



OFFICIAL MINUTES Town Council Regular Meeting

Wednesday, December 06, 2023

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/86155674783>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 861 5567 4783

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

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusti Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan (zoom).

Staff present: 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. 11-15-2023 Minutes
- B. ERWSD Annual Billing Services Agreement
- C. Resolution 33 - Series 2023 Approval of the Town Manager Amended and Restated Employment Agreement
- D. Styrofoam Densifier Equipment Town of Avon Grant Support Letter
- E. HDR Contract Amendment to Include Additional Engineering Services

Motion by Terry A., second by Gusty K., to approve the Consent Agenda of December 6, 2023 as presented. Motion passed 7-0.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of November 15, 2023 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.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Earle B. reminded all of the Council Election to be held in April 2024.

8. STAFF REPORTS

- A. Manager's Report

Safe Streets for All (SS4A) Grant Award

The town of Minturn has been awarded a SS4A grant in the amount of \$80,000 for the creation of a Safety Action Plan (Plan). This Plan will identify the primary areas of risk to pedestrians, vehicles, and multimodal forms of transportation. The town will look to utilize this Plan toward supporting larger grant applications to address transportation safety within town. I participated in the grant kick-off meeting this week and will work to create an RFP for finding a facilitator to take the town through the community-centric process of creating the Plan.

Revitalizing Main Streets (CDOT) Grant Application

Minturn has applied for a grant to improve upon the initial work planned for the Railroad Ave corridor. With the approximately \$80k committed by the Minturn North Development, Minturn would like to utilize those funds as a match toward a larger project of improving the North Minturn

area corridor's access to Main Street. The Town will conduct the approved Railroad Ave work regardless of the grant approval, but if the grant is approved, we will be able to add a bulb out at the Railroad Ave/North Main Street intersection, additional walkways along the municipal lot and North Main Street and work at the Main Street intersection that is in line with the recently approved Community Plan. Total project cost applied for is \$252,000 with a 10% match included.

Minturn Concrete Water Tank #3

Tank #3 is now online and operational. Final payment to the contractor and subs has been approved. John Volk is applying to the CDPHE for approval of the .1 baffling factor which allows the town to utilize the tank for necessary contact time requirements.

Evacuation Planning

I met with representatives of the Eagle County Emergency Management Team, Sheriff's Office, Fire Protection District and Wildland Fire to discuss Minturn's evacuation planning efforts. Conducting a tabletop exercise and a full-blown evacuation exercise can get very expensive, so I am looking into planning grants to help facilitate this effort. A discussion point addressed in this meeting is finding the balance between traffic calming measures and emergency/safety measures. These two items can often contradict, and the community should be cognizant of working toward finding a balance.

Community Wildlife Protection Plan (CWPP)

I represented Minturn on Tuesday, November 28th for the next steps in the updating of the CWPP. This is still a work in progress, but I anticipate, when completed, this will come before the Minturn Town Council for the option to adopt the plan. If interest was again the discussion in finding a balance between emergency management planning and street calming activities and how those two efforts often do not align. Minturn will continue to work toward finding a balance in this area.

<u>Magnesium</u>	<u>Chloride</u>	<u>Discussion</u>
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The Magnesium Chloride discussion has been removed from the Council discussion items due to feedback received from CDOT representative MR. Kane Schneider. I participated in a Zoom call with CDOT Region 3 Engineer John Kronholm, Mr. Schneider and Joseph Bajza on Thursday, November 30th. The meeting was originally scheduled for the purpose of discussing Mag Chloride talking points at the Council discussion, but Mr. Schneider quickly devolved the discussion into, what I perceived to be an adversarial position on the contents of the Minturn/CDOT Annual Maintenance Contract. Mr. Schneider's position is that the Town is responsible for the 24/7 plowing of the entirety of HYW 24 through Minturn, including the parking lanes and traffic lanes. This includes any de-icing efforts. In contrast, Mr. Bajza, head of plow operations for DCOT, indicated Minturn and CDOT maintain a productive arrangement and hopes that can continue.

Minturn's maintenance contract with CDOT began in 2006 and Jay Brunvand, town clerk/treasurer, indicates the contract was always discussed as a "team effort" whereby CDOT would lower their blades when coming through town and Minturn's PW staff would handle the removal of snow in the parking lanes. Jay provided me emails from past contract negotiations indicating this understanding. I will now work to address Mr. Schneider's claims and either work with CDOT representatives to maintain the understanding of the teamwork that has benefited both

parties in the past or dissolve the contract. Minturn PW does not have the bandwidth to maintain the traffic lanes of HWY 24 24/7 for the small contract amount of approximately \$38,0934.

