



## **OFFICIAL MINUTES**

### **Executive Session 5:00 | Town Council Regular Meeting 5:30**

**Wednesday, October 16, 2024**

**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/83000445993>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 830 0044 5993

**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 5:00pm.

#### **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 (zoom), and Brian Rodine. Note: Kate Schifani was excused absent.

Staff present: Town Manager Michelle Metteer, Town Planners Scot Hunn and Madison Harris, Town Engineer Jeff Spanel, and Town Clerk Jay Brunvand (zoom).

### **3. EXECUTIVE SESSION 5:00 PM**

- A.** For discussion of a personnel matter under CRS Section 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. – Town Administrator review.

Motion by Eric G., second by Gusty K., to convene in executive session pursuant to CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees for the purpose of conducting the Town Administrator review as presented. Motion passed 6-0. Brian R was absent.

Those present in the Executive Session included the Council present and Town Manager Michelle M.

Note: Council convened from Executive Session at 5:35pm and convened in Regular Session.  
Note: Brian R. joined the regular session in person.

### **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.** 10-02-2024 Minutes
- B.** 996 Main Street - Changes to Approved Plans
- C.** 0013 Belden Way - New Single-Family Residence
- D.** 0015 Belden Way - New Single-Family Residence
- E.** Liquor License: El Fraile, DBA The Mexican Bar & Grill. Annual Renewal of a Hotel & Restaurant Liquor License, Juan Estrada, Owner / Manager, 160 Railroad Ave.

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of October 16, 2024, as presented. Motion passed 7-0.

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

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of October 16, 2024, as presented. Motion passed 7-0.

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

## **7. PUBLIC COMMENT**

Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.

Mr. Tim McMann, Avon Chicken Man, discussed vacant store front options in Minturn.

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

Gusty K. updated on the recent Minturn Fitness Center board meeting. He noted that dogs are not allowed at the facility.

Eric G. updated on the Climate Action Committee.

Earle B. reminded all of Halloween and encouraged festive home decorations and costumes. Minturn celebrates Halloween Wednesday night 10/30/24. He also noted our ballot question for Short Term Rentals of Residential properties. This is only for residential, not commercial, and will increase the existing tax from 1.5% to 6.5% if successful. He also noted the Downtown Development Authority election.

## **9. STAFF REPORTS**

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

#### **Main Street Speed Limit Enforcement**

Minturn continues to look for ways to improve the infrastructure on Main Street toward a corridor that naturally facilitates slower vehicular speeds. The bulb out infrastructure, in its presented form, was not conducive to Main Street businesses or parking in general, so all bulb outs have been removed and residents trying to enter Main Street from any side street are back to inching out onto Main Street from a side street, remaining hopeful not to be T-boned in the process. Complicating matters are Main Street drivers who speed.

One potential option for addressing speeding drivers on Main Street is the Local Agency Automated Vehicle Identification System (AVIS) program. I have included information on the VIS program as part of the Manager's report, but to summarize, the Town would work with CDOT and State Highway Patrol for approval to designate Main Street/HWY 24 as an AVI corridor which would require an Ordinance or Resolution of the Council. Upon approval, Minturn would work with CDOT for the implementation of the automated speed enforcement. Additionally, Minturn would secure a contract with a third-party vendor to manage the ticketing system. See the information flyer included for more information.

#### **Water Fluoride Potable Water Additive**

Not routinely, but has occurred, the State of Colorado inquires if Minturn's is interested in adding fluoride to our potable water system. I have rejected this concept but want to pass this along to the Council in the event I am not on the same page with the direction the leadership team would like

to go regarding additives to the Town's potable water system. Please advise if Council feels otherwise and this can be added as a future Discussion/Direction agenda item.

Lynn F. discussed this and why it is not in the water. Michelle confirmed that it does NOT add fluoride due to the fact that fluoride has risks to the body and is available from many other sources. She noted if Council desired this could be on a future agenda item. It will be added.

