



## OFFICIAL MINUTES

### Town Council Meeting I Work Session 4:30PM I Regular Session 5:30PM

Wednesday, March 05, 2025

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/87219220761>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 872 1922 0761

**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:** Town Council conducted a work session led by Town Engineer Jeff Spanel, to discuss the Taylor St. paving project, and Railroad Ave. Safety / pedestrian improvements.

The highlights of that discussion are contained in that Discussion / Direction section of the regular meeting minutes.

Note: Due to a Conflict of Interest, Tom Priest recused himself from the Work Session and did not attend.

- 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 Tem Eric Gotthelf , Town Council members Lynn Feiger , Gusty Kanakis, Kate Schifani, Tom Priest and Brian Rodine.

Staff present: Town Attorney Michael Sawyer, Town Planner Scot Hunn, Code Compliance Kevin Rindy, Town Clerk Jay Brunvand, and Deputy Clerk Cindy Krieg (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.** 02-19-2025 Minutes

**B.** Letter of Support for Eagle County and VVMTA's Outdoor Stewardship Partnership Grant Application

**C.** 532 Main Street - New Single Family Residence

**D.** 0019 Belden Way - New Single Family Residence with Accessory Dwelling Unit

Motion by Gusty K, second by Tom P, to approve the Consent Agenda of March 5, 2025 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 Gusty K, to approve the Agenda of March 5, 2025 as presented. Motion passed 7-0.

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

Due to a Conflict of Interest, Tom Priest recused himself from the Work Session and the Discussion/Direction: Taylor St. Paving and Railroad Ave. Safety / Pedestrian Improvements. Tom P. is a homeowner and resident of Minturn Townhomes.

### **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. brought up some upcoming events: First Friday on 3/7, and the last Community Potluck of the season on 3/10.

Tom P. mentioned that the MFC is doing training for the senior citizens group at VSSA on Wednesdays at 11am.

Lynn F. has applied to be on the Fire District board as the Minturn representative.

Earle B. mentioned that Scott Fitzwilliams has left his role as USFS Supervisor of the White River National Forest. Scott had been our point of contact for the past 15 years.

Earle Also attended the Core Transit board retreat last week. Working on adding more routes for Minturn. He was also able to share that since the inception of the RTA there has been an 80% reduction in greenhouse gas emissions from vehicles on our roads locally.

## **9. STAFF REPORTS**

### **A. Manager's Reports**

#### **Interim Town Manager – Jay Brunvand**

##### **March 5 Council Meeting**

Staff is looking at having a work session to start the 3/5/25 meeting. This work session will start at 4:30 and dinner will be included. The session will cover the Minturn Townhome drainage and Taylor St Paving and will be presented by our Town Engineer, Jeff Spanel. This will allow Jeff to give a more complete picture of the two projects for the council and citizens.

##### **MuniBilling Utility Billing System**

We continue to assuage this, as with any new system I am finding minor tweaks that need to be made but all in all I am very happy. I am also working with Core and Main (previously Dana Kepner) who handles the radio tower and data collection process. Currently we receive a monthly data push from ERWSD that gives us the current read for the month. Having our own tower will allow us to access a lot more data to make the system more cohesive and useful. I have been pushing Core and Main to keep this on the front burner but we are looking at April or May, not the February or March I had hoped for and this date might change too. They are the only game in town and they are less responsive than I had desired.

##### **Minturn Education Fund**

The Minturn Education Fund committee has been busy getting the 2025 Scholarship program ready. Scholarship applications are available and all applications and associated requirements are due in by end of business on March 14, 2025!

##### **Community Dinners**

There have been two community dinners so far and the last one of the season is scheduled for Monday, March 10.

##### **Eagle County Wildlife Round Table**

I attended an Eagle County Wildlife Round Table meeting. During the meeting they reviewed the draft Decision Support Tool. During this meeting SG Group provided an update on the

development of the Egle County decision support tool and provided a brief demonstration of the product. The demonstration allowed attendees to comment and ask questions. More information will be forthcoming, but it appears that this tool will allow the user the ability to view specific areas in the county to estimate impacts on the environment and wildlife when looking at developments and new trails before construction is actually begun.

### **Town Manager Search**

I spoke with our KRW associate on how the town manager search is progressing. She stated all is going well and they/we currently have 10 applicants. She noted that she **anticipates more** applicants as the deadline draws nearer. The close date for applications is Friday March 14. Once the close date passes things should start moving a little faster with reviews, setting up interviews, interviews, and hire.

### **Snow and ice removal**

I wanted to give a shout-out to Public Works. During the recent onslaught of snow, cold and ice they kept our streets safe and traversable. Any call I received has been quickly attended too. During the warm trend of 2/24-28 they attacked the snow dumps and hauled everything to our main Cemetery Rd dump and addressed the traditional ice spots such as Pine to Main on Toledo. A strong thank you to Arnold, Isaiah, Michael and Micah!

