



## OFFICIAL MINUTES

**Executive Session (4:30PM) / Town Council Meeting (5:30PM)**

**Wednesday, November 01, 2023**

**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/83380066688>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 833 8006 6688

**Please note:** All virtual participants are muted. To be called upon and 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**

**The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session.**

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

### **2. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Gusty Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan. Note: Lynn Feiger was excused absent.

Staff present: Attorneys Michael Sawyer, Justin Poppe, and Town Manager Michelle Metteer.

### **3. EXECUTIVE SESSION (4:30PM)**

- A. An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e)  
Belden Place - Sawyer/Poppe

Motion by Tom S., second by Gusty K., to convene in Executive Session for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) Belden Place. Motion passed 6-0. Note: Lynn Feiger was excused absent.

The meeting convened in Regular Session at 5:30pm.

### **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. 10/18/2023 Town Council Minutes
- ~~B. Liquor License - Hotel and Restaurant License annual renewal application: Pizza Pub LLC, dba Magustos Pizza & Burger Pub, Eric Cregon, Owner/Manager 101 Main Street~~

Michelle M. requested approval of the Magustos Liquor License be removed and placed on the 11/15/23 agenda.

Motion by Kate S., second by Terry A., to approve the Consent Agenda of November 1, 2023 as amended. Motion passed 6-0. Note: Lynn Feiger was excused absent.

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

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Tom S., to approve the Agenda of November 1, 2023 as presented. Motion passed 6-0. Note: Lynn Feiger 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.

Michelle M. noted an email received by Mr. Frank Lorenti, 1081 Main St. Michelle M. read the comment into the record. Note: this emailed comment was included in the 10/18/23 Minutes.

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

### **9. STAFF REPORTS**

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

#### **Safe Streets for All (SS4A) Grant Award**

The town of Minturn has been awarded a SS4A grant in the amount of \$80,000 for the creation of a Safety Action Plan (Plan). This Plan will identify the primary areas of risk to pedestrians, vehicles, and multimodal forms of transportation. The town will look to utilize this Plan toward supporting larger grant applications to address transportation safety within town.

#### **Colorado Association of Ski Towns (CAST) Update**

On Friday, October 20<sup>th</sup> I attended the CAST meeting hosted in Vail. A variety of topics were covered including sustainable tourism, a producer-recycling program being implemented by the State, housing and more. Of note was an update that included the potential for legislation to come through at the upcoming legislative session that would propose the taxing of short-term rental properties as commercial.

#### **WaterWise Water Conservation Symposium**

I attended the WaterWise Conservation Symposium at Metro State University in Denver on October 24<sup>th</sup>. This symposium brought together a wide range of water users and suppliers to discuss opportunities for water conservation. Much of the discussion surrounded non-functional turf and programs for eliminating the ability to implement non-functional turf moving forward. Of particular interest was the opposition to artificial turf as a replacement option. Minturn has minimal town-owned non-functional turf, but through the revision of the code and the definition of an SFE the town can see greater water savings in the future.

#### **Downtown Development Authority Financial Analysis Review**

Minturn general counsel Mike Sawyer and I participated on a call with Cemetery representatives Kendra Carberry, attorney and Sidney Harrington, administrator in hopes of finding common ground pertaining to the multiple wildlife impalements on the Cemetery fence. The disagreements were wide ranging and extensive. The conversation did not find opportunities to move forward collaboratively in removing the spears on the top of the fence posts. However, the Cemetery representatives offered the Council the opportunity to pay for the remainder of the fence remediation. The Cemetery representatives said if this opportunity is of interest to the Council, they will take the option back to their board for consideration.

#### **Eagle County Housing Action Plan**

Avon, Vail, Eagle County, Eagle, and Minturn all participated in the Eagle County Housing Action Plan kick-off meeting on Friday, October 20<sup>th</sup>. The towns of Avon, Vail and Eagle County are

paying for the match to the grant award for creating the plan. We are currently reviewing the RFP and hope to go through the process of selecting a firm to facilitate the creation of the plan by the end of the year.

### **Main Street/HWY 24 Speed Limits**

Council member Brian Rodine brought to my attention the adjustments CDOT is making in how the department determines speed limits on State Highways. See article: <https://www.cpr.org/2023/09/15/cdot-lower-speed-limit-change-colorado/>. I was unsuccessful with reaching out to Crystal Armendariz, Minturn's CDOT Government Liaison, so I reached out to John Kronholm, CDOT's Region 3 Resident Engineer in requesting the consideration of reducing speeds along HWY 24. More to come. John forwarded me the included brochure and has asked that Minturn wait until the new process is in place.