### **Membrane Water treatment Plant Grant Funding**

A review of all potential water treatment plant infrastructure grant applications by Sustainable Strategies has been submitted to the Town. Minturn has applied for one of the Bureau of Reclamation grants identified in the report and the grant application is included with this update for your review. The grant request is for \$3M toward membrane water treatment plant construction. The Town should have the application results by March of 2025.

### **Minturn North Updates**

I met with the construction team this week to discuss the Minturn North Fall project schedule and next steps. We covered the following topics:

- Security fence & Snow Removal Plan: Taylor St residents already ignore the current restrictions and walk through the opening of the fence at the 4th Street intersection creating a very dangerous situation whereby the public and large machinery are coming into conflict. I say this to indicate that it's unlikely Taylor residents will voluntarily follow any requests to stay out of the construction area and with massive holes in the project now, the fence will need to remain over the winter season. I am working with public works on the snow removal plan for Taylor St which I expect will include the purchasing of a second large blade for the front loader Michael Martinez operates. This is a \$75k cost that will come out of the capital improvements line-item budget and was a long-term purchase needing to be made. I expect this purchase in the 2024 budget in preparation for this snow season.
- Minturn Rd paving – We have continued to wait on utility work in the road prior to paving the southern portion of Minturn Road. We are still waiting for Xcel Energy and Comcast. With this in mind, direction has been given to pave in the spring of 2025. This includes the remainder of the county-paid portion of the ECO Trail.

Noted that Brian R. lead a recent meeting with our representatives and CDOT held at the Town Hall. She updated on the conversations held and thanked all for their attendance and participation. She noted a CDOT email she received regarding AVAS, a speed radar system that we could implement. She noted information in the packet and noted if desired it could be placed on a future meeting.

Kate S. asked about opening 4<sup>th</sup> St at Taylor, the intent is to open this for the winter.

### **B. Planning Dept. Report**

Scot H. presented.

**Minturn Forward Code Update Project:**

The Planning Department continues to work with Western Slope Consulting (Matt Farrar) and the Planning Commission to develop and review new articles and sections of Chapters 16 (Zoning) and 17 (Subdivision) of the Minturn Municipal Code as part of the Minturn Forward Code Update Project. The new Chapters 16 & 17 will replace the existing Chapters upon adoption. Priority has been placed on the creation of new administrative articles and sections that will have the most impact on improving processes and the implementation of the Town's policies. Each new article or section of code has been vetted internally (by the Planning department, the Town Attorney, and the Town Engineer) prior to presenting a draft document to the Planning Commission for review. Following Planning Commission review, the draft document is then revised and represented to the Planning Commission before moving on to additional articles and sections. Articles created and reviewed since June 2024 include:

- Article 5 – Land Use Application Requirements & Procedures
  - This article sets forth the purposes, application submittal requirements, review criteria, and processes for each land use application type (i.e. rezoning, PUDs, zoning variances, conditional use permits, DRB applications).
  - This is considered by staff as perhaps the most critical article in the new code. This article will correct contradictions and conflicts in the current code by standardizing language, processes, and terms while clarifying the intent of each different land use application review by the Town.
  - The clarity and standardization of certain elements of the code will create efficiency for the Town and predictability for applicants.
- Article 12 – Environmental Impact Report
  - This article replaces the previous environmental impact report section of the code and adds clarity to the process and administrative aspects.
  - This article includes existing provisions (existing code) along with new provisions that allow the Town to evaluate potential development impacts on the natural environment.
  - This article will also address potential development impacts on social, fiscal, or cultural environments of the Town.

The Minturn Forward project was originally estimated by the planning director to be completed by December 2024. While certain articles may be completed and reviewed by the Commission by the end of 2024, work focusing on drafting of new code articles did not commence until June 2024 and the development and review of each new article has proven more time-consuming than anticipated. This is typical of any comprehensive code update or overhaul project and is also indicative of detailed and thoughtful review and critique by staff, consultants, and the Planning Commission to ensure that the new code is clear, implementable and a marked improvement over the existing code.