### **Holy Cross Electric**

HCE has contacted me regarding the Avon to Gilman high power transmission line project that has been under study for the past several years. We have set up a meeting to discuss the current proposal for March 13. This current proposal was agreed to by HCE about a year ago and has been the foundation of the NEPA hearings. The difference from prior iterations is an additional mile or so of undergrounding from the Vail Boneyard to the USFS office and they eliminated the HWY 24 overhead crossing by undergrounding it. Additionally, HCE would like to get back in front of the Council in a near upcoming meeting. I will work with HCE and set a Council meeting date for them to present and field questions.

### **Interim Town Manager – Katie Sickles**

It has been a great month getting the feel for the Minturn community. I met all the staff February 11. Town staff has a good handle on their respective duties and I hope to provide support where needed if needed. For the most part I am concentrating on the assigned projects.

**A. Update on the Water Treatment Plant (WTP) Design & Engineering:** HDR provided an explanation to a recent invoice that had \$1,688,540 instead of the \$1,393,000 I reported last month. Below is the breakdown of the \$1,688,540.00 plus the \$280,400.60. This is the comprehensive fee amount from the original contract plus the amendments received over time on the project. Original Contract Fee \$ 1,529,000.00 WTP Design (July 2022) Amendment No. 1 \$ 53,780.00 Water Supply Alternatives & Evaluation Workshops (Nov. 2022) Amendment No. 2 \$ 105,760.00 Additional Engineering Services (Nov. 2023) Amendment No. 3 \$ - Budget Reallocation of \$1,688,540.00 for adjustment of SOW(April 2024) Original + Amend. 1-3 Total \$ 1,688,540.00 Amendment No. 4 \$ 280,400.60 Updated WTP Design Fee (February 2025) Overall Total Fee Booked \$ 1,968,940.60 Invoiced to date \$591,918.45 with \$1,377,022.10 remaining. The 2025

budget includes \$875,136.20. To advance the plans to 90% September 2025 will require a budget supplement. This expense is covered by CDF.

### **B. CDOT Feb 26 Bellm Bridge Kickoff Meeting**

CDOT bridge staff will provide an estimate of repurposing the Dolores bridge in Minturn after they review inspection reports, however the other option was to use the arched details as a façade. Even without the inspection reports, CDOT Bridge staff felt that the cost would exceed \$5.5 million. The façade idea seemed to be particularly popular. Minturn is 1st in line for the Dolores bridge and La Junta is next. Minturn will receive an IGA and additional documents in a week or two to draft an RFQ for design. An engineering firm with CDOT and bridge experience was emphasized several times during the meeting. The grant provides design funding of which expires in four years. Although the bridge replacement is important, the design may sit on a shelf for years until construction funding is secured. The CDOT staff recommended that the quiet title work planned in this area be completed ASAP.

C. Williams Street and CDOT: Jeff Spanel found the August 2022 emails regarding redirecting Williams Street north. The explanation provided that without infrastructure to allow a right turn only land and lack of a physical location for a 3rd lane CDOT would not allow. Due to the congestion, confusion, planned development on Nelson and a discussion with Madison I asked Jeff to consider other physical changes in the town right-of-way that may reduce the conflicts. Jeff can provide more info.

D. Little Beach Park Retaining Wall and Playground: Below is a draft schedule for the Little Beach Park Retaining Wall and Playground. For the most part this project will avoid summer events, however there are only two summers to complete both projects. We are searching for grant opportunities regarding the playground expense. Jeff Armistead is interested in housing the playground either temporarily or for his purpose.

E. Revitalizing Main Street – Phase II Sidewalks:

Submittal deadline for proposals - Tuesday, March 11, 2025 (3pm MST) then evaluation of proposals will go to Town Council for Final Selection - Wednesday, March 19, 2025.

F. Safe Streets for All: The virtual meeting was held the evening of February 25 and stakeholders on February 26. Just a couple more meetings and Stolfus will provide a draft SS4A plan. The photo is a Silt pedestrian extension on US Hwy 6.

G. The Town Manager position ad closes on March 14.

## **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 08 - Series 2025 A Resolution Appointing DDA Board Members

The DDA Board is a five member board appointed with “four year staggered terms from the date of their appointment; The initial staggered terms are set by State statute and cannot be changed. Although two of the initial terms will expire quickly, those board members may apply right away to be reappointed and would then serve a 4 year term.

