



AGENDA

Town Council Regular Meeting | 5:30 PM

Wednesday, May 15, 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/83092324115>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 830 9232 4115

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 5:31__pm.

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, Brian Rodine, and Kate Schifani.

Staff present: Town Attorney Mike Sawyer (zoom), 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.

Michelle M. requested to pull Item B, Resolution 21 – Series 2024 for further consideration. This was added to the end of the Business Items as Item G.

A. 05-01-2024 Minutes

~~B. Resolution 21 – Series 2024 A Resolution Approving an Intergovernmental Agreement with the Intermountain Transportation Planning Region~~

C. Liquor License: 161 Main St – Eagle River Whisky Application for a Colorado Liquor Sales Room (Distillery Tasting Room), Spence Neubauer, owner/manager

D. Battle North Settlement Correction Letter (the Trestle Area)

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of May 15, 2024 as amended. Motion passed 7-0.

4. 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 May 15, 2024 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. reported on the Transit Authority and free bus system on 5/19.

8. STAFF REPORTS

A. Manager's Report

Minturn North Construction Information

Information on the Minturn North construction project can be found at:

<https://www.minturnnorth.com/construction-updates>. Additionally, the fully approved construction plan set is available [here](#). An FAQ has also been created and is available on the town's website, in the town hall lobby and attached to this Manager's Report.

Wood Chipping Pickup

Eagle Valley Wildland is providing free wood chipping pickup to Minturn residents this year. This is part of an effort for residents to Firewise their homes. More details are on the attached information sheet as well as the scheduled pickup days.

Bear Aware

Please remember to properly lock your garbage containers if the containers are stored outside. There is a large bear who has been active in the area and needs to be trained to not access garbage. Thank you for the help!

Community Events

With the results of the Community Survey, staff will be reevaluating the community events to ensure the events being offered by the town are in alignment with the interests of the community. Any proposed changes to the annual event lineup will be brought to the Council and public for consideration.

Street Sweeping

Please excuse our mess while public works continues their annual street sweeping operations. Signs are posted the day before in hopes residents will avoid parking in upcoming street sweeping areas, so any help residents can provide by moving their vehicles in advance is greatly appreciated.

Safe Streets 4 All (SS4A)

I have submitted Minturn's contract for the Safe Streets 4 All (SS4A) grant award Minturn received. Once approved by the Department of Transportation, this project will allow Minturn to facilitate public discussions and conduct a thorough analysis of Minturn's roadways with an emphasis on finding ways to improve vehicular and pedestrian safety. A stakeholder group will be requested, and a representative Council member will be asked to take part in the process. More to come.

Out of Office

I will be out of the office June 17-21 and not attending the June 19th Council meeting. Mike Sawyer will attend that meeting, in person, in my absence.

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 Conservation District - Laura Bohannon

Ms. Laura Bohannon was present and updated on the Conservation District.

Brian R. asked about the noxious weed program and who to contact for information. Contact the District.

Lynn F. asked about the turf replacement program, discussion ensued on how this works and how they provide advice on plants and water conservation.

B. GoPro Games - Peggy Wolfe

Ms. Peggy Wolf, Vail Valley Foundation and GO PRO games, outlined what events will be held at the Minturn Bike Park. The games run 6/6-6/9. Minturn is primary for the bike events and secondary for the white-water events.

C. Eagle Valley Childcare - Sarah Foglesong

Ms. Sarah Foglesong was present. She noted they will be opening the former Pooh Corner, and it will be called the Minturn Family Child Center. They are aiming for January 2025 opening and she stated they have a big county wide need for childcare from 6wks to 3yrs and they are planning on about 32 slots across those ages. She noted 4- and 5-year-olds are covered through the preschool options.

Brian R. welcomed them to their new in-town center. He asked about priorities for up-valley and Minturn residents. Ms. Foglesong outlined that this does exist and how best it might look for Minturn. She stated this can be done right from their website. She strongly recommends that parents get on the wait list.

Council noted how important this service is for the community. Earle B.

D. Community Survey Review - David Flaherty, Magellan Strategies

Mr. David Flaherty presented the 2024 community survey results.

Magellan Strategies is pleased to present the results of a community survey of 188 residents in the Town of Minturn, Colorado. The interviews were conducted from April 3rd to 30th, 2024. The overall survey responses have a margin of error of +/- 6.33% at the 95% confidence interval. The survey results were weighted to be representative of the adult population demographics for the Town of Minturn, Colorado. The primary objective of this community survey was to measure and understand Minturn residents' thoughts and opinions of town services, programs, priorities, and quality of life aspects.

Discussion ensued that Minturn has a strong community, and our residents are very happy with our town.

