



OFFICIAL MINUTES
Executive Session 4:30 | Town Council Meeting 5:30 PM
Wednesday, June 05, 2024
Town Hall / Council Chambers - 302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/83221386924>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 832 2138 6924

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

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

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 4:30pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Staff present: Town Attorney Mike Sawyer (zoom), Town Manager Michelle Metteer, Town Planner Madison Harris, and Town Clerk Jay Brunvand (zoom).

3. EXECUTIVE SESSION (4:30 PM)

Those present for the Executive Session were the Council present, attorneys Mike Sawyer, Susan Ryan, Bill Caile, and Michelle Metteer.

- A.** An Executive Session pursuant to CRS Section 24-6-402(4)(b) for the purposes of consulting with the attorney to receive legal advice on legal questions related to the following matters:
 - 1. Update on the Status of the Agreement with the CWCB and Next Steps.
 - 2. Update on Case No. 21CW3030 and Strategy.

Motion by Gusty K., second by Eric G., to convene in Executive Session pursuant to CRS Section 24-6-402(4)(b) for the purposes of consulting with the attorney to receive legal advice on legal questions related to the following matters:

- 1. Update on the Status of the Agreement with the CWCB and Next Steps.
- 2. Update on Case No. 21CW3030 and Strategy.

Motion passed 6-0. Note: Kate Schifani was excused absent.

The Council convened in Regular Session at 5:32.

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.** 05-15-2024 Minutes
- B.** 1010 Two Elk Lane - New Single-Family Home
- C.** Liquor License - Liquor License: 23698 US Hwy 24 – The Daily Grind Coffee Co. Inc., DBA Vail Coffee & Tea CO annual renewal of a Hotel and Restaurant Liquor License, Craig Arsueau, owner/manager
- D.** Liquor License - Liquor License: 141 Main St – The Thai Kitchen annual renewal of a Hotel and Restaurant Liquor License, Wipanun Somdee, owner/manager
- E.** Liquor License: 107 Williams St – Wild Mountain Cellars Application for a Colorado Liquor Sales Room (Winery Tasting Room), Matt Deem, owner/manager
- F.** Resolution 24 - Series 2024 A Resolution Approving a Contract for the Installation of a Security Fence at the Town Water Tank and Treatment Facility

Motion by Eric G., second by Gusty K., to approve the Consent Agenda of June 5, 2024 as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Tom P., to approve the agenda of June 5, 2024 as presented Motion passed 6-0. Note: Kate Schifani was excused absent.

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. Larry Stone, 156 Main St, noted he will be living in that house. He stated he would like to live upstairs and rent downstairs as Air B&B and wanted to confirm this was commercial use.

8. COUNCIL COMMENTS & COMMITTEE REPORTS

Brian R. noted a grant requested for RR property will require the RR to apply.

Eric G. noted a Climate Action Committee meeting and thanked all for the town clean up.

Lynn F. noted the 8/10 affordable art fair that will be held at the Minturn Market on the Bunkhouse porch.

9. STAFF REPORTS

A. Manager's Report

Tract C (South of Minturn North Development)

Tract C: The Town is now the owner of Tract C, a parcel of land immediately adjacent to the southern end of the Minturn North project. See final plat for reference. The Council and public will need to conduct a public process which we expect to begin later this fall/early winter to determine the future use of this parcel. In the meantime, there is an opportunity to receive fill dirt from the Minturn North project that would allow the creation of parking and snow storage along the southern end of Taylor Ave which would support almost any future use, see included overall site plan which shows the establishment of a 25' wide by approximately 125' long shaded area. Although Jeff Spanel has indicated this tract is NOT an ideal area for a pocket park given the slopes of the parcel; by creating this parking/shoulder, the Town leaves open the option for almost any use while simultaneously increasing off-road parking on Taylor St and additional snow storage. I would like to take this opportunity for the free fill to create the parking and snow storage area as homes get developed. Here are a few more details from Jeff Spanel:

- The plan shows the shoulder extending 25' from the edge of asphalt on Taylor.
- The grade shown for the first 25' is 4% and then steepens to 2:1 to catch the existing ground surface.
- It will require about 700 Cubic Yards of material to construct the widened shoulder.
- About 80 Cubic yards of material would be required to build a 4" deep surface of gravel or asphalt millings.