Ordinance 25-2024 established the Minturn Downtown Development Authority, as set below:

**SECTION 3. BOARD ESTABLISHED.** The Authority shall have a Board of Directors (the “Board”) comprised of 5 members appointed by the Town Council, constituted as follows:

- One member shall be a member of the Town Council, appointed to serve at the pleasure of the Town Council.
- All members aside from the Town Council member shall be property owners, employees or agents of a business, business lessees, or residents within the designated boundaries of the Authority.
- A business shall include a for-profit business, and business representatives may be an owner, officer or director of a corporation.
- No officer or employee of the Town, other than an appointee from the Town Council, shall be eligible for appointment to the Board.
- The Town Council member shall serve at the pleasure of the Town Council.
- The terms of 2 members shall expire on June 30, 2025.
- The terms of 2 members shall expire on June 30, 2026.

**SECTION 4. TERMS.** A Board member shall hold office until their successor has been appointed and qualified. After the terms of the initial members of the Board have expired, the terms of all members except the Town Council member appointed by the Board shall be four (4) years. Within 30 days after the occurrence of a vacancy, the Town Council shall appoint a successor for the remainder of the unexpired term.

Staff has advertised the formation of the DDA Board and received five (5) applications, all of whom are qualified to serve under the ordinance. Council is asked to appoint four applicants.

Tom Priest has volunteered to serve as the Council representative on this board.

Applicants:

- Spence Neubauer (Property and business owner downtown)
- Tom Warren (MR Minturn representative, representing multiple downtown properties)
- Morgen McLaughlin (Residential and commercial property owner downtown)
- Joe Delude (Business owner downtown)
- Zane Gearhart (Resident within the district)

Each applicant had a chance to introduce themselves and talk about why they want to serve on this board. Tom P. asked the same 2 questions of each applicant, each of whom provided responses.

Ballots were provided to the Council with the five applicants' names. Council was asked to choose four names, and the applicants that receive the two highest votes will be appointed to the longer terms, third and fourth highest votes will be appointed to shorter terms. If there is a tie, Council will ask for volunteers to take the shorter terms and then reapply since those initial terms are so short in duration.

Per State statute, the board is required to have specific board roles including a Chair, Secretary, and Treasurer. A Vice-Chair role is optional, and the council board member will be an at-large member. These roles will be determined by the board itself at the first board meeting.

Upon appointment selections, the DDA Board can begin regular meetings, and can begin with the primary initial goal of creating a Minturn DDA Plan. A DDA Plan serves as a comprehensive roadmap outlining the vision for the development and improvement of a city or town's central business district, aiming to revitalize the area through targeted projects, economic strategies, and beautification efforts, in Minturn's case utilizing funds generated from tax increment financing within the designated downtown district area.

Although the vote is public, ballots are used for maintaining the record.

Applicants in turn introduced themselves and stood for questions.

Jay B. noted that the vote is public, however for recordkeeping, a ballot is used. The council members would vote 1-4 the two with the most votes as 1 or 2 would be appointed for the two-year terms, then the two highest votes would be appointed through June 2025 at which time they would be up for reappointment.

The first round of balloting resulted as follows:

Spence Neubauer = 6 (2yr term)

Tom Warren = 14 (2yr term)

Morgen McLaughlin = 19 (June 2025)

Joe Delude = 19 (June 2025)

Zane Gearhart = did not receive the minimum 4 council member votes

Motion by Gusty K, second by Kate S, to approve Resolution 08 - Series 2025 A Resolution Appointing DDA Board Members Councilman Tom Priest, Spence Neubauer (longer term), Tom Warren (Longer Term), Morgen McLaughlin (Shorter Term) and Joe Delude (Shorter Term) as presented. Motion passed 7-0.

**B. Resolution 09 - Series 2025 A Resolution Approving an Encroachment Removal Agreement**

Chris Rhodes and Juliet Greene Rhodes own the property at 501 Pine Street in the Town of Minturn. Town Staff discovered that certain improvements, including a fence, encroach from the Rhodes's property onto the Town-owned right-of-way known as Meadow Lane (the "ROW").

Town Staff have been in communication with the Rhodes's to make a plan for the removal of these encroachments.

The Encroachment Removal Agreement, attached as **Exhibit A**, designates a timeline and conditions for removal of the encroachments from the ROW. The Agreement requires that the Town surveyor place flagging on the property to show the property and ROW boundaries. The Agreement also sets June 30, 2025 as the date for final removal of the encroachments following the snow/mud cycle of the spring months. In the event the property survey shows that certain of the improvements encroach no more than six inches into the ROW, the Rhodes's may apply for an encroachment license from the Town to allow these improvements to remain inside the ROW.

Town Staff recommends the Town Council approve the Encroachment Removal Agreement, attached as **Exhibit A**, to ensure the safe and timely removal of the encroachments.

Juliet Rhodes spoke and explained that the original foundation of the garage is where they built their deck on, they used that as their base / gauge. (it was there from 2 properties ago). They did not realize the Town right of way extended into the woods / beyond the street.

Motion by Gusty K, second by Kate S, to approve Resolution 09 - Series 2025 A Resolution Approving an Encroachment Removal Agreement at 501 Pine St as presented. Motion passed 7-0.