### **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 14 - Series 2023 (Second Reading) An Ordinance amending the Minturn Municipal Code to exempt Fire Sprinkler Systems for Single Family structures under 6000sf from the Residential Building Code

Michelle M. reported that Minturn adopted the 2021 Building Codes via Ordinance 5 - Series 2023 earlier this year, however requirements for the sprinkling of all residential structures were not eliminated from the code during this process. Staff is bringing forward an ordinance to correct this oversight and limit the sprinkling of one and two-family dwellings to those whose total aggregate fire area exceeds 6,000 square feet. No changes have been made from First Reading.

Public Hearing Opened.  
No Public Comment.  
Public Hearing Closed.

Motion by Tom S., second by Kate S., to approve Ordinance 14 – Series 2023, Second Reading, an Ordinance Amending the 2021 International building code to exempt sprinkler systems from single family residential units less than 6000sf as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

- B.** Ordinance 15 - Series 2023 (First Reading) An Ordinance Approving the Minturn North Final Plan for PUD

Scot H. introduced Rick Hermes, Applicant. Scot H. outlined the property and location. He noted this is 100% residential, 39 lots/units, and open space then outlined the process for tonight. Scot H. noted the Planning Commission has reviewed the final plat, they had no comments and



recommended approval. He noted everything that was reviewed by staff, engineers, and outside entities to date to include EWRSD, CDOT, Eco Trail, Eagle County and the Final Plan meets the standards of the town. Scot H. outlined several outstanding items needing to be addressed either prior to second reading of Ordinance Nos. 15, 16, and 17; or which would become conditions of approval to address after final approvals and before start of construction of certain improvements.

Scot H. recommended the following conditions:

- 1) The Applicant shall provide, and the Town of Minturn shall review and approve additional flood, mudflow, and/or debris flow hazards evaluation(s), report(s) and/or studies prepared by a professional geotechnical engineer licensed in the State of Colorado and specifically related to the Game Creek Drainage and associated alluvial fan areas occurring within the Minturn North PUD boundaries. Such evaluation(s), report(s) and/or studies shall specifically evaluate and assess the risk of potential flood, mudflow, and/or debris flow events, as well as the efficacy of proposed mitigation design and construction. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer; and any revisions to proposed mitigations shall be designed and submitted for review and approval by the Town and/or its consultants prior to the recording of the UPRR Subdivision Final Plat and/or the Minturn North PUD Subdivision Final Plat.

Scot H. noted the applicant has several concerns with recommended condition #1 and has proposed an alternative condition which was read.

- 2) The Applicant shall work with the Town Engineer and Town Attorney to revise and update PUD documents (CC&Rs) and/or agreements to permit the Town of Minturn, as an authorized contractor, to access to repair critical offsite drainage facilities in emergency situations.
- 3) The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
- 4) The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
- 5) Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.
- 6) Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the Eco Trail Game Creek Bridge.
- 7) The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat.

Applicant Comments:

Mr. Rick Hermes, Applicant, spoke to the height of the proposed berm and spoke that it is sufficient to handle any issues on the site. A larger event that might affect the entire hill side would also

affect all homes on Taylor St, would not be accounted for due to the size and scope of such an event and that it would start and end off his property with town-wide affects. He stated in response to a question they are willing to commit to not building lots 1-4 until the berm is completed.

#### Council Comments:

Gusty K. asked about the paving of Minturn Road/County Rd 14 on when it would be paved, it will all be engineered but completion would be done as such to not damage the road during the construction process.

Brian R. asked about the planned ownership and if owners would be primary residents. Mr. Hermes stated they have 10 presold and 1 is not primary residence. Noted the creation of the Design Review Board has been dropped as part of the HOA and it was felt that was a positive step. Mr. Hermes noted of the ten homes currently under contract all are custom built and will reflect town values within the custom features. In response to questions, parking was discussed, Minturn Road will not have parking, Taylor will.