Lynn F. asked about how we rank with other like communities. It was noted that development is always a concern with residents and long-term residents. Lynn F. asked about increasing the 7/4 events. It was noted this is already one of our most expensive commitments.

Michelle M. noted that these results will be used to plan for new community events and general community direction.

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. Resolution 16 - Series 2024 A Resolution approving the Battle North Service Plan

This is a continued item where at the May 1, 2024 meeting a motion was made to continue this resolution to the May 15th meeting.

Discussion ensued as to the lands we have options on which are included in their lands. Michelle M. will look into this.

Staff requested to continue this item to the June 5 meeting.

Motion by Gusty K., second by Tom P., to continue to June 5 Resolution 16 – Series 2024 a Resolution approving the Battle North Service Plan. Motion passed 7-0.

B. Resolution 17 - Series 2024 A Resolution Approving a New Maintenance and Storage Building with Wildlife Conditions

This is a continued item where at the May 1, 2024 meeting a motion was made to continue this resolution to the May 15th meeting. Council had follow up questions for the Colorado Dept of Wildlife and questions for the Town Attorney who was not present at the meeting.

Michelle M. reported she contacted the Colo Dept of Parks and Wildlife. They stated the letter submitted by CDW is only recommendations and did not see any issue with linking to other in-town closure enforcements.

Mr. Pedro Campos, representing the Cemetery, was present for comments and questions.

Motion by Tom P., second by Eric G., to approve Resolution 17 - Series 2024 A Resolution Approving a New Maintenance and Storage Building with Wildlife Conditions as presented. Motion passed 7-0.

C. Ordinance 09 - Series 2024 (Second Reading) An Ordinance Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District

Review and approve Ordinance 09 - Series 2024 Amending Chapter 16 of the Minturn Municipal Code to Create the Cemetery Zone District and Associated Use and Development Standards within the Lionshead Character Area on Second Reading. Changes from First Reading include clarification of “accessory buildings and structures”.

Public Hearing Opened
No Public Comment

Public Hearing Closed

Motion by Kate S., second by Gusty K., to approve Ordinance 09 - Series 2024 (Second Reading) An Ordinance Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District as presented. Motion passed 7-0.

D. Resolution 22 - Series 2024 A Resolution Appointing a Minturn Deputy Judge

Town Council appoints the Municipal Judge by resolution in accordance with state law and Minturn Municipal Code. The previous Deputy Judge is now a County Judge and is no longer available to serve as the Deputy Judge. In accordance with the Town's procurement policies, an RFP was sent out and staff received one submission. The single submission was from an experienced local attorney (and existing Municipal Judge for Gypsum) Courtney Holm. Ms. Holm was interviewed by a committee consisting of the Court Clerk, the Town Manager, and Council Member Lynn Feiger. It is staff's opinion that Ms. Holm is well qualified to serve this role, and will meet the needs of the Minturn Municipal Court.

Judge Holm introduced herself as a very long time Eagle County citizen who grew up in the county. She left for college and law school (Univ of Denver) and came back to practice in Eagle County.

Motion by Gusty K., second by Lynn F., to approve Resolution 22 – Series 2024 a Resolution appointing a Minturn Deputy Judge as presented. Motion passed 7-0.

Note: Brian R. excused himself for a previously scheduled appointment at 7:08pm.

E. Resolution 23 - 2024 Joint Wildfire Preparedness Proclamation

A Resolution in support of and proclaiming May 2024 as Wildfire Preparedness Month.

Motion by Eric G., second by Kate S., to approve Resolution 23 – Series 2024 as presented. Motion passed 6-0. Note: Brian R. was excused absent.

F. Ordinance 10 - Series 2024 (First Reading) An Ordinance Amending Chapter 16, Article 26 Community Housing Standards and Guidelines

Note: Scot Hunn, Town Planner, was present via zoom for this portion of the meeting.

Ordinance No. 10, Series 2024 is being presented to the Town Council in response to long-standing goals and policies adopted by the Town and, specifically, to address Objective No. 4.6 of the 2023 Imagine Minturn Community Plan to adjust the Town's housing regulations and inclusionary housing mitigation requirements.

The following summarizes the proposed amendment package:

- Reduce the Area Median Income (AMI) threshold applicable for the initial sales price for for-sale units from 200% to 140% AMI. This amendment stems directly from previous conversations with the Planning Commission as well as with representatives from the Eagle

County Housing and Development Authority since the Town's Inclusionary Housing (IH) regulations were adopted in 2020, and from recommendations of the Community Plan which state:

"The current IH program requires housing to be affordable up to 200 percent of AMI, which is a household income of approximately \$180,000 for a three person household. This income level equates to a home purchase price of over \$750,000. The IH will therefore produce housing that is close to the market rate (albeit deed restricted) as the average sale price in 2021 was \$767,000. The Town should consider requiring a lower AMI target such as 120% or a range of AMI levels from below 100 percent to the current 200 percent requirement."