Therefore, staff and Western Slope Consulting have provided the Town Manager and Council with an updated schedule which organizes project into “modules” and general time frames (i.e., August 2024 – March 2025) for the drafting, review, and completion of each module. Additionally, a detailed calendar has been provided showing the due dates for preparation of draft articles as well as anticipated dates for review of articles by the Commission, the Town Council (including joint

work sessions), and the public. The schedule shows an anticipated completion and adoption date of July 2025. The Town's website will be updated to reflect the schedule and key dates/milestones. Last, Western Slope Consulting has provided a budget corresponding to the modules and the schedule to accurately reflect the workload ahead and the anticipated costs for ongoing support by Western Slope Consulting needed to complete the project. The timeline, calendar, and budget detail sheets are attached under cover of this memo.

Brian R. asked if the direction followed is to simplify and make our code more understandable. Scot H. noted the process being followed. He noted the definitions will be clarified and will include graphics and other helpful information and zoning features, and the process will be reviewed as well.

### **Active Land Use Applications:**

- Midtown Village Planned Unit Development Preliminary Plan Review

Staff and referral agencies have been reviewing the Midtown Village Planned Unit Development (PUD) Preliminary Plan and Preliminary Plat application since late 2023. This mixed-use PUD proposal located in the 900 Block of South Minturn is primarily residential in nature but does include proposed commercial and/or civic uses. This PUD is being proposed and reviewed as a phased development plan based on availability of water. The Midtown Village Preliminary Plan will be presented to the Planning Commission on November 13, 2024 where the commission will consider the proposal and forward a recommendation for Town Council's consideration.

- Eagle County School District – Maloit Park Preliminary Subdivision Plat Review

Staff has been reviewing the Eagle County School District Maloit Park Preliminary Plat for Subdivision application since late 2023. Following two rounds of review for completeness and sufficiency (ensuring that the Town has the type and level of information and details necessary to allow for a thorough review), the application has been sent to referral agencies as well as the Town's consultant team for review. Referral comments have already been received or are anticipated in the coming week. If the referral process produces substantive comments or concerns from referral agencies, the Applicant will have the opportunity to address those comments or concerns; to revise the application; and/or to request a meeting with referral agencies. Following the completion of the referral process, the subdivision application will be scheduled for a public hearing before the Planning Commission who will make a recommendation for the Council's consideration.

### **Other Planning Department Activities:**

- Eagle County Regional Housing Action Plan Partnership

The planning director has been participating alongside representatives from Eagle County, Avon, Eagle, Gypsum, Red Cliff, and Vail in a regional housing action plan task force spearheaded by Eagle County and the Town of Avon. The purpose of this effort is to create a regional housing action plan – looking at alignment between land use policies and community housing goals within and across jurisdictions, as well as identifying potential funding sources to implement priorities and projects - and is based on a housing needs assessment being finalized by Economic Planning Systems (EPS). The assessment is based on community survey work and an extensive process by EPS to work with each partner jurisdiction to compile data on existing land use and development, existing housing policies and housing units/supply in each jurisdiction, as well as demographics and market trends. The partnership will begin presenting the results of the assessment with each

of the partner jurisdictions in October and November. The partnership will present its findings to the Minturn Town Council at the November 6, 2024, Council Meeting.

- Eagle County Wildland Urban Interface (WUI) Code Working Group

The planning director and the code enforcement officer have been participating in a regional effort spearheaded by the Eagle County Wildfire Collaborative group to understand and discuss alternatives, pros, and cons related to the potential adoption of Wildland Urban Interface (WUI) code requirements in member jurisdictions (towns, special districts, and the fire districts). This group has been meeting since the start of 2024 and work completed to date includes sharing and analysis of each jurisdictions' existing land use, zoning, and building code regulations and policies to better understand where, if at all, there are commonalities across or among jurisdictions by way of fire or wildfire related terms, regulations, or design requirements for things like home construction, landscape design and materials, and access to private property. At their meeting on October 10, 2024, the group discussed a new state-led effort to establish minimum standards for the Wildfire Urban Interface, which will likely impact most of Eagle County. As proposed, local jurisdictions will have the option to adopt stricter codes, reflecting the diverse hazard ratings in the region. The state plans to release a draft code early next year, allowing for public input, which group members recognized as a crucial opportunity for community engagement. This topic and an update on the WUI Code Working Group's progress will be shared at the upcoming Mayors and Managers meeting of October 25, 2024.