C. Ordinance 04 - Series 2025 (First Reading) An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Existing Restrictions on Connections to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply

The Town wishes to amend Chapters 13, 16, and 17 of the Minturn Municipal Code (the "Code") to incorporate into the Code existing restrictions on connections to the Town's water system based on limitations of available legal and physical water supply. The limitations that exist on the Town's water availability include: (1) legal consumptive use limitations on the Town's water rights, and (2) limited physical capacity of the Town's water treatment facility, both of which necessitated implementing a moratorium on connection to the Town's water system and allocation of water service in 2020. The Town extended the 2020 moratorium in 2023 to limit allocation of water service to no more than the historic number of Single Family Equivalents ("SFEs") used plus one additional SFE for new water use for an entire property or collection of adjoining properties owned by the same or related owners, as legally configured on the date the 2020 ordinance was passed. Chapter 13 of the Code contains the provisions that govern Municipal Utilities. Chapters 16 and 17 contain the Zoning and Subdivision provisions of the Code and include language on connections to the Town's water supply. Town staff has reviewed these Code chapters and believes it necessary to amend the code provisions set forth in the ordinance exhibit to condition any building permit or subdivision on issuance of a "Letter of Service" from the Town authorizing connection to the Town's water system. This condition will ensure that no building permit is issued without conformance to the restrictions set forth by the 2020 and 2023 moratoriums. The code changes will also limit the processing and approval of a subdivision creating more lots or units than are made available in the Letter of Service.



To protect the Town's water supply while the Town pursues legal and physical capacity solutions to expand its water service, Town staff recommends codifying the restrictions articulated by the 2020 and 2023 moratoriums into the Code with the adoption of the ordinance attached as Exhibit A.

Mike S. introduced the ordinance. The Town's water moratorium has been in place since 202. While the Town is actively working on ways to lift the moratorium, it will likely be awhile before those efforts can be brought to fruition. Therefore, the Town wants to make clear through amendments to the code the general enforceability of the restrictions. Counsel recommends to embody this into the code, as that is the reference point for most people looking for information regarding SFEs and the Town's water service.

The code amendment is not changing the restrictions, but it is creating a new process for obtaining a Letter of Service (verifying the # of SFEs that the property owner is eligible for).

Mike S. also suggested some changes prior to second reading regarding how SFEs read in the code. He will work on clearing this up with some more definitive language.

Council Comments:

Lynn F:

Regarding historical use + 1

What if there is a piece of property with no current tap, but there was historic use?

Jay B. responded that, If they don't currently have a tap, they would qualify for zero + 1 (but is also dependent on contiguous lots).

Vacant lots qualify for 1 total (0 + 1)

Brian R:

Asked to clarify that this does not create a new waiting period / waiting list for available SFEs.

Mike S. confirmed that this does not create a new waiting period. But any Land use application has to be consistent with a Letter of Service.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Tom P, second by Kate S, to approve Ordinance 04 - Series 2025 (First Reading) An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Existing Restrictions on Connections to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply as presented. Motion passed 7-0.

## 12. DISCUSSION / DIRECTION ITEMS

### A. Discussion/Direction – Live Stream Setback Regulations and Enforcement Discussion – Hunn/Rindy

Scot Hunn introduced the discussion item. Recently, Minturn resident Alex Markels spoke at public comment regarding his concerns about potential violations within the 30' river setback. In response to that, Council had directed staff to come back for a more detailed discussion about how to address these concerns. One of the requests was to have some subject matter experts join us, and therefore Peter Wadden (watershed specialist with the Town of Vail and board member with the Eagle River Coalition) is present to share some insights regarding riparian health and best practices.

Scot also touched on enforcement, and noted that the Town has had challenges over the years with catching violations. The Town has historically approached code enforcement on a complaint basis; meaning the Town has not proactively identified or pursued enforcement of violations within the 30-foot setback, choosing, instead, to respond to complaints on a case-by-case basis. The Town has also had difficulty enforcing the regulation due to limited resources (lack of code enforcement personnel and/or competing enforcement priorities).

With regard to these most recent complaints, received in late 2024, we are currently in a holding pattern due to snow and needing to be able to see the ground and assess the situation.

