



## OFFICIAL MINUTES

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

Wednesday, August 21, 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](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/84339384812>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 843 3938 4812

**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, Brian Rodine, and Kate Schifani. Note: Tom Priest was excused absent.

Staff present: Town Attorney Mike Sawyer, Town Manager Michelle Metteer, Town Planner 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.

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.

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 5:20pm and convened in Regular Session at 5:30pm.

### **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.** 08-07-2024 Minutes
- B.** NW Colorado Regional EV Charging Network Project

Motion by Gusty K., second by Kate S., to approve the Consent Agenda of August 21, 2024, as presented. Motion passed 7-0.

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

Opportunity for amendment or deletions to the agenda.

Motion by Eric G., second by Brian R., to approve the Agenda of August 21, 2024, as presented. Motion passed 7-0.

### **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.

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

Gusty K. noted the Wednesday Sept 4 meeting will be held Tuesday 9/3 and a water discussion will be held.

Brain R. updated on a meeting regarding the Safer Streets

Lynn F. updated on the Affordable Art Fair at last week's Summer Market.

Earle B. also reiterated that the 9/3 meeting will be a very important meeting to discuss water plant options and potentially the Battle mtn property and a scheduled decision on the 151/155 Main parcels regarding historic preservation designation.

## **9. STAFF REPORTS**

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

#### **Colorado Municipal League (CML) Policy Committee**

In preparation for the 2025 legislative session, Colorado Municipal League (CML) member municipalities are now asked to appoint/confirm representatives who will serve on the League's 2024-2025 Policy Committee, as well as for municipal members to submit any legislative or policy proposals for committee consideration and recommendation to the CML Executive Board. Each representative will be expected to read and adhere to the Policy Committee Roles and Responsibilities, as outlined in the attachment and covered in more detail below.

General policy committee responsibilities include:

1. Attending and participating in all Policy Committee meetings, in-person or virtually, and voting on policy positions to recommend to the CML Executive Board.
2. Evaluating requests from member municipalities for CML-initiated legislation and making a recommendation to the Executive Board.
3. Reviewing the League's [2024-2025 Policy Statement](#) that guides League positions on policy issues affecting municipalities and proposing revisions, if necessary. (Any recommended changes to the policy statement are voted on by CML members at the Annual Business Meeting that takes place as part of CML's Annual Conference.)

2024-2025 Meeting dates (subject to change)

All meetings are 9:00 - Noon

- Friday, Oct. 11
- Friday, Dec. 6
- Friday, Jan. 17 (Virtual)
- Friday, Feb. 21
- Friday, March 14 (Virtual)

Unless a Council member specifically volunteers for this position, I will add myself to the Policy Committee and Mayor Earle Bidez will be appointed as the alternate.

#### **Community Events: First Fridays**

Staff reached out to the business community to gauge interest in hosting a First Friday event. This would be a sponsored event by the Town and would seek to spotlight our local businesses while

bringing community together. Thus far two businesses have responded expressing interest. The “first” First Friday will be September 6<sup>th</sup> at the Eagle River Inn with Whisky tasting by Eagle River Whisky. The October First Friday will be at Kirby Cosmos with a pig roast. More to come.

#### **Safe Streets 4 All (SS4A)**

Minturn is looking for one to two business owners to join the SS4A Working Group. This is a local group of stakeholders who will meet up to four times (virtually) over the next year to provide discussion and feedback on the state of the safety of Minturn streets. Those interested should contact Michelle Metteer at [manager@minturn.org](mailto:manager@minturn.org) or 970-445-2418.

Michelle M. noted we are moving to the 2<sup>nd</sup> stage of the grant for Little Beach Park. She updated on the changes looking to be made at LBP with those funds and other grants for the park as well.

### **10. SPECIAL PRESENTATIONS**

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

### **11. BUSINESS ITEMS**

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

- A.** Resolution 46 - Series 2024 A Resolution Approving the Request for Exemption from Sec. 16-17-110 - Underground utilities - for 362/366 Taylor Avenue

Madison H. updated on the request.

Mr. Karl Kruger, applicant, presented the request to install a 20ft pole to handle the power wires until the town undergrounds the entire line. He noted that now Xcel Energy requires a 40ft pole so this might change his plans.

Michelle M. noted the town does not have current plans to underground the discussed line. Earle B. updated that the ordinance exists to clear up the overhead lines. Discussion ensued that this would go underground only in front of the project in question.

Mike S. noted the applicant could bury conduit without installing the line to simplify the undergrounding in the future.

Discussion ensued if this is granted it will diminish the intent of our Ordinance.

Motion by Eric G., second by Gusti K., to continue until further information is available Resolution 46 - Series 2024 A Resolution Approving the Request for Exemption from Sec. 16-17-110 - Underground utilities - for 362/366 Taylor Avenue. Motion Passed 6-0. Note: Tom Priest was excused absent.

**B. Resolution 47 - Series 2024 A Resolution Supporting the Eagle County Conservation District Mill Levy**

Ms. Laura Bohannon, Eagle County Conservation District, presented and updated on the district proposed ballot issue. She noted all the district programs are grant funded, they last 3-4 years, and are non-renewable. The intent of the 0.15 Mill Levy proposal is to provide a sustainable funding source for the district.

Brian R., although supports the district, was not in favor of supporting the request in light of the statewide property tax values.

Lynn F. expressed this was \$10 per \$1m assessed valuation and that this was something that should be supported.

Eric G. felt this was about the cost of a cup of coffee and it was money well spent. Kate S. and Earle B. also supported.