## **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. Ordinance 11 - Series 2024 (Second Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street**

It was noted that no changes were made from First Reading.

Council initially took this Ordinance up at their June 5, 2024 regular meeting. They continued the first reading hearing to August 7, 2024, with a work session to take place on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation. It was again continued to September 3, 2024 and then to October 2, 2024 in order to give staff time to bring an ordinance addressing the options through HPC, Planning Commission, and Council.

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 at 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 designation
- 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

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. That ordinance (Ordinance 20 - Series 2024) was reviewed on first reading Tuesday, September 3, 2024 and second reading was September 18, 2024. The ordinance passed with all directed options included.

In hopes that concrete answers have been provided for the owner of 151 Main Street via Ordinance 20 - Series 2024, staff suggests that Ordinance 11 - Series 2024, the nomination and designation of 151 Main Street, should be reviewed in accordance with the designation process.

#### Public Hearing Opened

Michelle M. noted an emailed letter from Mr. Brian Sipes. Mr. Sipes spoke in support of the historic designation of both 151 Main St and 155 Main St.

#### Public Hearing Closed

Motion by Gusty K., second by Lynn F., to approve Ordinance 11 - Series 2024 (Second Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street as presented. Motion passed 5-2. (Nay: Brian R. and Tom P.)

#### **B. Ordinance 12 - Series 2024 (Second Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street**

It was noted that no changes were made from First Reading.

Council initially took this Ordinance up at their June 5, 2024 regular meeting. They continued the first reading hearing to August 7, 2024, with a work session to take place on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation. It was again continued to September 3, 2024 and then to October 2, 2024 in order to give staff time to bring an ordinance addressing the options through HPC, Planning Commission, and Council.



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 at 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 designation
- 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

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. That ordinance (Ordinance 20 - Series 2024) was reviewed on first reading Tuesday, September 3, 2024 and second reading was September 18, 2024. The ordinance passed with all directed options included.

In hopes that concrete answers have been provided for the owner of 155 Main Street via Ordinance 20 - Series 2024, staff suggests that Ordinance 12 - Series 2024, the nomination and designation of 155 Main Street, should be reviewed in accordance with the designation process.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Lynn F., second by Gusti K., to approve Ordinance 12 - Series 2024 (Second Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street as presented. Motion passed 7-0.

### C. Proclamation for High Five Access Media Day

Earle B. noted the community importance of High Five Access and their programming. This is an important facet of our government process.

Mr. JK Perry, manager of High Five Access, introduced and spoke to the Proclamation and the importance of this asset.

A Proclamation designating October 20, 2024 as High Five Access Media Day was read by Earle B., discussed, and approved.

**D. Resolution 53 - Series 2024 A Resolution Supporting a Grant Application for Planning Funds to Design and Engineer the Repair/Replacement of Bellm Bridge**

Michelle M. and Jeff S. presented noting the bridge is being monitored and that this proposal is for a bridge grant submittal in the amount of \$380k.

Short Elliott Hendrickson Inc. (SEH) was selected to perform a feasibility study with a life-cycle cost analysis on Bellm Bridge (Taylor St over Eagle River) located in Minturn, CO. A preliminary evaluation of the collected data was performed, and five bridge Alternatives were developed for the bridge improvements. See Attachment 1 for the proposed bridge alternatives. A preliminary construction cost estimate was then developed for each alternative with a life-cycle cost analysis for the anticipated service life of each alternative. The estimated costs are summarized in the table presented in Attachment 2 for comparison. Additionally, a Decision Matrix was developed comparing the performance of the five alternatives in several different categories (key factors) as listed below. See Attachment 3 for the Decision Matrix.