Terry A. asked about the financing. Mr. Hermes stated things are changing with the increased interest rates. She discussed the PUD process between preliminary and final. Mike S. noted we try to have as few conditions as possible and felt many of the conditions recommended do not change the vision of the PUD and what is proposed to be approved would not materially affect the finished product. For example, there could be some design changes from ERWSD but those would be underground and not affect what is being approved. Discussion clarified the transfer tax vs the transfer covenant that is being proposed on the property. It was discussed how this additional fee would increase the cost of a home purchase. Terry A. asked about the vested rights for a period of 10yrs, this was clarified that it is 10yrs, NOT 20yrs. She asked when the 10yr clock begins? At final plat approval. Terry A. asked about the drainage report and how the existing and proposed drainage will work together. This was discussed and noted the water flows west to Minturn Rd and the railroad property and into culverts. It was discussed that to negatively affect the drainage of the property it would take a 100yr event off-site on the hillside east of Taylor and the existing houses. Terry A. asked about the phasing of the project and was concerned if the project does not build out in a timely manner, they would be holding water that could otherwise be used. Mike S. noted that the project will be one phase, but some aspects will be completed later than others. Those items that are completed later will be secured by insurance to ensure either the applicant completes or the town has their funds to complete their project. Terry A. asked about not requiring fencing during construction, this was discussed that each building envelop will have fencing but not the entire project. Deed restrictions proposed were discussed and how those would work. She discussed the public comment letter from Mr. Hoblitzell, this letter has been added to the end of these minutes as an exhibit. It was noted the trail is proposed to form a uniform connection rather than an intermodal system.

Mike S. stated that for final approval the Council will have all final documents. Discussion ensued as to how the intent was to have a nice development but still allow for custom individuality.

Scot H. reviewed what items would be accomplished and in what order. He noted that other than condition #2 all others will be 1-3yrs out.

#### Public Hearing Opened:

Rob Gosiewski, 560 Taylor, felt this was putting a demand on loans which would favor the big money buyers. He asked the council to hold steady on the fees. He was concerned that they needed a drainage pond to protect the river. He didn't feel the trails were wide enough at 4ft.

Scot H. read into the record Bill Hoblitzell public comment. Again, this is included as an exhibit attached at the end of these minutes.

#### Public Hearing Closed

Earle B. noted this presentation would cover all three ordinances being considered.

Mike S. asked the Council to include the 1-4 to be built upon completion of the berm. He noted the alternative Applicant condition should include potential outside agencies that may need to be contracted for expertise. Discussion ensued as to how the water taps would be allocated and when they would be paid. It was confirmed the CIL will be paid upfront, the tap and SIF fees will be paid at building permit.

Discussion ensued as to what the effect of continuing rather than approving on first reading. Mike S. noted what currently exists in final form, will be updated, and that continuance would require a special meeting between the first reading on Nov 15 and the end of November. He noted the documents that will be updated are not what is being considered tonight but will be part of the additional Resolution at the next meeting.

Motion by Terry A., second by \_\_\_, to continue Ordinance 15 – Series 2023 (First Reading) an Ordinance Approving the Minturn North Final Plan for PUD as presented with the recommended conditions. Motion failed for lack of a second.

Discussion continued. After a brief recess, Mike S. stated a changed condition #1 had been written which was supported by both staff and applicant and reviewed the edits. These changes are approved by the applicant.

Motion by Brian R., second by Tom S., to continue Ordinance 15 – Series 2023 (First Reading) an Ordinance Approving the Minturn North Final Plan for PUD as presented with the recommended conditions. Motion passed 5-1. (Terry A. – Nay). Note: Lynn F. was excused absent.

Conditions included in the motion:

- 1) Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering "Game Creek Existing Mudflow Analysis" specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient

to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.

- 2) The Applicant shall work with the Town Engineer and Town Attorney to revise and update PUD documents (CC&Rs) and/or agreements to permit the Town of Minturn, as an authorized contractor, to access to repair critical offsite drainage facilities in emergency situations.
- 3) The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
- 4) The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
- 5) Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.
- 6) Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the Eco Trail Game Creek Bridge.
- 7) The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat.
- 8) The Applicant shall work with the Town Attorney to update and revise the Declaration of Covenants, Conditions, Restrictions and Easements for Minturn North (CC&Rs) to ensure proper limitations on the scope and powers of any Home Owner's Association (HOA) created as part of the PUD. Specific focus on revisions to the CC&Rs should be aimed at reducing controls on design review and/or architectural control by the HOA Executive Board; use of individual properties for the keeping and storage of recreational equipment, recreational vehicles (RV's, trailers, vehicles), and personal items in keeping with the rest of the Town. Specific sections of the CC&Rs to be addressed and revised include Section 15 – Use Restrictions, and Section 16 – Miscellaneous Matters and Owner Acknowledgements.