While staff investigated a tiered AMI structure (e.g. requiring the provision of deed restricted units with initial sales prices ranging from 100% to 200%) staff presented the draft ordinance to the Planning Commission at their regular meeting of May 8, 2024, with a recommendation to lower the initial sales price for for-sale residential units to a level at or below 140%. The Commission recommended approval of the ordinance with the condition or suggestion that the target/maximum AMI level for initial sales price be lowered further, from 140% to 120%.

Staff supports the Planning Commission's recommendation. If Council agrees with this recommendation on first reading, staff will amend the ordinance accordingly prior to second reading. Additionally, if the Town is interested in pursuing a tiered or "range" approach to mitigation in the future, staff suggest that such changes could be further studied and additional amendments to Chapter 16, Article 26 can be presented at a later date.

- Provided definitions within Article 2 of Chapter 16 to define "Price Capped For Sale Housing" and "Price Capped Rental Housing." The Town's Community Housing Guidelines (Article 26) include requirements for for-sale and for-rent units to be deed restricted (capped) and available for certain affordability levels, but the guidelines do not currently define price caps. Here are the two new definitions:

Price Capped For Sale Housing means housing subject to a deed restriction requiring that the Housing meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

Price Capped Rental Housing means rental housing subject to a deed restriction requiring that the Housing meet Rental Rate Restrictions, quality, annual compliance and other criteria set forth in the Guidelines and Administrative Procedures.

- Clarified that the Town, when evaluating housing plans for new developments, will consider the entirety of any phased development plans.
- Created a provision/requirement that deed restrictions will not only cap initial sales price but also annual appreciation that may be captured for subsequent re-sales. This (restricting price appreciation on re-sales) is typical in most inclusionary housing regulations and is one way to address affordability throughout the life of a deed

restricted unit. Staff will need to update the Community Housing administrative standards (which were approved by resolution, separate from the Housing Guidelines/Article 26 originally) to provide details on eligible improvements that a unit owner can make over time while still capping appreciation.

Brian R. had submitted the following comments to be read in his absence as follows:

My issues with the current AMI based system can be boiled down to these points:

- I don't think we are aggressive enough with our guidelines for what I'll call "Resident Housing" vs "affordable". We should create goals/outcomes and figure out key results with strategies to reach those that would lead us there. An example could be "Minturn remains a community where a majority (80%? 90%?) of housing is occupied by year-round residents." Then, you could have a host of key results, including some AMI rental guidelines, a set of codes/fees for second homes, STR policy, etc, that combined, try to accomplish the main goal
- The current system of 20% AMI standards encourages a developer to do a very small number of small cheap units in a corner, and then maximize the \$\$ income on the rest to make up for it.
- Minturn, given our land and infrastructure constraints (dowd aside), is not in a place to make even a small dent in the massive valley wide sub ~\$1000/room housing availability gap. We should focus on doing all we can to support efforts in Eagle Vail, eventually Dowd, and the ECSD project at maloit
- We should get developer opinions on the AMI standards. Would they be able to get more flexible and creative with an 80% resident, non-appreciation cap deed restriction? Or other options we aren't thinking of? The Wellington neighborhood came up a lot in the MiNo discussions for example. That was built around the idea of "80% of the units for locals and 20% of the units for open market", and it was a developer (Brynn Grey) that brought the idea to the Breckenridge council, not the other way around.
- In general, talking about "affordable housing" leads to confusion and cynicism. As mentioned, in our valley-wide market, a \$1 million dollar single family home would be considered a "steal". Affordability is one of the many factors that can go into a housing plan, but it should not lead the line.
- Single family, low density homes will be very expensive. Multi family, multi-level, and denser lot coverage will be less so. What does our current zoning encourage? What does our community really want? There is a trade off.

Continuing from Brian, to simplify and keep this moving, I'd like to propose an alternative to the AMI calculation requirements that adds "OR 80% of the SFE's will be deed restricted to full time residency, without price caps or appreciation".

Tom P. agreed with the 120% and asked where Battle Mtn will fall on this. Scot H. stated this should be included in their development. He was in favor of an appreciation limitation. The rest of the council concurred on the 120% appreciation.