Section 16-2-50(B) – *Live Stream Setback*, of the Minturn Municipal Code (MMC) has been in effect since 1999. The regulation generally prohibits human made improvements and disturbance within the 30-foot setback area – measured horizontally from the ordinary high water mark of any live stream, river, or creek - and requires that only “natural” plantings be allowed to grow within that area. Here is the regulation and definition of “Ordinary High Water Mark” for reference:

*(b) Live stream setback. A strip of land measured horizontally from the ordinary high water mark on each side of any live stream, river, or creek shall be protected in its natural state free from human made structures or other improvements and appurtenances, and vegetated with natural riparian vegetation. If necessary to protect the live stream, river or creek, additional setback distances may be required by the Planning Commission. The following exceptions may be considered by the Planning Commission and/or the Town Council on a case-by-case basis:*

*(1) Underground utilities may be located in the live stream river or creek setback; provided, however, that there is no practical alternative location for such utilities, and that plans and/or reports related to proposed disturbance within the setback area are prepared by qualified professionals showing limits of disturbance, erosion control measures and revegetation are approved by the Town Council.*

*(2) Roof overhangs may project a maximum of eighteen (18) inches into the live stream setback if the Planning Commission determines that such encroachments do not detrimentally impact the proper, natural functioning of the protected live stream setback area. (This provision was added in 2023).*

*Ordinary high water mark means that line on the bank established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas.*

Historically, the Town has been able to enforce this regulation upon review and approval of new homes along the Eagle River, or upon review of proposed development projects along Cross Creek, Game Creek, or Grouse Creek. For example, plans for new homes include landscape plans showing tree and shrub species as well as areas of natural or “native” seeding as well as areas where sod or seeding of grass is planned. For projects along a stream, river, or creek, this allows staff to identify areas within the 30-foot setback and to determine if proposed planting or seeding is appropriate.

However, once projects are completed and the Town has finalized its building permit inspection process, some residents along the river modify their landscaping within the 30-foot setback area by removing vegetation (cutting trees or other riparian vegetation); by mowing or manicuring areas previously approved as “native” grass; or constructing improvements such as pathways or small patios/seating areas within the setback area.

#### **Recent Complaints:**

The Town periodically receives complaints about live stream setback violations. In the past, the Town has acted on such complaints by inspecting properties and, depending on the case and the severity of a violation, has required removal of unauthorized encroachments and/or restoration of disturbed areas.

The Town received complaints in late 2024 regarding apparent violations within the 30-foot setback along the Eagle River, including alleged human made improvements, planting/manicuring of non-native or non-riparian species, and the cutting/removal of natural riparian vegetation. In response to those complaints, staff has initiated investigations which may not be completed until late spring or early summer 2025 when the snowpack has receded and areas within the 30-foot setback can be accessed.

#### **Next Steps:**

While staff continues its investigations, the Town Council has directed staff to facilitate a discussion to address the current live stream setback regulation, recent complaints, enforcement alternatives, and other best practices that the Town could pursue to enhance river and riparian area health and protection.

The Town has invited Peter Wadden, Town of Vail Watershed Health Specialist, and Peder Franson (who was unable to attend), Eagle River Coalition Watershed Restoration Manager to join the Town Council discussion on March 5<sup>th</sup> to share their experience around river and riparian area setback enforcement, restoration, protection, and best practices.

#### **Peter W:**

Peter spoke about riparian vegetation and what that really means. A waterway is more than just water flowing through a channel, it's an ecosystem that is dependent on the vegetation on either

side of it. This is important for preventing erosion, shading waterways (for water temperatures / fish health), filtering runoff, etc. When riparian habitat is removed, it's often replaced with something that causes actual harm (such as fertilized turf grass or ornamental vegetation, items involving chemicals that can runoff into the waterway); as well as in some cases intensive irrigation that affects water resources.

Enforcement can be very difficult, it requires a lot of manpower and takes getting people out there early in the season (spring), because once a landscape becomes covered in snow then any investigation or enforcement is essentially paused until the snow melts.

In Vail, they rely heavily on having up to date aerial imagery, which is very helpful for staff to be able to see what's changed. They use a product called Nearmap Imagery, which is updated twice a year. This product also has a public online webmaps portal. While not perfect, it can be a very useful tool.

But it's still imperative to get people out there on the ground to identify and enforce violations.

Peter also spoke regarding a carrot and stick approach. Vail has a modest cost-share program for property owners who want to restore their streambank to native habitat. This program provides up to 50% cost-share for property owners who want to come into compliance. They've had around a dozen property owners take advantage of this so far.

Education and outreach is also extremely important. A lot of people are initially resistant until they understand why the regulations are in place.

#### Council Questions:

Brian R. asked Peter to share a little about Vail's education efforts. He also asked about public established river access (how can we use those tools to prevent people from developing their own private access points).

Peter W:

Vail had to create a public understanding that there was a problem that needed to be solved. Initially locals felt that Gore Creek was a clear, healthy stream / fishery so they didn't see an issue. When looking to educate individuals about how their actions affect the stream, it can be difficult as they sometimes look to blame larger entities such as the resort, the highway, the golf course, etc. Without blaming or accusing, it's important to paint the picture of how small behaviors have a big impact.

Vail has held workshops for landscapers and homeowners, have produced brochures and have partnered with partner organizations such as ERC, ECCD, and ERWSD regarding outreach and education.

Regarding access points, Vail has had to guess where people want to access the river. You can close a certain number of social trails and access points via strategic signage and barricades, and

encourage people to use designated access points. But it's challenging to figure out how far apart those access points should be, so that people will just create their own.