C. Ordinance 16 - Series 2023 (First Reading) An Ordinance Approving the Final Plat for UPRR Subdivision (see Ord 15 - 2023 agenda item for supporting documents)

Scot H. recommended the following conditions of which condition #1 was changed per the above discussion:

- 1) Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering "Game Creek Existing Mudflow Analysis" specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such

evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.

- 2) The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16 and 17 - Series 2023.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Brian R., second by Gusty K., to approve Ordinance 16 – Series 2023 (First Reading) an Ordinance Approving the Final Plat for UPRR Subdivision as presented with the following conditions. Motion passed 5-1. (Terry A. – Nay) Note: Lynn F. was excused absent.

Conditions included in the motion:

- 1) Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
- 2) The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16 and 17 - Series 2023.

**D.** Ordinance 17 - Series 2023 (First Reading) An Ordinance Approving the Final Plat for the Minturn North PUD (see Ord 15 - 2023 agenda item for supporting documents)

Scot H. recommended the following conditions:

- 1) Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
- 2) The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16 and 17 - Series 2023.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Gusty K., second by Tom S., to approve Ordinance 17 – Series 2023 (First Reading) An Ordinance Approving the Final Plat for the Minturn North as presented with the following conditions. Motion passed 5-1. (Terry A. – Nay) Note: Lynn F. was excused absent.

- 1) Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
- 2) The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16 and 17 - Series 2023.

**E. Ordinance 18 - Series 2023 (First Reading) An Ordinance Approving the Dissolution of the Town of Minturn General Improvement District**

Mike S. presented.

- After consideration of any protests against or objections to the dissolution of the General Improvements District in accordance with C.R.S. §§ 31-25-607 and 31-25-625, the Town has determined the following:
  - The General Improvement District is no longer necessary.
  - The General Improvement District has no outstanding indebtedness, obligations, or liabilities; and
  - Dissolution of the General Improvement District is in the best interests of the citizens of the Town, the owners of property located within the boundaries of the General Improvement District and all other concerned parties.
- In accordance with C.R.S. § 31-25-625, the Town hereby dissolves the General Improvement District. This action has no effect on the existence, legal status, or continued right of public access over or through any road, easement or other property interest within the General Improvement District or obtained when the General Improvement District was created.
- Town Council directs the Town Clerk, on or promptly following the effective date of this Ordinance, to file a certified copy of this Ordinance for recording in the public records of the Eagle County Clerk and Recorder’s office and, in accordance with C.R.S. § 31-25-

625, upon such recording, dissolution of the General Improvement District shall be complete.

- Following dissolution, the Town shall first utilize the General Improvement District's unexpended funds to cover the Town's costs incurred in dissolving the General Improvement District. The Town shall then release any remaining unexpended funds to the Town's general fund.

Mike S. noted this is supported by Battle Mountain supports this action as part of the settlement.

Public Hearing Opened

No Public Comments

Public Hearing Closed

Motion by Tom S., second Kate S. to approve Ordinance 18 – Series 2023 (First Reading) an Ordinance approving dissolution of the Town of Minturn General Improvement District as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

- F.** Ordinance 19 - Series 2023 (First Reading) An Ordinance Amending the Minturn Municipal Code to allow for Hand Shoveling of Snow from the sidewalk to a Town-Owned Street between the Hours of 4:00AM and 7:00AM.

Michelle M. presented that Minturn has held two public discussions on the topic of snow removal and the Snow Removal Plan. These discussions culminated in the adoption of the 2023/24 Minturn Snow Removal Plan; Resolution 30 – Series 2023. Within the Plan is identified the allowance for Minturn Residents to hand-shovel snow from sidewalks into the right of way of town owned streets. This is an effort to help mitigate the complications some residents face due to a lack of on-site snow storage. This also allows the Town to address other snow-related violations while following the Minturn Municipal Code in a fair and equitable manner.

Discussion ensued as to allowing the public to use the snow dumps rather than haul to the general snow dump it was determined this would not be considered at this time.

Public Hearing Opened

No Public Comments

Public Hearing Closed

Motion by Tom S., second by Gusty K., to approve Ordinance 19 - Series 2023 (First Reading) An Ordinance Amending the Minturn Municipal Code to allow for Hand Shoveling of Snow from the sidewalk to a Town-Owned Street between the Hours of 4:00AM and 7:00AM. Motion passed 6-0. Note: Lynn F. was excused absent.