Michelle M. noted that Minturn North submitted before any of this was discussed but would confirm on the Battle Mtn and Belden developments. Discussion ensued on deed restrictions and how that would look on future submittals. This would affect projects of 5 units or more.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Motion by Tom P., second by Gusty K., to approve Ordinance 10 - Series 2024 (First Reading) An Ordinance Amending Chapter 16, Article 26 Community Housing Standards and Guidelines as amended to include 120% AMI. Motion passed 6-0. Note: Brian R. was excused absent.

F. Resolution 21 – Series 2024 A Resolution Approving an Intergovernmental Agreement with the Intermountain Transportation Planning Region

Note: this item was moved from the Consent Agenda for further review.

Michelle M. explained her request to pull this from the Consent Agenda stating that CDOT was further reviewing this agreement, had found items in the IGA that need to be updated and that this was not ready for approval. She asked this be tabled and moved to the June 5 meeting.

Motion by Eric G., second by Lynn F. to continue to June 5 Resolution 21 – Series 2024 A Resolution Approving an Intergovernmental Agreement with the Intermountain Transportation Planning Region. Motion passed 6-0. Note: Brian R. was excused absent.

11. DISCUSSION / DIRECTION ITEMS

A. Taylor St Parking

Taylor St residents have traditionally parked somewhat haphazardly along both sides of the road, oftentimes with vehicles parked in the wrong direction – in opposition to oncoming traffic. This has caused issues for years with snowplow removal; however, the Town has worked around these complications in the past. With the request from a Taylor St resident to “clean-up” the parking lanes with the goal of ensuring safe two-way access by drivers and emergency vehicles, Council will need to consider the Town’s willingness to implement and enforce this request. Oftentimes, the street right of way can be easily depicted by the location of the electrical poles. Taylor St is a 40’ public right of way and is not a straight line, but rather curves in multiple areas. The fence on the west side of the street in the photos is located many feet within private property, so the narrowing of the road, causing difficulty for two-way traffic is being created primarily by parked vehicles encroaching too far into the right of way. Many of the vehicles included in the attached photos can be seen parking well into the driving lane (photos taken 5/10/2024). This issue is further exacerbated by numerous private properties along the east side of the road creating/installing improvements such as berms, retaining walls and other structures within this right of way area.

Brian R. submitted the following in advance of the meeting as he anticipated he would be excused from this portion of the meeting due to a prior commitment:

Again since I need to leave early tonight, here are my comments and a link to a study:

I'd defer to what Taylor residents want, but everyone should be cognizant that on-street parking, variations in approaching traffic, and narrowing the effective width of the street will reduce traffic speeds.

To quote a study from the National Association of City Transportation Officials:

There is a relatively strong correlation between average speed and opposing volume, particularly on narrow streets where drivers either must pull over and stop to let other vehicles pass or where the perception of street width is too narrow to judge accurately. In either case, on-street parking density plays an important role as it defines the effective width of the street. Related to the opposing volume is the headway between vehicles. Short headways mean that drivers encounter other vehicles more frequently and are thus required to slow down more often.

Observation has shown the situation which promotes the highest speeds on residential streets is a wide street with low parking density, low traffic volumes, and long vehicles.

(https://nacto.org/wp-content/uploads/2015/04/narrow_residential_streets_daisa.pdf)

If we were talking about Pine or Boulder in front of my house, this is what I'd want to make the streets safer. (End of Brian's comments)

Staff is requesting council to provide one of three directions as follows which, as appropriate, shall be actively enforced by town staff and the Eagle County Sheriff's Department. Staff will soon begin work toward the paving of Taylor St at which point a much more detailed discussion on this matter will be required.

- Do nothing and leave the issue as is
- Reclaim the entirety of the right of way area
- Require all parking to be conducted outside of the paved driving lanes with no parking on the west side of the road from 4th Street south (staff recommendation)

Discussion ensued as to the effects changes would have and if that would be a solution. It was noted that when we do pave Taylor we will need to review all options prior to paving/curb/gutter. It was noted that a number of properties do not have onsite parking and need the ROW parking but that it should be parallel to the street not perpendicular to the street.

Council Direction Given:

- Supportive of parallel parking on the ROW on both sides of the street.
- The trailhead parking is proposed at 54 spaces and in the winter that could be used as snow operations freeing up ROW parking. The trailhead parking is most needed during the summer period.

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics

- Wildlife regulations in town

13. ADJOURN

Motion by Gusty K., second by Tom P., to adjourn the meeting at 8:03pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings and Events:

- May 27, 2024 Memorial Day; Town Hall Closed
- June 1, 2024 - Town Cleanup Day
- June 5, 2024
- June 19, 2024
- July 2, 2024 Independence Day Celebration
- July 3, 2024? - Council to Discuss
- July 4, 2024 - Independence Day; Town Hall Closed