



OFFICIAL MINUTES Town Council Regular Meeting

Wednesday, September 18, 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/86855430634>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 868 5543 0634

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:30pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present Mayor Earle Bidez, Mayor Pro Eric Gotthelf, Town Council members Lynn Feiger, Gusty Kanakis, and Brian Rodine. Note: Tom Priest and Kate Schifani were excused absent.

Staff present: Town Engineer Jeff Spinel, Town Manager Michelle Metteer, and Town Clerk Jay Brunvand (zoom).

3. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

A. 09-03-2024 Minutes

B. Liquor License – Retail Liquor Store License annual renewal application; Minturn Mile Liquor Store, 341 Main St, Gail Crowder, Owner/Manager

C. 0036 Abby Road - New Multi-family building

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of September 18, 2024, as presented. Motion passed 5-0. Note: Tom Priest and Kate Schifani were excused absent.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Eric G., to approve the Agenda of September 18, 2024, as presented. Motion passed 5-0. Note: Tom Priest and Kate Schifani were excused absent.

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.

Mr. Larry Stone, 152 Main St, discussed the uses of 156 Main that he may be able to implement. Michelle M. noted the process to proceed at staff level as necessary.

Mr. Hawkeye Flaherty, 160 Main St, spoke on the water plant option. He discussed the cost of updating the sand filters to be compliant with state standards as a primary plant. This would provide time to play out the current developments. He felt putting this off 10-15 years was worth looking at. He also asked about the #2 water tank status and the ability to use the tank for emergency use. He felt this should be a priority.

Mr. Michael Gottino, 110 Taylor St, asked about the water options and if there was a place to read the information on the website or other. Michelle M. noted the plan that was discussed this past winter, and she has it available to share.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. updated on the Minturn Fitness Center.

Updated on the Vail Valley Mtn Trail Alliance and the recent clean up.

8. STAFF REPORTS

A. Manager's Report

Bellm Bridge Feasibility Study & Grant Opportunity

Jeff Spanel, Inter-Mountain Engineering and I met with SEH Engineering who is conducting the Bellm Bridge Feasibility Study as well as Sarah Marin, with Sustainable Strategies who is tasked with Minturn's grant application for any bridge repairs. The group reviewed the current progress of the Feasibility Study along with the timeline for the CDOT Bridge grant application. The above group has tentatively scheduled to bring this matter before the Council at the October 2, 2024, meeting for consideration of either a repair or replacement of the bridge. The grant application process is highly competitive and the costs for either repair or replacement will be extensive – meaning, at this point, Minturn will not be able to conduct the infrastructure improvements without a loan or a grant.

HWY 24/Main Street Phase II Sidewalk Project Update

As the project nears construction, scheduled for the spring of 2025, costs continue to increase. Currently the sidewalk is estimated at \$1000 per linear foot. With this updated construction cost, the Town will only have funds for the east (river) side of the road and the sidewalk, originally scoped to be built to the entrance of the Boneyard Open Space, will end well before that location. I am scheduling Stolfus Engineering to attend an upcoming Council meeting and provide a more detailed update.

Tank #3 (New Concrete Water Tank) Project Closeout

Staff are working toward the project close out of the concrete water tank (tank #3). This includes the finalization of the State Revolving Fund (SRF) loan. The loan was originally approved for \$3M and the town has been paying on the loan at a total assumed project cost of \$3M (as required until project close out). With the total project cost coming in at \$2,265,112.96, the SRF loan, and subsequent debt repayment will be decreased by \$734,887.04. Once these internal project close-out transactions are completed, Council will have the option of decreasing the debt repayment currently billed to the utility customers or absorbing this difference to minimize any future rate increases required for new infrastructure.

First Friday Event

Success! The September First Friday, held at the Eagle River Inn, had over 200 attendees. The October First Friday event will be at Kirby Cosmos BBQ and include a pig roast. Thus far, after extensive outreach by Cindy Krieg, no other businesses have expressed interest in hosting the event, which is sponsored by the Town of Minturn, so unfortunately October may be the last First Friday.

Public Utilities Commission – Railroad Ave Pedestrian Improvements Application

The application for installing a sidewalk over the rail line at Railroad Ave and Taylor St has been submitted. Once approved, the Town can move forward with the pedestrian improvements awarded through the CDOT Revitalization grant.

Battle Mountain Settlement/Closing

All closing documents by both parties were submitted to the title companies on September 12, 2024. We anticipate the recording of the documents to be completed prior to this council meeting.

Additionally, the stipulation for dismissal with prejudice will be filed with the court at which point we expect the courts' acknowledgement/stamp thereby resolving all court matters related to the lawsuit.

High Five Media Board Representation

If the Council is unable to appoint a representative, I recommend the Town relinquish its seat on the High Five Media Board.

Michelle M. will contact High Five Media to confirm dates and times. Earle B. and/or Gusty K will sit on that council.