- This could create about 25 parking spaces.
- Future access to Tract C will likely be from Taylor, so the shoulder widening could serve as access for a future use.
- Based on Minturn North estimates, removing the fill and reseeding the ground would cost about \$50,000.

Bulb Outs

I have attached the most up to date submittal to CDOT for the temporary bulb outs on Main Street. You will see that Mann Ave has been added to the design.

Community Events

With the results of the Community Survey, staff will be reevaluating the community events to ensure the events being offered by the town are in alignment with the interests of the community. We anticipate a brief survey to go live in the coming weeks asking the public for their feedback on what community events they would propose. Any proposed changes to the annual event lineup will be brought to the Council and public for consideration.

Safe Streets 4 All (SS4A)

Brian Rodine, Jeff Spanel, and I conducted interviews for three of the five SS4A firm proposals. We anticipate selecting a firm, the three interviews and moving forward with a proposal which will require approval by the Town Council before the project can get underway.

Out of Office

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

She updated on the community video program that will be publicly available and will give council meeting topics.

B. Finance Report

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. LIQUOR LICENSE AUTHORITY

- A.** Liquor License – New Lodging and Entertainment License application: 145 North Main LLC, DBA Eagle River Inn, Tierney DeLude, Owner/Manager, 145 North Main St – Brunvand

Jay B. outlined the application stating this is an application for a new L&E Liquor License. This license will allow the owners of the Eagle River Inn to serve liquor to their guests which will operate as a small boutique hotel. Many years ago, this location held a Bed and Breakfast permit. Over the years they decided to forego the B&B license and only accommodate private functions.

Because this is a new business in an existing boutique hotel, I did not require the applicant to prove

the needs of the neighborhood with a petition. This application has been reviewed and meets the requirements for a new L&E license. The applicants of 145 North Main St, DBA Eagle River Inn background checks have been reviewed and the backgrounds do not show concerns that would prove poor moral turpitude or otherwise would preclude him from holding a liquor license. Staff is recommending approval of the license application.

Ms. Tierney DeLude, owner/manager, spoke as the applicant. They hope to be open by 6/22.

Public Hearing Opened.

No Public Comment.

Public Hearing Closed

Motion by Tom P., second by gusty k ___, to approve the New Lodging and Entertainment License application: 145 North Main LLC, DBA Eagle River Inn, Tierney DeLude, Owner/Manager, 145 North Main St as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

CONDITIONS:

- It is recommended at a minimum the licensee/manager, and a server be server trained by an authority such as T.I.P.S and that a certified server be on duty at all times while alcoholic beverages are served.
 - That the Liquor Authority emphasize the requirement of operating an orderly establishment.
- And publication information

12. BUSINESS ITEMS

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

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

As the council is aware, part of the Battle Mountain settlement agreement contemplates that the council will review a request for the formation of metropolitan districts as part of the proposed Bolts Lake development. Battle Mountain has submitted a draft service plan for the council's consideration. The service plan contemplates the formation of four metropolitan districts in order to primarily finance public improvements but also to operate and maintain certain improvements specific to the subdivision.

Battle Mountain proposes the formation of four metropolitan districts to finance public improvements and to maintain certain limited improvements. Four districts are proposed so that various partitions of the development can pay different amounts toward the financed debt and have potentially additional services provided by a specific district. One district will be the finance district that issues the debt. The other three districts will have agreements with the finance district to impose taxes and repay the debt. One district will be formed specifically to include land that is to be developed for affordable housing so that a lower mill levy can be applied to those parcels.

Protections of the Town in the service plan include statements that district debt shall not be considered debt of the Town of Minturn. The metropolitan districts are further restricted from applying for grants from entities such as Great Outdoors Colorado that would be in competition with the Town. The Service plan provides that Parks and Recreation facilities financed by the district will be open to the public as a whole. The districts shall not have the power of eminent domain absent a separate approval from Town Council. Any material amendments to the service plan require that the districts come to the Town for a future approval. In addition to the service plan, the districts will enter into an intergovernmental agreement with the Town of Minturn that will grant the Town the ability to seek specific performance from a court in the event that the districts act outside of the service plan limitations. Under such circumstances, the Town would be awarded its attorney's fees against the districts.

Motion by Tom P., second by Gusty K., to continue to June 19 Resolution 16 – Series 2024 a Resolution approving the Battle North Service Plan. Motion passed 6-0. Note: Kate Schifani was excused absent.