Tom P. inquired about Vail's stance / policy with regard to enforcement of non-compliance.

Peter: A lot of issues can be resolved without enforcement. Sometimes the threat of enforcement or just being caught is enough. Some things can be retroactively permitted (if in line), but of course some items need to be removed (at the homeowners cost). Vail's code was updated in 2022 and references the general penalties, which are tiered. Every day that the encroachment remains in violation those fines can be applied. There are considerations to be made with regard what a person can reasonably do to correct, depending on circumstances (not just piling on fines). Vail has issues with both people encroaching into setbacks on their own property, and people encroaching onto Town property (hard and fast no with regard to town property).

Maps.vail.gov (publicly available mapping system) – shows rough setbacks.  
(Nearmap platform) – they do an aerial fly-over twice a year to update.

This allows staff to see if something new / unpermitted appears. Staff also does a lot of on-the-ground inspections.

Public Comment Opened.

Public Comment:

Bill Hoblitzell, 262 Taylor.

Mr. Hoblitzell did not have any questions, but offered his services as a subject matter expert. He runs the water quality assessment program for ERC, and also does all of the land use referrals for the river coalition.

Additional Council Discussion:

Earle B:

As far as ecological health is concerned, a lot of restoration work was done in the past to restore the river back to good health. It's imperative that we do whatever we can to preserve it. We need some active surveillance. We could walk the railroad tracks to get an idea and take photos. Perhaps we can utilize some volunteer help?

Lynn F:

What things can be grandfathered in? For things that were approved that should not have been?

Scot H:

Setback regulations were put in place in 1999.

Scot H: Recommends establishing a process for identifying and researching improvements that may have been put in place before the regulations, and improvements that were perhaps put in place erroneously after the regulations were in place. Also need to staffing and resources. Staff would like to take the next couple of months to assess and come back with recommendations.

Earle B. inquired if there are any grants for this type of work?

Katie S. is not familiar with any grants for this type of work, but we can look into it.

Katie also noted the difference between a formal survey and a windshield (in this case boat) survey.

Tom P. also noted that if residents become aware that the Town is now focusing on this, there could be some self-correction.

Mike S. noted that the Town will have some grandfathered-in items that were approved by the Town, especially buildings with a certificate of occupancy.

Pre-existing / non-conforming structures still have to adhere to the pre-existing / non-conforming section of the code.

Additional Public Comment:

Alex Markels, 624 Main St.

Thanked the Council and staff for addressing these concerns. His initial research resulted in submitting a CORA request for building permits, and the result was learning that there were several projects (mostly decks) in the Enclave that had not been permitted.

Mr. Markels also brought up quiet titling the river. He was curious why the Town didn't try to quiet title whatever riverfront is not privately owned.

New homeowners are buying homes and are quickly moving to quiet title the property between the riverbed and their property line.

Mike S. responded that the decision to focus the quiet title action between the high water marks on either side of the river, were based somewhat on recreational access. But there is also a legal burden with that approach, you have to meet the requirements of adverse possession.

Direction Given:

Scot H:

Would like the opportunity to come back to present a more formalized proposed plan and estimated costs.

Will also research other tools and resources, including the Nearmap aerial imagery option.

**B. Discussion / Direction – Taylor St. Paving and Railroad Ave. Safety / Pedestrian Improvements – Spanel / Sickles**

This letter is an update to Town Council for the Taylor Avenue capital improvement project. Two meetings were held to allow the Taylor Street residents the opportunity to discuss concerns regarding the resurfacing of Taylor Avenue. The first was the September 18, 2024 Town Council Meeting and an Open House held at Town Hall on January 9, 2025. There were approximately 15 residents who attended the open house and Cindy Krieg (Economic Development/Deputy Clerk)

heard from several residents after the Open House meeting. Our notes from the Town Council and the Open House meetings (including the subsequent comments) are attached. Our letter is our understanding of neighborhood concerns and will provide a framework for the Council to direct final design parameters.

We are requesting direction for these action items to proceed with preparing the design, cost estimates for budget, and construction documents.

**Northern Extent of Taylor Avenue Reconstruction:** The southeast limit of the Taylor Avenue reconstruction is the intersection with Minturn Road in front of the Minturn Towne Homes. Our understanding was to end construction at the north end of the Taylor Avenue public right of way. The right-of-way ends at the north property line of Lot 12 of the Taylor Addition (568 Taylor). Please refer to the partial plan below. At public meetings, several property owners spoke up and said public access extends beyond this point and feel road improvements should extend further uphill to the limits of public access (beyond the right of way).

Action Item: The Town needs to confirm the northerly extent of the repaving project.