Little Beach Park Grant Application

An application for the Phase I improvements to Little Beach Park has been submitted to Great Outdoors Colorado (GOCO) for consideration. Included with this manager's report is a copy of the application and improvements to be made if the application is approved. The Town should know later this fall if the application is awarded by GOCO. However, the process is very competitive and there are not enough funds to support the number of applications submitted, so an approval is unknown.

Michelle M. also noted:

- Minturn Matters – Earle would like to begin this again for the fall and winter, the council concurred.
- Discussed the continuing use of the video presentations done prior to council meetings. Cindy K. informed Michelle she was having trouble scheduling council members for this.
- Discussed a proposal for Rails-to-Trails for future opportunities or passenger travel. It was noted a passenger train to Leadville would run 1.5hours. Michelle M. noted this is not supported by the state railway groups. There was discussion and limited support for Rails-to-Trails and passenger but not oil/industrial use.

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.** Eagle County Sheriff's Office - National Night Out annual event discussion / recap, and funding request for 2025

A presentation on this year's National Night Out was given. Sheriff Van Beek presented a thank you picture for supporting the National Night Out sponsorship.

- B.** ERFPD Ballot Measure - Chief Bauer

The Eagle River Fire Protection District is considering asking voters to approve an up to 0.79 percent sales tax to help fund the district's emergency services in addition to the existing mill levy. The proposed sales tax, which must be approved by voters, would provide critical revenue to maintain the level of service currently provided by ERFPD and ensure that we are properly staffed with well-maintained equipment, while asking visitors and tourists to help pay for the emergency

services they rely upon. The district is primarily funded through property taxes. In accordance with the mill levy implemented by voters in 2012, the district's mill levy rate dropped this year to 6.618 from 9.32 in 2023 to account for the recent assessment increases in Eagle County. That amount of funding is being outpaced by large increases in service calls and the impact of inflation on personnel, equipment and maintenance costs. Over the past five years, service calls have risen by 24 percent as the district's population and visitation increases. ERFPD also faces challenges brought on by our aging population and increasing wildfire risk.

Michelle M. thanked both ECSO and ERFPD for their support in our Safe Streets 4 All.

Direction was given to bring forward a Resolution of Support.

C. Eagle Valley Child Care Proposal - Sarah Foglesong

EVCCA is seeking to enter into a business partnership with the Town of Minturn. In this partnership, EVCCA will ensure 10 childcare spots at the new Minturn Family Enrichment Center are enrolled with Minturn residents at opening. The Town of Minturn will support the opening of the Minturn FEC by providing \$100,000 in funding support for the center.

Ms. Sara Foglesong presented for the EVCCA.

Discussion ensued on the request. Earle B. was in support but noted that we are anticipating a tight budget for 2025. He also discussed part-time daycare needs.

Brian R. supported this request. He asked how partnership relationships are formed by the EVCCA. It was noted that the proposal secures 10 spaces which is just at 1/3 of the anticipated population at this center. Discussion was noted regarding the wait list and options therein.

Gusty K. asked about interest from other business partners for the center; there are several. They are looking at opening potentially as early as November.

Direction given was to further discuss longer-term sponsorship instead of a one-time hit.

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 2024 (Second Reading) An Ordinance Amending Chapter 16 - Zoning and Chapter 19 - Historic Preservation of the MMC

At the September 3, 2024 Council meeting, Council voted to pass Ordinance 20 - Series 2024 on first reading with the amendment that Option 3 be added back into the ordinance to help ensure flexibility. Staff has addressed this by creating a line item within all relevant zone district use tables to allow for historic properties to be exempt from the two year ownership requirement for short term rentals. As part of this, staff also included the definition of Short Term Rental to be added to Chapter 16 - Zoning. The Town Council and HPC conducted a joint session on July 17,

2024, to discuss options to help give property owners certainty concerning historic preservation. ANALYSIS: 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 for 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
- 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

When discussed at HPC, they forwarded a recommendation of approval with the following changes:

- Amend the definition for alteration and the historic designation process to allow for the selection of facades (not to exceed 50% of the exterior of the structure) to be prioritized to remain the same and trigger the Certificate of Appropriateness process even if 50% of the structure is not affected.
- To add a visual example to the definition of alteration.
- To amend the intent statement of Sec. 16-6-35 - 100 Block Commercial Zones subsection (b) to add lodging as a use at the street level.
- To amend the *** clause at the end of the Old Town Character Area Use Table to specify 50% of the "proposed ground floor area"

When discussed at Planning Commission, the Planning Commission forwarded a recommendation of approval with the following changes: Remove 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 with the reasoning that this option does not meet the intent of the 2023 Imagine Minturn Community Plan's guidelines for the 100 Block. Staff presented this ordinance to the HPC at their August 20, 2024 meeting, to the Planning Commission at their August 28, 2024 meeting, and is presenting this ordinance to the Town Council for final decision. 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.