- G.** FY 2024 Budget – Public Hearing

Jay B. referenced a packet memo which stated as required by Colorado State law, the Council must hold a public hearing on the proposed Fiscal Year 2024 budget. This Public Hearing has been published and posted for this meeting. Although further discussion will ensue through final

adoption of the budget on December 6, 2023 and the public will be allowed to comment at each meeting, this is the one and only official Public Hearing. To date, Staff has taken your comments and suggestions and incorporated them into the FY2024 Budget as appropriate as well as comments and direction given during the on-going and in-depth General and Enterprise Capital Improvement Plans and Water rate discussions which have occurred over the past several months. If approved or directed by Council, the items will be included in the final budget. In the event any material changes come forth from the Public Hearing process, those changes also will be included in the scheduled final passage of the budget ordinances on December 6<sup>TH</sup>. Once approved the mill levy will be sent to the County for approval by the Eagle County Commissioners, the complete budget will be posted to the Town website and will be filed with the State by December 31, 2023.

Public Hearing Opened  
No Public Comment  
Public Hearing closed

Discussion ensued on the effects of not raising water rates and our outlook for ongoing consultant fees to assess the well capacity and water quality studies.

It was noted at the November 15 meeting, the budget Ordinances will be scheduled for first reading with second and final reading on December 1.

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

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

#### **A. Future Agenda Items**

## **14. ADJOURN**

Motion by Kate S., second by Tom S., to adjourn at 9:24pm

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk

## **INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- November 15, 2023
- December 6, 2023
- December 20, 2023



To include in the Minturn North public comment for the record:

Michelle Metteer  
Town Manager  
Minturn, Colorado

**From:** Bill Hoblitzell <[billhoblitzell@yahoo.com](mailto:billhoblitzell@yahoo.com)>

**Sent:** Wednesday, November 1, 2023 9:01 AM

**To:** Council <[council@minturn.org](mailto:council@minturn.org)>

**Cc:** Kristin Thomas <[kristin.marie.thomas@gmail.com](mailto:kristin.marie.thomas@gmail.com)>; Rob Gosiewski <[robert.goski@gmail.com](mailto:robert.goski@gmail.com)>; Colleen Gosiewski <[cogoski@gmail.com](mailto:cogoski@gmail.com)>; Ana Robinson <[anastasiaboo@gmail.com](mailto:anastasiaboo@gmail.com)>; Michael Gottino <[gmichael2@comcast.net](mailto:gmichael2@comcast.net)>; Hany Malek <[minturn.neighbors@gmail.com](mailto:minturn.neighbors@gmail.com)>; Sidney Harrington <[1972sah@gmail.com](mailto:1972sah@gmail.com)>; Kate Burchenal <[kate.burchenal@gmail.com](mailto:kate.burchenal@gmail.com)>; Burk Harrington <[office@bhcvail.com](mailto:office@bhcvail.com)>; Caleb Florence <[calebmflorence@gmail.com](mailto:calebmflorence@gmail.com)>; Darin Tucholke <[uclimbit@aol.com](mailto:uclimbit@aol.com)>; Katie Tucholke <[katieging@yahoo.com](mailto:katieging@yahoo.com)>; Brian Rodine <[brodine@gmail.com](mailto:brodine@gmail.com)>

**Subject:** Minturn North Final Plat public comment for 11-1-2023 Council meeting

Please find attached public comment regarding the final plat design for Minturn North.

The pedestrian passageway designs between the new development, Taylor St, and the ECO Trail/Minturn Rd are clearly substandard to Minturn's town code standard for sidewalks (Appendix C, Chapter 4, Section 1.01) and the qualitative size standards identified for sidewalks in PUDs (Chapter 16, Section 16-15-70 General Standards for PUDs).

These pass throughs need to be wide enough to accommodate safe 2-way passage of bicyclists and pedestrians with both children and pets. They currently are not wide enough and are setting up residents and visitors for unsafe and negative encounters, and potential injuries. In addition, during winter the current width is likely to shrink to width that is impassable even by two pedestrians walking in opposite directions. The 4' easement is clearly substandard to town code in multiple sections identified above in design and safety.

Prior to any final approval, we are requesting an immediate amendment of the trail easement specification from its current 4' upwards to 8' to be consistent with the appropriate and safe designs present in the examples we have provided from our peer communities including Eagle, Vail, Edwards, and Carbondale. Why should Minturn deserve and settle for less than any of these other communities?