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

Note: Scot Hunn, Town Planner, presented.

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

Scot H. noted 5/15/24 changes of 140% AMI reduced to 120% AMI as was discussed at the May 15 meeting are included in this reading.

The following summarizes the proposed amendment package:

- Reduce the Area Median Income (AMI) threshold applicable for the initial sales price for for-sale units from 200% to 140% AMI. This amendment stems directly from previous conversations with the Planning Commission as well as with representatives from the Eagle County Housing and Development Authority since the Town's Inclusionary Housing (IH) regulations were adopted in 2020, and from recommendations of the Community Plan which state:

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

While staff investigated a tiered AMI structure (e.g. requiring the provision of deed restricted units with initial sales prices ranging from 100% to 200%) staff presented the draft ordinance to the Planning Commission at their regular meeting of May 8, 2024, with a recommendation to lower

the initial sales price for for-sale residential units to a level at or below 140%. The Commission recommended approval of the ordinance with the condition or suggestion that the target/maximum AMI level for initial sales price be lowered further, from 140% to 120%.

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

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

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

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

- Clarified that the Town, when evaluating housing plans for new developments, will consider the entirety of any phased development plans.
- Created a provision/requirement that deed restrictions will not only cap initial sales price but also annual appreciation that may be captured for subsequent re-sales. This (restricting price appreciation on re-sales) is typical in most inclusionary housing regulations and is one way to address affordability throughout the life of a deed restricted unit. Staff will need to update the Community Housing administrative standards (which were approved by resolution, separate from the Housing Guidelines/Article 26 originally) to provide details on eligible improvements that a unit owner can make over time while still capping appreciation.

Scot H. noted in response to questions, that appreciation caps that were discussed will be taken up under a separate legislation. Clarification was given for the local deed restrictions and the appreciation restrictions.

Lynn F. asked how a small development would work, this was discussed. She was concerned that this might not achieve the attainable housing desires hoped for.

Brian R. expressed concern that this might increase the costs on other items in order to accommodate the AMI restrictions and that this was a piece-meal process. This was shared by Lynn F., especially with small developments. Scot H. stated this is a potential. The work-around

in other municipalities would be subsidization by that town. Discussion ensued to include the school district project.

Gusty K. noted that this would give us attainable housing and yes it might come at the cost of more expensive units within the same project. Tom P. agreed.

Scot H. noted they will begin reviewing zone districts that might allow higher density, smaller lots, etc. that might hold project costs down.

Public Hearing Opened

No Public Comments

Public Hearing Closed

Motion by Eric G., second by Tom P., to approve Ordinance 10 - Series 2024 (Second Reading) An Ordinance Amending Chapter 16, Article 26 Community Housing Standards and Guidelines as amended to include 120% AMI. Motion passed 5-1. (Brian Nay) Note: Kate Schifani was excused absent.

C. Resolution 27 - Series 2024 A Resolution Approving a Conditional Use Permit for Minturn North – Temporary Construction Management Office and Storage Uses

Madison H. presented.

The Applicant, Rick Hermes, of Minturn North Construction Company requests review of a new Conditional Use Permit for leased portions of the Union Pacific Railroad (UP) property to allow for temporary construction management office and storage uses generally located east of the Meadow Mountain Business Park and the Eagle River, in between the rail line and Minturn Road.

The Applicant proposes to use a lease area for the following uses: 1. Temporary construction management office 2. Unpaved parking 3. Construction material and equipment storage 4. Associated restroom facilities.

Staff and the Planning Commission are recommending approval, with the following conditions for the Town Council's consideration:

1. No vehicle entering the property shall exceed 40'-2" in length. This restriction does not apply to the installation of the construction management office and storage containers that may be used for storage of materials and equipment associated with or incidental to the business operations approved under this CUP. Such container(s) must be maintained in an orderly manner; must be screened to the greatest extent possible with fencing and green mesh screening materials.
2. No storage of campers, ATV's, dirt bikes, snowmobiles, pop-ups, conversion vans, camper trailers, or similar camping related vehicles or personal use vehicles are permitted.
3. No inoperable or unlicensed vehicles are to be kept on the property for longer than five (5) days. (Pursuant to Section 7-2-70 Minturn Municipal Code).

