older fixtures.

d) General outdoor lighting regulations. The following regulations shall apply to all properties located within the Town:

- (1) All exterior lighting shall be shielded such that the source of illumination is not visible from the property line, thereby reducing glare and interference with boundary streets and adjacent properties. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
- (2) All lighting shall conform with the definition for a full cut-off fixture.

(3) All exterior lighting or illumination shall be designed, located, placed and shielded to be architecturally and aesthetically in keeping with the buildings and surroundings, should create minimum visual impact on any other lot, tract or parcel in the Town, shall not directly illuminate adjoining lots, tracts, parcels or rights-of-way, including alleys, and shall comply with this Article.

(4) Floodlights and security lights shall be restricted as follows:

- a. The point light source shall not be visible from neighboring lots or streets.
- b. The light must comply with the definition of a full cut-off fixture, be down-directed and screened from adjacent properties in a manner that prevents light trespass.

(5) Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.

(6) Exterior lighting fixtures shall be mounted no higher than ten (10) feet above the flooring, deck, walkway, driveway or other occupied area or highest grade point of the ground surface immediately below the light fixture. The height of the fixture shall be the vertical distance from the surface directly below the centerline of the fixture to the lowest direct light-emitting part of the fixture. For mixed-use and commercial buildings, the height may be extended to fifteen (15) feet.

(7) Exterior fluorescent tube lighting shall be prohibited in all cases.

The Code is clear in its intent to “Reduce nighttime light pollution and protect the night sky” and to reduce or limit glare, light pollution, light trespass, while specifically defining and requiring a “Full cut-off fixture” (which fixtures are generally synonymous with dark or “night” sky light fixtures) for all new, permanent exterior lighting and any exterior remodels over a certain dollar amount. Importantly, the Code also permits exemptions for “Holiday/ornamental lighting.”

Holiday/Ornamental Lighting Under Section 16-17-180(f) - Exemptions, “holiday” or “ornamental” lighting is exempt from the general outdoor lighting regulations. The definition of “Holiday/ornamental lighting” is tied to “festoon-type lights.” Unfortunately, the Code does not define “Festoon-type lights.” Below are images of typical festoon-type lights. Staff suggests that Minturn’s definition of “Holiday/ornamental lighting” is deficient for the following reasons: festoon lighting – sometimes referred to as “café lights – is distinct in its design and use for permanent or semi-permanent installations meant to illuminate outdoor spaces like patios, walkways, plazas and other gathering areas. Meanwhile, holiday lighting is intended for temporary installations – typically adorning structures, yards or individual landscaping – in celebration of specific holidays.

Therefore, to define holiday/ornamental lighting as the same thing as festoon lighting is problematic.



### New Definitions Needed

The Town's definition of "Holiday/ornamental lighting" refers to "festoon" lighting. However, that term is not defined in the Minturn Municipal Code and as discussed above, holiday lighting and festoon lighting are distinct. Staff researched other jurisdictions' definitions of exempt holiday lighting and offer the following examples for consideration as updates to the Town of Minturn's definition: Holiday (seasonal) lighting. Temporary festive lighting intended to celebrate the winter season and the Thanksgiving, Christmas and New Year's holidays.

Staff Comment: This definition from the Town of Avon is specific to the "winter" season; it could be expanded to include other holidays or be modified to include the words "including but not limited to" or "such as" to describe the holidays where lighting is acceptable or expected. Seasonal lighting. Temporary seasonal lighting for holidays, which may use bare, low-watt bulbs equivalent of a ten-watt incandescent bulb or less.

Staff Comment: This definition from the Town of Eagle does not attempt to define or list which holidays are acceptable or expected but does include helpful language such as "temporary seasonal" to differentiate between permanent and temporary. This definition also gets specific with regard to the type of light bulb – something that would be difficult to enforce.

Winter holiday lighting which is of a temporary nature and which is illuminated only between November 1 and April 15 of each year. Other holiday lighting temporary in nature may request exemption from the Town.

Staff Comment: This definition from the Town of Gypsum specifically singles out "Winter" holiday lighting from other holiday lighting and sets the timeframes when winter holiday lighting can be exempted. This does not seem to be something that would fit Minturn's needs or reflect how the community uses outdoor lighting throughout the year, and requiring a property owner to request approval for holiday lighting at other times of year would be problematic. Also, staff generally recommends against include regulations (in this case time limits) within a definition. Staff recommends that the Town consider amending Section 16-17-180 to amend its definition of "Holiday/ornamental lighting" as follows: Holiday/~~ornamental~~ lighting means ~~festoon-type lights~~ seasonal lighting of a temporary nature intended to celebrate recognized holidays occurring throughout the calendar year and which may include low-level lighting such as festoon lighting, holiday light stringers, or similar.

At the direction of Council, staff can also provide additional definitions and clarity within Section 16-17-180 for "festoon-type" lighting. Time Limits During their regular meeting of August 21st, the Council discussed adding provisions to the Code to limit the times of day (and possibly time of year) when outdoor holiday lighting may be displayed or turned on. One proposal discussed was to set daily time limits allowing for illumination of outdoor lighting displays from dusk until 10:30pm; another proposal would allow lighting in daylight hours but require lighting to be turned off at 10:30pm.

Staff recommends that Section 16-17-180(f) – Exemptions, of the Code be amended to include the following changes:

- (f) Exemptions. The following exterior light fixtures shall be exempt from the regulations contained in this Article:
  - (1) Illumination of the United States flag, provided that such lighting does not interfere with the vision of drivers or pedestrians or otherwise create an unsafe condition for the public. No more than two
  - (2) lights per pole are permitted. (2) Lights and lighting devices which are part of a Town event, Town display, or public gathering, so long as the event, display, or gathering is of a temporary, seasonal, or periodic nature.
  - (3) Holiday/ornamental lighting., provided that such lighting is temporary in nature; is displayed in correspondence with recognized holidays; and is not illuminated between the hours of 10:30 P.M. (MST) and dawn.
  - (4) Construction lighting used for the purpose of illuminating construction work activities, provided that the illumination source is directed internally towards the project site and is turned off each night when work is halted.
  - (5) Any light source that is used by an emergency service provider.

Michelle M. read a public comment into the record: Mr. Casey McKenna, 661 Main St, wrote opposed to any changes to the existing regulations.

Earle B. stated he felt if it is negatively affecting a neighbor then it should be addressed.

Michelle M. noted, and council, agreed that we needed to separate holiday lighting from festoon lighting, all agreed.

Eric G. gave a personal example where second homeowners had their lights on and it was an issue, it was noted that in order to address that, we would need to make changes to the law.

Scot H. noted currently we can address spotlights going onto another's property but it is the seasonal lighting that is on all year that we can't address.

Direction given was that holiday lights should go off at 10pm to dawn. Festoon lights would not be regulated. This will be considered at staff level and presented to Planning and Zoning and then brought back to council.

### **13. FUTURE AGENDA ITEMS**

#### **A. Future Meeting Topics**

- Water treatment plant discussion

- Replacement of windows
- The 1/1/25 meeting is cancelled

#### **14. ADJOURN**

Motion by Gusty K., second by Tom P., to adjourn at 7:47pm.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk

#### **INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings and Important Dates

- November 28 & 29, 2024 - Town Hall Closed (Thanksgiving)
- December 4, 2024 - Town Council Meeting
- December 6, 2024 - First Friday & Tree Lighting
- December 18, 2024 - Town Council Meeting
- December 25, 2024 - Town Hall Closed (Christmas Day)
- January 1, 2025 - Town Hall Closed (New Years Day) - Town Council Meeting Canceled due to Holiday