Discussion on the options proposed was held. Concern was expressed about including option #3 and it was felt this should merit a deeper discussion. It was noted that Option #3 being included was supported by the two absent council members.

Public Hearing Opened

Mr. Larry Stone, 152 Main St, supported option #3.

Public Hearing Closed

Motion by Lynn F., second by Eric G., to approve Ordinance 20 - Series 2024 (Second Reading) An Ordinance Amending Chapter 16 - Zoning and Chapter 19 - Historic Preservation of the MMC as presented. Motion passed 4-1. Note: Brian R. voted Nay and Tom Priest and Kate Schifani were excused absent.

11. DISCUSSION / DIRECTION ITEMS

A. Taylor Street Paving

During the Minturn North PUD hearings, the Town Council committed to the paving of Taylor Street. Although construction use tax funds from the building of homes on the Minturn North property have not been realized, the Council committed to utilizing reserve funds to pave Taylor Street in a timely manner. Extensive complaints stem from Taylor Street residents pertaining to speeding, parking, and drainage (along with other complaints not related to the road). Public Works have installed speed bumps in the summers attempting to reduce speeding however the speed bumps have often been removed by disgruntled Taylor St residents. Additional requests for organizing parking along the street have been met with complaints from residents not wanting to change current behaviors. Opportunities exist to address the parking, drainage and speeding of the roadway concerns, however; most improvements would require the taking back of the right of way and the removal of historic encroachments – which would have significant impacts to some property owners. Staff looks to the Council and community to understand how much or little to impact the current conditions of Taylor Street with any repaving project The variable messaging board noticing this discussion was placed at the southern entrance to Taylor Street on Friday, September 13th in hopes of increasing community engagement. The cost for this project is dependent on the scope of improvements approved. Funds will come from the Capital Improvements budget.

Public Comment:

Mr. Michael Gottino, 110 Taylor St, supported existing footprint and parking, parking and traffic calming and drainage work. Photos he brought were presented and discussed.

Mr. Rob Gosiewski, 560 Taylor St, supported maintaining the existing footprint and parking and traffic calming. He illustrated where best the calming could be located. Discussed the number of recreational parking.

Mr. Nathon Lathrop, address, supported existing footprint and parking, parking and traffic calming.

Liz McGee supported existing footprint and parking, parking and traffic calming and drainage work.

Anthony Martinez, 232 Taylor supported existing footprint and parking, parking and traffic calming and drainage work.

Mr. Bill Hoblitzell, 262 Taylor St, supported existing footprint and parking, parking and traffic calming and drainage work.

Ms. Joslen, 569 Taylor St, supported existing footprint and parking, parking and traffic calming and drainage work, and trailhead parking.

Mr. Tito Pena, 534 Taylor St., supported existing footprint and parking, parking and traffic calming and drainage work, and discussed the historical road. He noted with the sale of railroad property they no longer can push snow onto the railroad property.

Ms. Kristen Thomas, 262 Taylor, supported existing footprint and parking, parking and traffic calming and drainage work.

Andrea, 382 Taylor St, supported existing footprint and parking, parking and traffic calming (dips) and drainage work, asked about no-parking seasonal enforcement. Michelle M. noted she will work on the no-parking signs that should run Nov-April. Parking was discussed and it is felt there is too much recreational parking for the trailhead that negatively affects the neighborhood.

Mr. Jerry Lopez, 252 Taylor, supported existing footprint and parking, parking and traffic calming and drainage work. Opposed the Railroad Ave sidewalk.

Duncan, 531 Taylor, supported existing footprint and parking, parking and traffic calming and drainage work, number of recreational parking.

Michelle M. reminded all of her email address, manager@minturn.org, and Jeff S., town engineer, will walk the area to work with the residents on solutions.

The town also receive emails from

- David Clapp, 392 Taylor St, supported existing footprint and parking, parking and traffic calming and drainage work.
- Katie Tucholke, 480 & 530 Taylor, supported existing footprint and parking, parking and traffic calming and drainage work, number of recreational parking.
- Darin Tucholke, 480 & 530 Taylor St, supported existing footprint and parking, parking and traffic calming and drainage work, number of recreational parking.
- Chris Rieder, 332 Taylor St, supported existing footprint and parking, parking and traffic calming and drainage work.

It was noted how a brave and true tree planted many years ago to near the Taylor St powerline was hacked away from the fire zone and now looks very sad. A brief moment of silence was held in honor of the heroic tree.

Michelle M. updated on the funding and how this street work would be achieved (Construction Use Tax), and the developer is required to pave Minturn Rd/County Rd 14.

Discussion ensued as to the timing of the Railroad Ave sidewalk. She noted 2025 is going to be busy in that area.

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics

- Update to Phase II sidewalk project
- Options for HPC additional policies

13. ADJOURN

Motion by Eric G., second by Gusty K., to adjourn the meeting at 8:17pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- October 2, 2024
- October 16, 2024
- November 6, 2024