Thank you.

Bill and Kristin

Bill Hoblitzell and Kristin Thomas  
262 Taylor St, Minturn, CO 81645  
Nov 1, 2023

To:  
Minturn Town Council  
Minturn Planning and Zoning Committee  
Minturn Town Staff

**Re: Minturn North Final Plat Issues; pedestrian connector easement width is unsafe**

Dear Council,

Thank you for the opportunity to continue to provide public comment on Minturn North. Please accept these comments regarding tonight's review of the Final Plat design.

We are requesting that you review and request staff and developer to amend the proposed pedestrian connector path easement/ROW width in Final Plat document design and increase the easement width from the substandard and unsafe 4' it is currently shown at to a minimum of 8' prior to approval. **The design as-proposed does not currently meet with either quantitative or qualitative sidewalk criteria identified elsewhere in Minturn's municipal code, is inappropriate and unsafe for the intended uses, and should be modified accordingly before final plat approval.**

The Minturn North pedestrian connections to Taylor Street and EcoTrail/Minturn Road in the final plat diagrams that have been provided online identify a trail easement or right of way of only 4 feet. These connectors are intended to accommodate 2-way traffic of bikes, pedestrians, strollers, and pets. This width is insufficient and inadequate for safe for these uses. The specified trail easement and right of way should be, at a barest minimum, 6-7', and preferably 8-10', consistent with contemporary designs in our peer communities.

A review of equivalent pedestrian pathways in Eagle, Edwards, Vail, and other neighboring communities like Carbondale is included at the bottom of this letter. It will quickly highlight the substandard and unsafe design being proposed by Resort Concepts and Minturn. Please do not pass the final plat without this important change.

**Appendix C, Chapter 4, Section 1.01, Minturn Municipal Code** identifies the minimum target width for non-100 block sidewalks to be 5' (60 inches).

"Minimum Width: All sidewalks used in conjunction with vertical curb and gutter shall have a minimum width of five (5) feet from the back of curb. Tooled or saw cut joints are required at 10 foot intervals."

Although the Minturn North connective ways are not raised on curb, there is no rational basis for why they should be allowed a substandard design width in comparison to the rest of town. In fact, in comparison to the downtown sidewalk minimum of 5', where bikes are not technically permitted on the walkway, these pathways are intended for multi-use bi-directional traffic and need to be wider than the minimum width of downtown sidewalks. The connections between Taylor St, Minturn North, and the EcoTrail/Minturn Road should actually be significantly wider than the town base standard of 5' to accommodate two-way traffic of both bikes, walkers, walkers with strollers, etc.

Average modern bike handlebar width is 750mm to 800 mm, or around 30 inches. Most walking and jogging child strollers are approximately 25 inches, or slightly over 2 feet. For these to even successfully pass each other with 1' clearance without physical contact, a bare minimum of 6-7' is needed.

At times, bikers passing through the neighborhood between Taylor and Minturn road will have important speed differentials from walkers. To pass each other with an adequate buffer for the speed differential and potentially uncertain handling that sometimes occurs with children on bikes, something more like 8' is the appropriate width. Two people passing each other with dogs on a leash, even if the dogs are relatively well behaved and in control, need a greater buffer to adequately control their pets safely and keep separated.

Please review the figures attached below highlighting the design widths of similar neighborhood passageways in our peer communities like Edwards, Eagle, Vail, and Carbondale. These invariably utilize 8'-10' path width for these kinds of public accesses. For example, the multi-use pathways that provide access between residential lots in the Terrace Neighborhood of Eagle utilize this width, as well as similar access ways in Miller Ranch in Edwards and Bull Run Rd in Eagle.

**Chapter 16, Section 16-15-70 General Standards for PUDs**, further states in standard 3:

“Trails and sidewalks shall be provided to form a logical, *safe* and convenient system for pedestrian access to dwelling units and common areas, with *appropriate connections off-site*.” (emphasis added)

Since the connections to Taylor St and EcoTrail/Minturn Road will specifically be multi-use connections by both pedestrian and non-motorized vehicles (bikes, strollers), the design for these connections needs to be both *safe* and *appropriate* to the anticipated end uses. A 4' width clearly does not meet this criterion. A minimum of 6'-7' is the base level for which safe design should be considered, and 8'-10' or more is actually the most appropriate and safe. If unauthorized motorized access at either is somehow a concern, however absurd this claim, then a simple post bollard or rock bollard at the entrance should be sufficient.