- Construction Cost
- ROW Impacts
- Aesthetics
- Hydraulic Parameters
- Channel / Environmental Impacts
- Longevity
- Constructability
- Construction Duration
- Maintenance Costs
- Load Capacity and Safety

The matrix includes an Overall Ranking calculated for each alternative, which was the primary basis for the recommended actions below.

**Recommended Improvements** A major bridge rehabilitation option was considered in order to improve the safety and service life of Bellm Bridge. However, due to the complexity of the construction work, the estimated service life, and the estimated construction cost, the proposed bridge rehabilitation (Alternative 1) does not appear to be a viable option. Therefore, a bridge replacement option is recommended. Limited calculations, preliminary evaluations, and coordination with the Town contributed to recommending Bridge Alternative 2 (Prefabricated Truss Structure) as the most feasible replacement option for Bellm Bridge. This bridge alternative offers the second lowest estimated construction cost among the replacement alternatives, a clear span that limits in-channel construction work, the shortest construction duration with an Accelerated Bridge Construction (ABC) approach, the largest freeboard improvement, and an aesthetically pleasing appearance as the Town of Minturn's gateway.

Discussion ensued on the best options. Tom P. noted this is not to decide the bridge, this is to approve direction to apply for the grant.

Motion by Eric G., second by Tom P., to approve Resolution 53 - Series 2024 A Resolution Supporting a Grant Application for Planning Funds to Design and Engineer the Repair/Replacement of Bellm Bridge as presented.

**E. Resolution 54 - Series 2024 A Resolution Approving the Renewal of CU 02-2018 for Cozzens Construction**

As agreed, upon in the terms attached to each Conditional Use Permit held on the Railroad Property that was issued in 2018 and 2020, and renewed in 2021, part of terms is “Lessees to meet with Town Council every 3 years for CUP review.” It has been 3 years since the renewals of the CUPs. She noted that small trailers and ATVs are allowed but not RVs or campers, all must be properly registered, and no “camping” is allowed. She noted that no complaints had been made over the past three years.

Three CUPs (BHC, Cozzens Construction, and MBA) were approved with the following conditions or standards. These conditions apply to Resolution 54, 55, and 56:

- a. Request that only business- related items related to the expressed business be located on leased property. No vehicle shall exceed 40' 2" in length.
- b. No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s. RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
- c. No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec. 7-2-70.
- d. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7- 4- 50.
- e. Lessees are to maintain business in contained areas only.
- f. Annual report by the Code Compliance Officer to Council — re: Violations
  - o 3 violations in 1 year
  - o Recommendation to Council to revoke CUP
- g. Lessees to meet with Town Council every 3 years for CUP review.
  - o Report from Code Compliance Office
  - o Report from Planning Director
- h. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
- i. Maintain noise and vibration standards. Sec. 16-18-30
- j. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
- k. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
- l. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
- m. All parking must be done within the fenced yard and/or building
- n. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
- o. Emergency access of 20' through the yard and at both access gates
- p. Off-season use will require site storage of snow and keeping emergency access cleared.

- Maintain proper snow storage or sufficient snow removal
- q. Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
- r. Town staff inspects the site for compliance at any time

#### Public Hearing Opened

Madison H. read a letter from Mr. David Clapp. She noted this letter would apply to all being reviewed tonight.

#### Public Hearing Closed

Motion by Tom P., second by Gusty K., to approve Resolution 54 - Series 2024 A Resolution Approving the Renewal of CU 02-2018 for Cozzens Construction as presented with the conditions stated. Motion passed 7-0.

#### **F. Resolution 55 - Series 2024 A Resolution Approving the Renewal of CU 01-2018 for Minturn Builders Alliance Cooperative**

As agreed upon in the terms attached to each Conditional Use Permit held on the Railroad Property that was issued in 2018 and 2020, and renewed in 2021, part of terms is “Lessees to meet with Town Council every 3 years for CUP review.” It has been 3 years since the renewals of the CUPs. She noted that small trailers and ATVs are allowed but not RVs or campers, all must be properly registered, and no “camping” is allowed. She noted that no complaints had been made over the past three years.