4. The CUP property is 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.
5. Minturn North Construction Company is to maintain and conduct business within the CUP area associated with the approved and valid CUP only.
6. Violations. The following schedule of fines shall be enforced for violations not remedied within thirty (30) days: a. The first violation will be fined \$100.00 b. The second violation will be fined \$250.00 c. The third and subsequent violations will be fined \$500.00
7. The CUP will be subject to a quarterly review by the Town of Minturn Planning Staff with regard to compliance with the terms of use and conditionals of approval associated with the CUP for the first year of the CUP, and all subsequent years of the CUP there shall be an annual review by the Town of Minturn Planning Staff with regard to compliance with the terms of use and conditions of approval associated with the CUP. The Town Staff shall provide a report to the Town Council following such review. The report shall, in a general manner, provide updates on the following: a. Any violations or other incidences requiring Staff response and Town resources out of the ordinary course of Town business and services. A violation will only be counted if the infraction has not been corrected within thirty (30) days of notice being sent to the CUP holder. b. Compliance with the overall terms of use permitted by the CUP as well as observations regarding the condition of the CUP area. c. Any changes in i). Lessee/Sub-Lessee; and ii). Uses within the CUP area. d. At Staff's discretion, a recommendation may be made to Council to revoke the CUP having accumulated three violations in a calendar year (January 1 to December 31).
8. The CUP is valid for three (3) years. Applicant may request an extension of the CUP every year thereafter following a review with the Minturn Town Council. The review shall include but not limited to inspections by the Town Staff and the following reporting: a. Report from a Code Compliance Officer. b. Report from Planning Department
9. Working hours within the permitted area will coincide with the Minturn North PUD. Exterior hours may occur between the hours of 7:00 am MST and 6:00 pm MST Monday – Saturday. Interior hours may occur between the hours of 7:00 am MST and 6:00 pm MST Monday – Sunday.
10. Uses must be in compliance with the applicable laws, including Minturn Municipal Code, state and federal law. A violation of any law within the permitted premises shall be considered a violation of the CUP.
11. All uses associated with activities approved by the CUP shall adhere at all times with the noise and vibration standards of the Town (pursuant to Section 16-18-30, Minturn Municipal Code).
12. The CUP boundary must be gated, fenced and screened (green mesh screening materials)
13. Supplies, parking, vehicles, storage containers, structures, and equipment must be placed within the CUP boundary.
14. No fuel containment shall be permitted within the CUP boundary.
15. All overnight parking must be done within the approved and fenced CUP boundary.
16. No chemical storage is permitted within the approved CUP boundary.

17. A 20' ingress/egress access shall be maintained.
18. Proper snow storage areas must be maintained and sufficient for snow removal within the approved CUP area. The ingress/egress access shall be maintained at all times for emergency access.
19. Minturn North Construction Company is required to be under a valid lease agreement with Union Pacific Railroad.
20. Town Staff shall be allowed access to the site to inspect for approved CUP compliance at any time.
21. The Town Council shall determine that the CUP agreement shall be completed and expired upon final Certificates of Occupancy for all 39 lots.

Discussion ensued as to how this would impact Minturn Rd and the residents in that area. Michelle M. noted that this property has been looked at for leases, including by the Town itself, that might cause more impact. Mr. Hermes noted this is NOT a request to stage construction from there, rather site management project efficiencies. Gusty K. noted this property is available for lease and UPRR will lease it to a potentially more impact.

It is noted that the following comments were mailed in:

1. Justine LaCross, 322 Taylor St, opposed
2. Rob Gosiewski, 560 Taylor St, opposed
3. David Clapp, 392 Taylor St, opposed
4. Duncan Robinson, 531 Taylor St, opposed
5. Trent Schaffer, 105 Lions Ln, limit lease duration

Motion by Gusty K., second by Eric G., to approve Resolution 27 - Series 2024 A Resolution Approving a Conditional Use Permit for Minturn North – Temporary Construction Management Office and Storage Uses as presented to include the conditions stated above. Motion passed 6-0. Note: Kate Schifani was excused absent.

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

Madison H. presented for Staff.

Review the landmark designation nomination of 151 Main Street based on the criteria outlined in the Minturn Municipal Code Sec. 19-3-20, citing findings of fact, and making a decision of approval, approval with conditions, or denial.