Furthermore, in winter, snow accumulation and encroachment typically further narrows most roads, streets and pedestrian ways in Minturn to the point that it is likely people on foot trying to

traverse a 4' sidewalk will in practice be left with only 2-3' total to pass each other abreast. This is effectively unworkable for a public passageway.

If Minturn North developer (Resort Concepts/Minturn Crossing) or any future neighborhood legal entity is persistent in opposing a safe connector path width of 8', the town should specify that that the property owner has been made fully aware that their proposed design does not meet safe design criterion, and the property owner should be required to hold joint liability with the town for future accidents or incidents occurring on the easement, rather than the municipality holding it solely as would be the typical arrangement.

Please do not approve the plat without this remedy. Minturn North is already being permitted to proceed with substandard street, sidewalk, and drainage design for a downtown neighborhood, and has successfully avoided addressing any other longstanding problems in the area it abuts, such as insufficient year-round and legal parallel parking on Taylor St. In addition, town should have required sidewalks on *both* sides of 4th street, as well as on internal streets in Minturn North. Instead, an out of place suburban design has been allowed to proceed to appease the developer's desire to avoid the construction cost of this infrastructure and nominal loss of developable lot areas adjacent to streets.

### **Repeating past mistakes**

The current town manager and several present members of this council have spent significant amounts of time and money in the last several years trying to tackle the legacy of substandard road and sidewalk design that has historically prevailed in parts of Minturn. Michelle and others have doggedly chased down state and federal money to address the previous substandard road and sidewalk designs on Main St/Hwy 24, thankfully and to their much-deserved credit--with great success.

Town planning staff has also repeatedly engaged residents in ongoing dialogue and process regarding how to better connect the 100 block to Eagle River and from Williams St. to Toledo Ave in a manner that invites safe and welcoming pedestrian passage between these areas.

These problems on Main St/Hwy 24 and in the 100 block are direct results of previous generations of Minturn residents and leadership failing to assertively and proactively plan for the future in platting our streets, sidewalks, and pedestrian connections, and instead allow the cheaper or politically/socially easier alternative to prevail.

Yet now we are choosing to essentially make the same mistakes once more on the north side of town. When we actually had the chance to build something correctly from its inception, rather than lament its poor designs and function later on, we are instead choosing to merely duplicate the same public design mistakes of past town residents and leaders.

Too many unsatisfactory compromises that purely served the developer's ~~needs~~ wants without providing substantial long term community benefits to either the town or the adjacent neighborhood have already been made during this process.

We sincerely hope we will not make yet another one on this issue. Please remedy the pedestrian connection easements and widths to 8-10', equal to or better than the designs of the same infrastructure in our peer communities. Why should Minturn yet again be content to build its community infrastructure to a lesser standard than any other?