Regardless of the above, at this time, CDOT indicated Mag Chloride use on HWY 24 is rare, so the Mag Chloride discussion is a moot issue.

Michelle M. updated on a letter from Senator Bennett on the deficiencies of the Mountain Town Postal Service. Michelle M. read the salient points of the letter to include staffing issues and parcel handling.

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.

A. Bolts Reservoir Project Update – ERWSD

Messrs. Jason Cowles and Justin Hildreth, ERWSD, presented an update. Currently they are in preliminary design and federal approval process.

Lynn F. asked how long it will take to fill the reservoir. One spring if it is a wet year otherwise two years or so.

Terry A. asked about ERWSD agreement and how that works. Mr. Cowles is working through the decrees and how they work together. She asked about the dirt and if the EPA will be monitoring that; CDPHE and EPA will be monitoring this.

Earle B. asked about the quality of soils and if they can be used; yes, the soils should be good.

Terry A. asked where the BLM land is nearby; in Wolcott.

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 20 – Series 2023 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2023 Town of Minturn Budget – Brunvand

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. In order to properly recognize and utilize this surplus, we must include it in the budget. In order to properly account for and access supplemental revenues or expenses which exceed their budgeted line those line items must be increased. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed their line item. 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.

The packet contains a redlined version showing the changes from First Reading

Lynn F. asked clarification on how the supplemental appropriations work and discussion ensued.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance 20 – Series 2023 (Second Reading) An ordinance amending the 2023 budget as set forth in the following exhibit “A”, to appropriate additional general fund revenues in the amount of \$309,472.00, and appropriating additional general fund expenditures in the amount of \$224,101.00, and appropriating additional enterprise fund revenues in the amount of \$356,000.00, and appropriating additional enterprise fund expenditures in the amount of \$361,701.00, and appropriating additional conservation trust fund revenues in the amount of \$5,400.00, and appropriating additional market fund revenues in the amount of \$4,000.00, and appropriating additional market fund expenses in the amount of \$19,300.00, and appropriating additional capital fund revenues in the amount of \$7,500.00, and appropriating additional scholarship fund expenses in the amount of \$1,400.00, and appropriating additional battle mountain fund revenues in the amount of \$4,500.00 as presented. Motion passed 7-0.

B. Ordinance 21 – Series 2023 (Second Reading) An Ordinance Setting the 2024 General Property Tax Mill Levy for the Town of Minturn – Brunvand

This is an annual ordinance approved by the Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills by general election vote 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. As a result of the November 2023 Colorado Legislative Special Session several things are still up in the air. I have talked with our County Assessor’s office on what and when we should expect a final assessment number. They relayed to me that they are waiting for their computer consultant to meet with the State Department of Property Taxation and to get some direction on timelines. They will need to write some new code in order to take the residential value adjustment from \$15,000 to \$55,000 the assessed rate also changed from 6.765% to 6.7% within our assessment system. Because this is a state-wide issue and because all Assessors in the state are facing similar issues trying to make the assessment match new law, we are all in a somewhat wait-and-see mode.

My recommendation to Council is to pass the mill levy at 17.934 because that is the one constant that will not change. Because we don’t know the assessed value, to approve anything other than the 17.934 mills most likely will have a negative effect that we really don’t know the extent of. Additionally, I am not aware of anyone locally that is reducing their levy, some are considering but have not moved forward. In a letter dated 11/29/23 from the Eagle County Assessor’s Office, the state has extended the assessment deadlines by a couple weeks. This gives the state and the

Assessors more time but doesn't really change our needs. Then once the final assessment is released, we can make informed decisions from there.

Discussion ensued on the effects of the mill levy and the rising property values.

Public Hearing Opened

Mr. Kelly Toon, 531 Main St, asked questions on how the assessed value might be limited other than to reduce the mill levy.

Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance No. 21 – Series 2023 (Second Reading), an ordinance levying general property taxes for the year 2024, to meet general operating costs of government for the Town of Minturn, Colorado for the 2024 budget year as presented. Motion passed 5-2. Note: Lynn F. and Gusty K. voted Nay.