Brian R. discussed the lease structure. It was commented by the lease holders that leases are month to month annual leases. Screening was also discussed and, although not ideal, it is the best for temporary use.

#### Public Hearing Opened

Madison H. read a letter from Mr. David Clapp. She noted this letter would apply to all being reviewed tonight.

#### Public Hearing Closed

Motion by Gusty K., second by Kate S., to approve Resolution 55 - Series 2024 A Resolution Approving the Renewal of CU 01-2018 for Minturn Builders Alliance Cooperative as presented with the stated conditions. Motion passed 7-0.

#### **G. Resolution 56 - Series 2024 A Resolution Approving the Renewal of CU 03-2018 for Burke Harrington Construction**

As agreed upon in the terms attached to each Conditional Use Permit held on the Railroad Property that was issued in 2018 and 2020, and renewed in 2021, part of terms is “Lessees to meet with

Town Council every 3 years for CUP review.” It has been 3 years since the renewals of the CUPs. She noted that small trailers and ATVs are allowed but not RVs or campers, all must be properly registered, and no “camping” is allowed. She noted that no complaints had been made over the past three years.

Public Hearing Opened

Madison H. read a letter from Mr. David Clapp. She noted this letter would apply to all being reviewed tonight.

Public Hearing Closed

Motion by Tom P., second by Eric G., to approve Resolution 56 - Series 2024 A Resolution Approving the Renewal of CU 03-2018 for Burke Harrington Construction as presented with the conditions stated. Motion passed 7-0.

**H. Resolution 57 - Series 2024 A Resolution Approving the Renewal of CU 01-2020 for Burke Harrington Construction and Darin Tucholke**

As agreed, upon in the terms attached to each Conditional Use Permit held on the Railroad Property that was issued in 2018 and 2020, and renewed in 2021, part of terms is “Lessees to meet with Town Council every 3 years for CUP review.” It has been 3 years since the renewals of the CUPs. She noted that small trailers and ATVs are allowed but not RVs or campers, all must be properly registered, and no “camping” is allowed. She noted that no complaints had been made over the past three years.

Mr. Darin Tucholke asked to extend the reprocess from 3yrs to 5yrs. Michelle M. noted that staff did not oppose the extension.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Tom P., second by Gusty K., to approve Resolution 57 - Series 2024 A Resolution Approving the Renewal of CU 01-2020 for Burke Harrington Construction and Darin Tucholke as presented with the conditions stated. Motion passed 7-0.

Motion by Tom P., second by Eric G., to amend Resolutions 54, 55, 56, 57 – Series 2024 to change to a 5yr review cycle. Motion passed 7-0.

**I. Resolution 58 - Series 2024 A Resolution Approving the Renewal of CU 04-2018 for Minturn Mountain Motel**

As agreed upon in the terms attached to the Conditional Use Permit held by the Minturn Mountain Motel that was issued in 2018, part of terms is “Lessees to meet with Town Council every 3 years for CUP review.” It has been 3 years since the approval of the CUP. ANALYSIS: Staff suggests that there be a review of the Conditional Use Permit that is held by the Minturn Mountain Motel and for it to be determined whether or not the existing conditions are clear and communicative on how to address any issues that should arise for both the CUP holder as well as Staff. Maddison H. noted that small trailers and ATVs are allowed but not RVs or campers, all must be properly registered, and no “camping” is allowed. She noted that no complaints had been made over the past three years.