Direction Given:

Pave right-of-way only

**Paving Private Driveways:** Several residents asked if the Town would pay for, facilitate, or provide incentives for paving private driveways. At the neighborhood meeting, we informed residents the current plan only included paving within the Taylor Avenue right of way, and suggested the Town could facilitate a meeting with the selected contractor and interested neighbors to negotiate private contracts for private driveway construction while the Taylor construction is underway. This approach would keep the Town's contracted scope of work under its insurance liability and may reduce costs for each owner by eliminating additional contractor mobilization and taking advantage of bulk pricing.

Action Item: The design will include paving a five foot (5.0) asphalt apron at each driveway to facilitate blending the new roadway to existing driveways. Additional pavement and associated costs beyond that would be an additional cost and Town decision.

Direction Given:

5' asphalt apron with each private property owner negotiating their pavement project with awarded contractor

**Taylor/Minturn Road Intersection:** Residents noted the Taylor Avenue intersection with Minturn Road is steep and skewed. It should be noted the skew angle was established with the Final Plat of the Taylor Addition in the 1900's.

- The skew angle of this intersection is approximately 42 degrees, which does not meet design standards. The American Association of State Highway and Transportation Officials (AASHTO), which is considered the industry standard guideline, recommends a maximum skew

angle of 75 degrees. The smaller angle restricts a southbound driver from seeing and reacting to approaching vehicles coming from the north along Minturn Road.

- AASHTO recommends existing intersections with an acute skew ( less than 75 degrees) should ideally have the skew angle corrected. If improving the skew is not possible, alternative measures should be considered such as modifying the intersection to right in right out access on the skewed leg.

- The existing slope of Taylor Street is about 7.0% coming into the intersection. To meet design requirements the road should be no more than 4.0% (flatter) at the intersection for the first fortyfeet (40.0'). If the intersection approach is reduced to 4.0% the balance of Taylor Street coming into the intersection will exceed Minturn Municipal Code (MMC) requirements and the road surface will not align with existing driveways.

Minturn North studied the relocation of Taylor to correct both the slope and skew angle (below). This requires the intersection at Minturn Road to be raised approximately six (6) feet, which will create access issues with connecting driveways at the Minturn Towne Homes.

Neighbors asked if something could be done on a smaller scale such as restriping to improve the intersection. The existing asphalt does not have sufficient width to effectively restripe the existing lines to straighten the intersection. Improving Taylor Avenue will require relocating the intersection with Minturn Road. We looked briefly at straightening Taylor Avenue for a short distance at the intersection. This appears possible but will require right of way to be taken from the Ton Tract C, placing considerable fill material and extensive utility relocation.

Action Item: The Town needs to decide if there will be additional investigation of the Taylor Avenue/Minturn Road intersection.

Direction Given:

Reconstruct & pave current street location

**Realign Taylor Avenue away from Building C of the Minturn Towne Homes.** Residents pointed out Building C of the Minturn Towne Homes is too close to the Taylor Avenue pavement. The driveways are short and large vehicles parked in the driveway encroach into traveled way. They suggested moving the pavement north into the Town's Parcel C to be able to lengthen the driveways.

- Relocating the asphalt will require widening the right of way into Parcel C. The ground surface falls off steeply at the edge of the pavement and moving the roadway will require extensive fill material and regrading.

Action Item: The Town needs to decide if they want to allow the encroachment into Parcel C and incur the additional reconstruction costs.

Direction Given:

Pave right-of-way only



**Drainage Considerations:** The mountain hillside above Taylor Avenue produces significant runoff, with both surface and subterranean flow, particularly during spring runoff. The existing street slopes to the west and water is allowed to flow over the street. There are a few culverts which collect water and direct drainage under the road. Water damages asphalt paving through frost action and damaging the subgrade. The typical design for a road in a similar location would include a roadside ditch to collect water with culverts to control the flow of water below the roadway. Residents would like to preserve on-street parking on the east side of Taylor and felt a ditch or shallow swale would preclude parking. A drainage ditch will preclude parking and require culverts to be installed under each driveway.

Taylor Avenue residents would prefer the drainage to continue to sheet flow across the surface of the Taylor Avenue roadway. This would be accomplished by sloping the roadway to the west and bringing the adjoining grading up to the surface of the road. If this alternative is selected, we recommend thickening the east edge of the asphalt to stiffen and minimize water from entering the roadbase. Existing culverts and storm sewer crossings will be inspected and repaired or replaced. Additional inlets and culverts will be added at locations necessary to promote drainage flow.

Action Item: We need guidance from the Town on the preferred roadway section and drainage improvements.

Direction Given:

A roadside swale to convey stormwater away from street

**Width of the roadway:** Residents would like the road to remain in its current location on the west side of the right of way to preserve on-street parking in front of the existing homes. The existing asphalt is approximately 25 feet wide, and the neighborhood would like to maintain the 25 foot width.

- The Town has approved narrowing travel lanes to 10 feet to promote traffic calming. The approval for Minturn Road is 22 feet of asphalt with 10 foot travel lanes.