Application: #2024L – 001

Address: 151 Main Street

Zoning: Old Town Character Area – 100 Block A Owner: A & M LLC (locally Marco Tonazzi)

Applicant(s): Town of Minturn

Staff has submitted a nomination for Historic Landmark status of 151 Main Street. The application has been reviewed, deemed complete, and to meet the Minturn landmark designation criteria. As

such, staff scheduled a public hearing for the Town Council meeting on June 5, 2024. Adjacent properties and the owner of 151 Main Street were notified via certified mail, and a notice placed in the Vail Daily a minimum of 10 days before the public hearing.

Discussion ensued how this might be interpreted in the future. Lynn F. felt the need to preserve our history. Madison H. noted that once a building is deemed historical status, an owner can apply for the ability to make improvements on a case-by-case basis.

Public Hearing Opened

Mr. Spense Neubauer, 444 Eagle St, with the current prices, by applying this could increase the costs.

Mr. Larry Stone, 152 Main, noted as a citizen he feels this would increase costs whereby most might not be able to afford purchase or improvements. He said he felt this attributes to keeping our storefronts vacant because the dollars don't pencil out. He stated we want to retain the cute and historical features, but this regulation could be modified to accept other possibilities.

Ms. Lynn Teach, 252 Pine St, felt many citizens were in support of the historical preservation law.

Mr. Pete Siebert, West Vail, expressed that this does limit the properties' potential uses in that it is restricted by historical and economic factors.

Mr. Tom Warren, landlord of the properties, stated it is not economically feasible for a buyer or landlord. He asked if the town wants to be a museum or an economically feasible town?

Public Hearing Closed

Madison H. stated if this is historically designated there is a review process for upgrades. If economic hardship exists and appropriateness is denied, then they can be further reviewed. Michelle M. stated they have been reviewing how this might look and stated there are 6 independent processes, but it is arduous. It was noted the historic preservation has been in play for over 2yrs, they are looking at ways to simplify the processes at both Staff and Council levels. Discussion ensued as to what we are trying to accomplish, to include historical preservation, economic feasibility, and utilization, and how that is actually coming together.

Earle B. recommended this be continued to allow further discussion potentially in a work session setting.

Motion by Tom P., second by Eric G., to continue to August 7, 2024 Ordinance 11 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street as presented. Motion passed 5-1. (Lynn F Nay) Note: Kate Schifani was excused absent.

E. Ordinance 12 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street

Review the landmark designation nomination of 155 Main Street based on the criteria outlined in the Minturn Municipal Code Sec. 19-3-20, citing findings of fact, and making a decision of approval, approval with conditions, or denial of the nomination.

Application: #2024L – 002
Address: 155 Main Street
Zoning: Old Town Character Area – 100 Block A
Owner: MR Minturn LLC
Applicant(s): Town of Minturn

Staff has submitted a nomination for Historic Landmark status of 155 Main Street. The application has been reviewed, deemed complete, and to meet the Minturn landmark designation criteria. As such, staff scheduled a public hearing for the Town Council to review on June 5, 2024. Adjacent properties and the owner of 155 Main Street were notified via certified mail, and a notice placed in the Vail Daily a minimum of 10 days before the public hearing.

Public Hearing Opened

Mr. Larry stone, 152 Main St, encouraged the historic and economic discussion.

Mr. Pete Siebert, West Vail, encouraged the discussion.

Ms. Lynn Teach, 252 Pine St, to expect people to show up at 4:30 to a meeting is not a reasonable expectation.

Mr. Tom Warren, owner, supported the residential aspect.

Public Hearing Closed

Motion by Tom P., second by Gusty K., to continue to August 7 Ordinance 12 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street as presented. Motion passed 5-1 Lynn Nay. Note: Kate Schifani was excused absent.