C. Ordinance 22 – Series 2023 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2024 for the Town of Minturn – Brunvand

This is an annual ordinance approved by Council to establish the annual fee schedule and any proposed fee increases. The fee schedule has been discussed in previous meetings with the Council and each department, changes to the fees are reflected in the schedule. All fees will go into effect on January 1, 2024. This revised Fee Schedule attached reflects changes to LBP fees, snow dump fees, and broke out other fees clearer per discussions.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Gusty K., second by Kate S., to approve Ordinance No. 22 – series 2023 (Second Reading) an Ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2024 as presented. Motion passed 7-0

D. Ordinance 23 – Series 2023 (Second Reading) An Ordinance Adopting the FY2024 Annual Budget and Recognizing the Town of Minturn's 2024 Revenues and Expenses by Fund – Brunvand

Council discussed how we are not increasing the water rates in 2024. Michelle M. updated that we are looking at bringing Mr. James Mann in as a part-time employee, our previous water consultant, to assess our water rates and the options we may have. Discussion ensued that as the economy costs increase, we should raise water rates some amount to counter inflation. It was noted our options as discussed are no increase, 6% increase, 12.5% increase. The council discussed and found that 6% was agreeable.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Terry A. second by Kate S. to approve Ordinance No. 23 – series 2023 (Second Reading) an Ordinance appropriating revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn Budget for the period beginning on the first day of January, 2024 and ending on the last day of December, 2024 as amended to include a 6% increase in the monthly base and volumetric rates. Motion passed 7-0.

E. Ordinance 24 - Series 2023 (First Reading) An Ordinance Increasing Council Pay

As requested by the Council, this ordinance sets the pay for Council and Mayor when such is requested to be adjusted. The Council/Mayor pay schedule has not been adjusted since 2008. This structure will go into effect for seats elected during the 4/2/24 election and thereafter. As each seat stands for election it will be increased to this structure.

Earle B. outlined the amount of time required to sit on Council and that this increase is in line with the previous discussions held by Council.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Terry A., second by Brian R., to approve Ordinance No. 24 – series 2023 (first reading) an Ordinance amending Chapter 2 of the Minturn Municipal Code by repealing and re-enacting section 2-2-30 establishing and providing compensation for the Town Council and the Mayor of the Town of Minturn, Colorado as presented. Motion passed 7-0.

F. Ordinance 25 - Series 2023 (First Reading) An Ordinance Amending Short Term Rental Fees

This Ordinance modifies the STR fee from \$300 annually to \$300 annually per sleeping area.

Discussion ensued how the rational nexus to the license rate was determined.

Public Hearing Opened

Ms. Terry Dued, Eagle River Inn, asked questions on the fee as it relates to a hotel. This fee does not apply to commercial rentals, it only applies to residential units.

Public Hearing Closed

Motion by Gusty K., second by Brian R., to approve Ordinance 25 – Series 2023 (First Reading) as presented. Motion passed 7-0.

G. Ordinance 26 - Series 2023 (First Reading) An Ordinance Amending the Fees for Minturn Municipal Court

This Ordinance changes the court fees from \$15 to \$25 plus 25%.

Public Hearing Opened.
No Public Comment
Public Hearing Closed

Motion by Kate S., second by Lynn T., to approve Ordinance 26 - Series 2023 (First Reading) An Ordinance Amending the Fees for Minturn Municipal Court as presented. Motion passed 7-0.

H. Ordinance 27 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Special Event Fees

This Ordinance changes the process and fees for approving a special event permit.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Kate S., second by _Gusty K., to approve Ordinance 27 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Special Event Fees as presented. Motion passed 7-0.

I. Ordinance 28 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period

This Ordinance changes the Contractor Licensing fee from \$240 every three years, to \$100 annually.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Kate S., second by Terry A., to approve Ordinance 28 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period as presented. Motion passed 7-0.

11. DISCUSSION / DIRECTION ITEMS

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics

Michelle M. noted the Eagle County Emergency plan will be coming forward for review.

Jay B. gave a brief update on the April 2, 2024 election.

- Election day is 4/2/24
- The mayor and three council seats are up for election
- Ads will go in the paper to solicit candidates in the next week or so
- Nomination Petitions are available 1/2/24 and due back in no later than 1/22/24

13. ADJOURN

Motion by Terry A., second by Kate S., to adjourn the meeting at 7:31pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings & Town Hall Closures:

- December 20, 2023
- December 25, 2023 - Town Hall Closed (Christmas Day)
- January 1, 2023 - Town Hall Closed (New Year's Day)
- January 3, 2023
- January 15, 2023 - Town Hall Closed (Martin Luther King Jr. Day)
- January 17, 2023