Action Item: Please provide guidance for the width of the roadway.

Direction Given:

Reconstruct and pave 22 feet of asphalt

**Traffic Calming.** There is concern for slowing traffic and the neighborhood would like to see speed dips installed at the locations where dips in the road already exist. Locations identified include 484 Taylor (Sta 6+50); 392 Taylor (Sta 10+50); 292 Taylor (Sta 15+50); and 232 Taylor (Sta 18+25). A "speed dip" is a depression in the road and a "speed hump" is a raised section of pavement. Both are typical additions used to control speed, with the key difference being that a dip forces drivers to slow down by going through a low point, and a hump forces drivers to slow down driving over a raised obstacle. "Speed humps" are generally considered the preferred method for traffic calming as they are less jarring to vehicles and easier to see than dips. The residents feel

the speed dips are more appropriate and will help transmit drainage across Taylor. Speed dips will lose effectiveness when they fill with ice and snow. Speed Dip Speed Hump

Action Item: Please provide direction on the use of speed dips.

Direction Given:

Jeff Spanel will review in more detail and provide a preferred option based on input.

**Parking for the Minturn Mile:** The Minturn North development agreed to construct 54 perpendicular parking spaces between Fourth Street and the northerly limit of Taylor Avenue. Construction has started and the parking is in use. Residents are concerned there are too many spaces, many are too steep, with vehicles getting stuck regularly. Residents would also like the spaces restricted to daytime use for recreation activities.

- Residents suggest limiting the perpendicular parking area from roughly 564 Taylor to 560 Taylor; switching to parallel parking to 534 Taylor. The limits are marked on the map included with the Neighborhood Meeting Notes.

Action Item: Does the Town wish to make changes to the parking for the Minturn Mile?

Direction Given:

Retain 54 perpendicular parking spaces developed by Minturn North and verify that the parking spaces are constructed as planned.

**Drainage and Grade at Minturn Town Homes** The residents are concerned about the profile of Taylor Avenue near the intersection of Lions Lane. There is a roadway crest (“hump”) in the road at the intersection that reduces the driver’s sight distance. It was suggested to either lower or raise Taylor Avenue north of this area. Lowering the roadway crest will increase the slope of Lions Lane and is not a good solution. We are told vehicles slide through their stop sign at Taylor Avenue now and a steeper slope will exacerbate the current problem. Neighbors suggested adding fill to the north side of the crest area. The placement of additional fill material would need to be analyzed to assure it does not interfere with access to existing driveways.

Action Item: The Town needs to consider the request and provide direction.

Direction Given:

Leave as is.

**Minturn Towne Home Drainage** We met with representatives of the Minturn Towne Homes HOA to discuss drainage concerns. The existing storm sewer backs up and they are requesting a larger public storm sewer be constructed as a part of the Taylor Avenue improvements. The request can be summarized as follows:

- Replace the private storm sewer with a new, larger diameter storm sewer Mainline from the retention pond at the corner of Lions Lane and Taylor Avenue to the point of discharge of the

existing storm sewer near the Railroad signal on the east side of the Railroad Avenue crossing. (The actual location would need to be located after the snow melts).

- The new storm sewer would have inlets along the edge of the existing road to collect water flowing along the roadway. These inlets will not collect all the water shown in the example photographs below. These are often caused by small ice dams during freeze/thaw events or pavement irregularities and would require a heated concrete pan to eliminate them.

- The new public storm sewer would be connected to new, larger inlets at the location of the existing inlets.

Action Item: The Town needs to decide if the storm sewer improvements will be added to the scope of the Taylor Avenue roadway improvements and incur the associated construction costs.

Direction Given:

Pave street within right-of-way and recommend HOA to negotiate directly with contractor, and try to align / coordinate the work if possible.

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

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

Earle B: Would like to add to the list an affordable housing discussion around land options

Katie S:

3/19 is scheduled for a follow-up Highlands Parcel discussion.

Will have conservation easement experts in attendance

Katie noted that it would be helpful to have council email questions in advance, so these can be reviewed in advance and our subject matter experts can come prepared.

This will be “education” only (we won’t have financial estimates yet).

If Council has other organizations that should be included, please advise.

KRW Associates will be added to an upcoming meeting (likely in April), regarding the Town Manager search.

The Eagle County Housing Needs Analysis is already on a future agenda. This is different from what Earle B. is proposing to discuss / add to the list.

### **14. ADJOURN**

Motion by Tom, second by Kate, to adjourn the meeting at 7:26pm. Motion passed 7-0.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk

**INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- March 19, 2025
- April 2, 2025
- April 16, 2025

Upcoming Special Events:

- March 7, 2025 First Friday at Gel Z Art & Wild Mountain Cellars
- April 4, 2025 First Friday Community Picnic at The Barn