F. Ordinance 13 - Series 2024 (First Reading) Amending Chapter 19 of the Historic Preservation Code to allow for More Posting Places and to Extend the Limitations on Proposed Designations

Review and approve Ordinance 13 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for More Posting Places and to Extend the Limitations on Proposed Designations. Based on comments from Council, as well as examining staff's own process, staff has drafted an ordinance that addresses primarily two items: 1) extending the reconsideration of a proposed designation once denied from 1 year to 5 years, and 2) adding additional posting places like the

website and posting boxes as places to alert people so that the process can be more transparent to the public. The way the Town Code is currently written, once a nomination application is denied, then unless a substantially different application is submitted, no one can nominate that property for one year. Staff has no criteria with which to evaluate whether or not an application is “substantially” different, and also believes that once a nomination is denied, that denial should be valid for a longer time. As such, staff has added a section to encourage people to submit all materials they have once a nomination has been submitted, so that the HPC and Town Council will be able to evaluate the nomination with all supplemental materials. If the nomination is denied then the property cannot be nominated for five years. Staff has also adjusted the posting places in Article 9 to allow for the posting boxes and Town website, as well as added the clause that if no one nominates the property during the initial fourteen day waiting period, then no one can nominate the property for the next five years.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Gusty K., second by Tom P., to approve Ordinance 13 - Series 2024 (First Reading) Amending Chapter 19 of the Historic Preservation Code to allow for More Posting Places and to Extend the Limitations on Proposed Designations as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

G. Resolution 25 - Series 2024 A Resolution Setting the Water Rates for Residential Units on Individual Meters, Multiple Units on a Single Meter and Irrigation Accounts

Jim Mann was present to present. It was noted this includes the input by council at the last meeting.

Currently, the rate methodology the Town is using for residential water users three-fold: base rate, debt repayment rate, volumetric rate. A summary of the rate components is as follows:

- Base Rate – monthly rate that covers the basic operation of the water treatment plant and system up to the point that water is being delivered to the customer (think before the meter). Current 2024 rate is \$116.77/month per SFE
- Debt Repayment Rate – monthly rate that is meant to cover the annual debt service payments and annual debt service coverage on the outstanding debt of the utility. Current 2024 rate is \$17.37/month per SFE
- Volumetric Rate – use rate per 1,000 gallons of water use (think after meter) that is meant to cover the added cost of water production for delivery. Current rate is \$8.82/1,000 gallons of use
 - o For residential customers, the current volumetric rate structure will generate \$178,226 based on the test year data
- SFE Multiplier – for non-municipal/sprinkler accounts, a SFE multiplier is used that applies to the Base and Debt Repayment rates (i.e., if you are a 2.0 SFE customer, the Base/Debt calculation would be as follows: $(\$116.77 + \$17.37) \times 2.0 = \$268.28$)
- Municipal Code defines an SFE (single family equivalent) as “...the basic unit for determination of water charges and usage. One (1) SFE shall be equal to the water required to serve up to three thousand (3,000) square feet of building area as measured from the

exterior dimensions of development and two thousand (2,000) square feet of outside irrigated area.”

Following the feedback derived from the May 1 discussion, we have maintained a three-tiered rate structure that becomes more costly the more water that is consumed. As with the previous iteration, the goal of the structure was to generate relatively the same volumetric revenues as are currently produced.

Further, any single-family residence that is greater than 1 SFE calculation, the SFE multiplier is only applied to the base and debt rates. The SFE multiplier does not apply to the tier allowance in gallons. Utilizing the same 2 SFE example, the base and debt rates are doubled, however the gallon allowance in the tiers remain as stated above (there is no multiplier). It should be noted that if a single meter is utilized for multiple dwelling units, that the multiplier on the Eered rate structure will continue to apply. This would mean, as an example, if a two dwelling structure had a 2.0 SFE calculation, that they would be charged 2x on the Base and Debt fees, but that account would also have the allowable gallons in the tiers on a 2x calculation. So, the tiers would be 0-8,000 gallons, 8,001 to 12,000 gallons, and 12,001 or greater.

Discussion ensued as to how this might affect the full-time residents and how future conservation might alter historic use.

Motion by Tom P., second by Eric G., to approve Resolution 25 - Series 2024 A Resolution Setting the Water Rates for Residential Units on Individual Meters, Multiple Units on a Single Meter and Irrigation Accounts as presented. Motion passed 4-1. (Lynn F. nay, Gusty K. abstain) Note: Kate Schifani was excused absent.