Gusty K. asked if this were to pass, would this provide additional staff. Yes, this would assist in such endeavors by allowing staffing needs.

Motion by Eric G., second by Kate S., to approve Resolution 47 – Series 2024 A Resolution Supporting the Eagle County Conservation District Mill Levy. Motion passed 5-1 Note: Brian R. voted Nay and Tom P. was excused absent.

**C. Resolution 48 - Series 2024 A Resolution Approving the Battle North Restrictive Covenant and other Documents**

This item was pulled from the agenda and will be placed on a future agenda.

**D. Ordinance 19 - Series 2024 (First Reading) An Ordinance Amending the Lighting Code**

Ordinance No. 19, Series 2024 is being presented to the Town Council as an amendment to the Town's existing exterior lighting regulations, Section 16-17-180 – Exterior illumination standards. Section 16-17-180(f) includes "exemptions" from the Town's exterior lighting standards (which otherwise prohibit uplighting) for things like illumination of the United States Flag; for holiday or ornamental lighting; and for lighting associated with Town of Minturn events. The Town recently conducted a town survey wherein respondents expressed support for certain Town led initiatives such as seasonal, aesthetic lighting of the Minturn Water Tank, a historically designated and iconic structure within the Town. For these reasons, the Town desires to provide professionally designed lighting of the water tank for seasonal celebrations and events. Therefore, the proposed amendments to the lighting standards aim to clarify that, in addition to Town events, exemptions that may be granted to the Town of Minturn include lighting for "displays." Such exemptions would be allowable or granted on a "seasonal" or "periodic" basis. The proposed expansion of the exemption provisions will allow the Town the flexibility to illuminate the water tank on a seasonal, periodic basis for public purposes related to and in conformance with the tank's historic

designation; to enhance community character and celebrate those things that “keep Minturn, Minturn;” for economic development; and to promote the general health, safety, and welfare of the Town.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Eric G. asked about a timer system that will turn off the lighting in the late evening; 10pm was discussed. It was agreed that they would be allowed through 11:00pm

Motion by Eric G., second by Kate S., to approve Ordinance 19 - Series 2024 (First Reading) An Ordinance Amending the Lighting Code as amended to allow the Minturn Tank lighting with several conditions. Motion failed 3-3. (Gusty K., Brian R., and Lynn F. voted Nay)

Motion by Gusty K., second by Brian R., to approve as presented to include a timer allowing sunup to 11pm. Motion passed 6-0. Note: Tom Priest was excused absent.

It was requested a Future Agenda item to review the Town’s Dark Sky conditions to set time frames town wide.

**E. Resolution 49 - Series 20024 - A Resolution Creating the Fifth Amendment to the Battle Mountain Settlement Agreement**

Staff has been working with our outside environmental attorney Polly Jessen to get closing documents in final order. In order to protect the Town from environmental liability requires careful drafting. The process of getting to the point where both sides agree to language in the closing document has proven longer than expected. I am recommending that the Approvals Period be extended to September 18 (Second Council meeting). At either the September 2 or September 18 Council meetings the restrictive covenant and other closing documents will be placed on the agenda for review and approval. The outside expiration date (Closing) will be extended to September 27 to give the parties time to mobilize for the Closing.

Motion by Gusty K., second by Lynn F., to approve Resolution 49 - Series 20024 - A Resolution Creating the Fifth Amendment to the Battle Mountain Settlement Agreement as presented. Motion passed 7-0.

**12. DISCUSSION / DIRECTION ITEMS**

**A. Minturn Strategic Plan Review**

Michelle M. presented that during the Spring of 2024 the Town Council participated in a retreat to update/create the 2025-27 Strategic Plan. Much was covered in this retreat, and everyone left having accomplished so much, but still needing to “fine tune” certain aspects of the Strategic Plan, primarily the vision statement. The Strategic Plan is a document used by staff and Council to identify short term (2-year) goals that support the execution of Minturn’s Master Plan, Imagine Minturn, in alignment with the 2024 Community Survey. Once direction is provided on the final

touches of the Plan, staff will create a general work plan for executing the Council's goals. This work plan, in conjunction with the Strategic Plan will be brought forward in Resolution format at an upcoming Council meeting for the Council to approve and will be the basis for both staffing and budget decisions moving forward. The primary discussion pertaining to the draft Strategic Plan is the vision statement. Several Council members expressed a need to redraft the statement to better reflect the true vision of the Council. Two options for the vision statement are currently provided on the draft Strategic Plan, additionally, a third option has been proposed as follows:

*Minturn takes pride in being a neighborly mountain community; we understand the history that shaped our town and strive towards a fulfilling future for residents, businesses, and visitors alike.*

Mission Statement rewording includes:

*Minturn's Town Council aims to guide and shape growth, provide quality services and infrastructure in a fiscally responsible manner, encourage a spectrum of housing opportunities, and work towards environmental and fiscal sustainability.*

Additional tweaking of the Plan identifies reworking the Manage Growth priority and rewording the Water Infrastructure priority to better align with infrastructure and services.

Michelle M. made notes on the discussion and will return at a later date with a Resolution approving the Strategic plan for 2025-2027.

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

#### **A. Future Meeting Agenda Items**

- Review dark sky regulations.

### **14. ADJOURN**

Motion by Kate S., second by Gusty K., to adjourn the meeting at 7:29pm.

---

Earle Bidez, Mayor

ATTEST:

---

Jay Brunvand, Town Clerk

### **INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- (Tuesday) September 3, 2024
- September 4, 2024 Council meeting canceled
- September 18, 2024
- October 2, 2024