1. All parking must be within the leased area;
2. The restaurant and motel cannot be sub-leased as stated in the lease contract without prior consent of the Union Pacific Railroad;
3. Restaurant and Motel must maintain the required number of parking spaces as required by Chapter 16, Article 16 (Off-Street Parking and Loading) of the Town of Minturn Municipal Code. (The purpose is to ensure that the use is served by an adequate supply of wellplanned and designed parking, and to assure that the owner/operator of the use provides sufficient parking spaces for the use);
4. The restaurant and motel must be maintained in accordance with Chapter 7, Article 2 (Nuisances) of the Town of Minturn Municipal Code (The purpose is to ensure that the use operates in a manner that is not harmful to the surrounding uses and the process in which a nuisance is declared for a specific use);
5. Emergency access of 20’ through the leased area;
6. Any dumpsters containing or temporarily storing refuse/trash material outside the restaurant and motel must be stored on property and must be properly screened;
7. The leased area used for parking must be policed and maintained by the lessee (restaurant and motel owner);
8. Trash and junk accumulating in the parking area must be picked up and disposed properly within seven (7) days;
9. The parking area must not be used for repair, maintenance or storage of vehicles;
10. Letter stating the hour and dates of operation to staff;
11. All-season use will require site storage of snow and keeping emergency access cleared.
12. No recreational vehicles or ATV’s of any kind. Not limited to boats, snowmobiles, ATV’s. RV’s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
13. No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec.7-2-70
14. Annual report by the Code Compliance Officer to Council – re: Violations
  - a. 3 violations in 1 year
  - b. Recommendation to Council to revoke CUP
15. Lessees to meet with Town Council every 3 years for CUP review.
  - a. Report from Code Compliance Office
  - b. Report from Planning Department

They also requested a 5yr review process.

Public Hearing Opened

No Public Comment  
Public Hearing Closed

Motion by gusty K., second by Tom P., to approve Resolution 58 - Series 2024 A Resolution Approving the Renewal of CU 04-2018 for Minturn Motel with the change to review every 5yrs as presented and including the conditions stated. Motion passed 7-0.

## **12. DISCUSSION / DIRECTION ITEMS**

### **A. Western Rail Coalition/Greater Denver Transit Support Letter**

Council is asked to consider sending a letter to Colorado Governor Polis urging support to expand CDOT's Mountain Rail concept to include frequent, quiet, and low-emission rail service in Eagle County and Arkansas River Valley from the Front Range in the near term at a very economical cost.

Earle B. noted this was discussed at the previous meeting but felt new information had been brought forward.

Mr. James Flattum, Mtn Railroad Coalition, spoke. He noted the new information was the trains considered are modern, non-diesel, passenger trains. The corridor is a current line with rights and easements but is not in operation. He noted this request to support the proposed letter was asking for a state review, not demanding the activation. Mr. Flattum noted it would be extremely unlikely that this would become a oil and heavy freight use due to the cheaper other options that this particular steep and dangerous rail line. Noting this line is steep but appropriate for passenger traffic but is not conducive to the heavy freight traffic.

Lynn F. asked how long the current lease is for the line with lease holder? That is unknown and it is probable this is a long-term renewing lease. She stated this line is from Pueblo to Grand Jct and it would have a huge impact on the adjacent communities and residents. She noted the cost seemed low when you consider much of the line would need to be replaced to make this work and felt the tradeoff was not equal. She agreed we need a deeper public process.

Brian R. felt this required a lot more public process than has been given to this and did not feel he could support signing the letter.

Gusty K. stated he supported the idea but was concerned the railroad would do whatever they wanted and that would include heavy traffic. Once the line is up and running, it is easy to add more train traffic that we are being told would happen.

Tom P. felt this was a "wolf in sheep's clothing", once the line is open profit margins will run the future, and this potentially would include heavy freight.

Earle B. said this will not be a rails to trails option as the line is closed, not abandoned. He felt eventually something would be started on the line and this gives us a program that could be a benefit.

Kate S. felt to commit our own government's resources for something that we don't even know if our citizens want is not responsible.

It was directed to not move forward with this request.

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

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

- Floride added to the water discussion

### **14. ADJOURN**

Motion by Kate S., second by Eric G., to adjourn at 8:09pm.

### **INFORMATIONAL ONLY ITEMS**

#### Upcoming Council Meetings and Events:

- October 30, 2024 - Minturn Halloween
- November 1, 2024 - First Friday at Mexican Bar & Grill
- November 6, 2024 - Town Council Meeting
- November 11, 2024 - Town Hall Closed - Veterans Day
- November 20, 2024 - Town Council Meeting
- November 28 & 29, 2024, Town Hall Closed - Thanksgiving
- December 4, 2024 - Town Council Meeting