H. Ordinance 14 - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plan

Ordinance Nos. 14 and 15, Series 2024 are being presented to the Town Council as they relate to the Settlement Agreement (the “Settlement”) by and between the Town of Minturn and Miners Basecamp LLC. associated with the Belden Place Planned Unit Development (PUD) Final Plan and Final Plat. Both ordinances have been prepared in consultation with the Town Attorney and both have been reviewed by the Minturn Planning Commission. At their regular meeting of May 8, 2024, the Commission voted unanimously to forward a recommendation for approval to the Town Council, with no recommended revisions. A full staff report explaining the background of the original Belden Place PUD approvals, the Settlement, as well as the proposed minor amendments to the Belden Place PUD Final Plan, the Belden Place PUD Guide document, and the Belden Place PUD Final Plat for Subdivision is attached.

The Settlement provides, among other things, a process for the processing and approval of minor modifications to the previously approved Final Plan and Final Plat, specifically to consolidate Lots 12, 13, and 14 and, therefore, to eliminate the triplex residential structures previously contemplated for those three lots; and to create a new Lot 12 wherein a single-family unit plus Accessory Dwelling Unit (ADU) would be permitted, thus lowering the overall density and intensity of uses within the PUD but, otherwise, maintaining the overall character and intent of the PUD.

Pursuant to those terms of the Settlement, the Applicant, represented by Mr. Brian Bevan, has applied to the Town for minor modifications to the previously approved Final Plan and Final Plat. As provided for within the Settlement, amendments to the Final Plan and Final Plat are to be processed as ordinances amending the Final Plan and Final Plat and, specifically, amending Ordinance No. 4, Series 2022 (Final Plan) and Ordinance No. 5, Series 2022 (Final Plat).

Tom P. asked if this gives them the necessary SFE count; no, they are three short.

Brian R. discussed affordable housing vs the water moratorium.

Mr. Brian Belvin, project representative, stood for questions.

Public Hearing Opened

Ms. Lynn Teach, 252 Pine St, discussed that the time this has been on the table has increased the costs.

Michelle M. read Tracy Anderson email and include this in the minutes. Ms. Anderson was opposed to the approval due to the past track record with the town on this matter.

Public Hearing closed

Motion by Gusty K., second by Tom P., to approve Ordinance 14 - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plan as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

I. Ordinance 15 - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plat

Earle B. asked about the NE corner pond and a storm drain; Mike S. outlined how the drainage was proposed to function.

Public Hearing Opened

No Public Comment

Public Hearing closed

Motion by Brian R., second by Gusty K., to approve Ordinance 15 - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plat as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

J. Resolution 26 - Series 2024 A Resolution Approving Belden Place SIA - Request for Continuance

Council is concurrently considering Ordinances 14 and 15, Series 2024 on first reading amending the Belden Place Final Plan and Final Plat. A Subdivision Improvements Agreement goes along with these ordinances; however it should be approved at second reading instead of first. Staff requests that Resolution 26 - Series 2024 A Resolution Approving Belden Place SIA be continued to June 19, 2024 in line with the second reading of Ordinances 14 and 15, Series 2024.

Motion by Tom P., Second by Eric G., to continue to the June 19, 2024 meeting Resolution 26 - Series 2024 A Resolution Approving Belden Place SIA as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

K. Ordinance 16 - Series 2024 (First Reading) 478 Eagle River Street - Nomination Application - Request for Continuance

Staff received a nomination application on May 8, 2024 for 478 Eagle River Street. In the hopes of being expedient, staff publicly noticed for the hearing to take place at the HPC on May 21st and at Council on June 5th. After further discussion with the property owner, who is currently planning to get married on June 1st, he has requested that the public hearing at Council be moved to June 19th instead so that he may focus on his impending nuptials and honeymoon. This is on the agenda as an ordinance due to the public notice requirements, however an ordinance has not been drafted to be put before the Council and staff requests that the hearing be continued to June 19th.

Public Hearing Opened
No Public Comment
Public Hearing closed

Motion by Gusty K., second by Eric G., to continue to the June 19, 2024 meeting Ordinance 16 - Series 2024 (First Reading) 478 Eagle River Street - Nomination Application as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

13. DISCUSSION / DIRECTION ITEMS

14. FUTURE AGENDA ITEMS

A. Future Meeting Topics

- Michelle M. add a direction item to represent boards and committees to June 19.

15. ADJOURN

Motion by Eric G., second by Gusty K., to adjourn the meeting at 8:49pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings & Special Events:

- June 19, 2024
- July 2, 2024 Minturn Independence Day Celebration
- July 3, 2024? - Council to Discuss
- July 4, 2024 - Independence Day; Town Hall Closed
- July 17, 2024