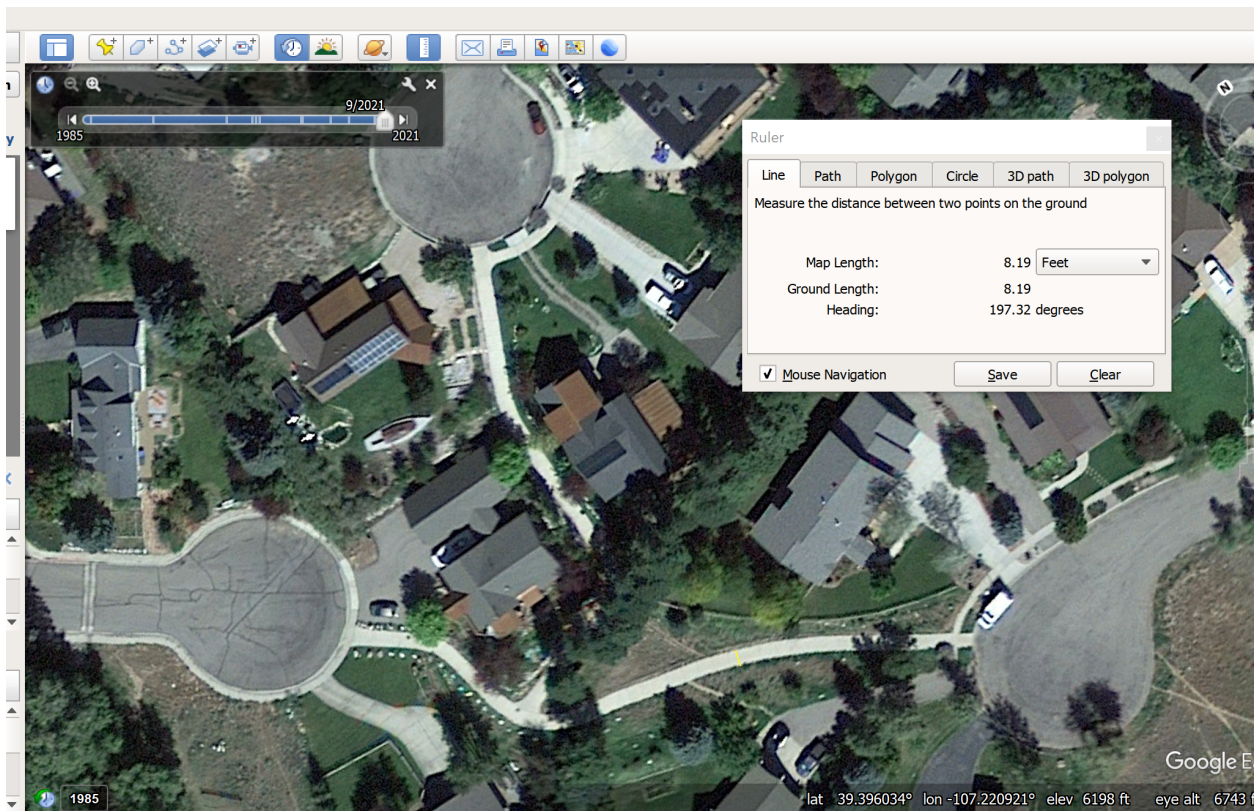
Thank you for your time and consideration,

Bill Hoblitzell, Kristin Thomas  
262 Taylor St

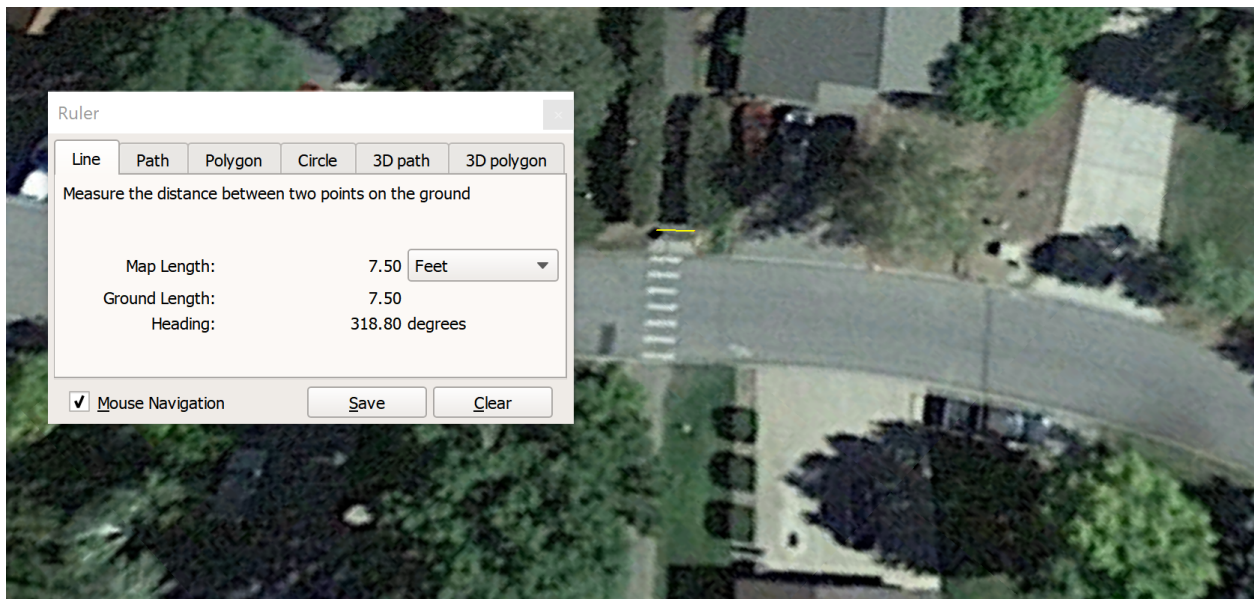




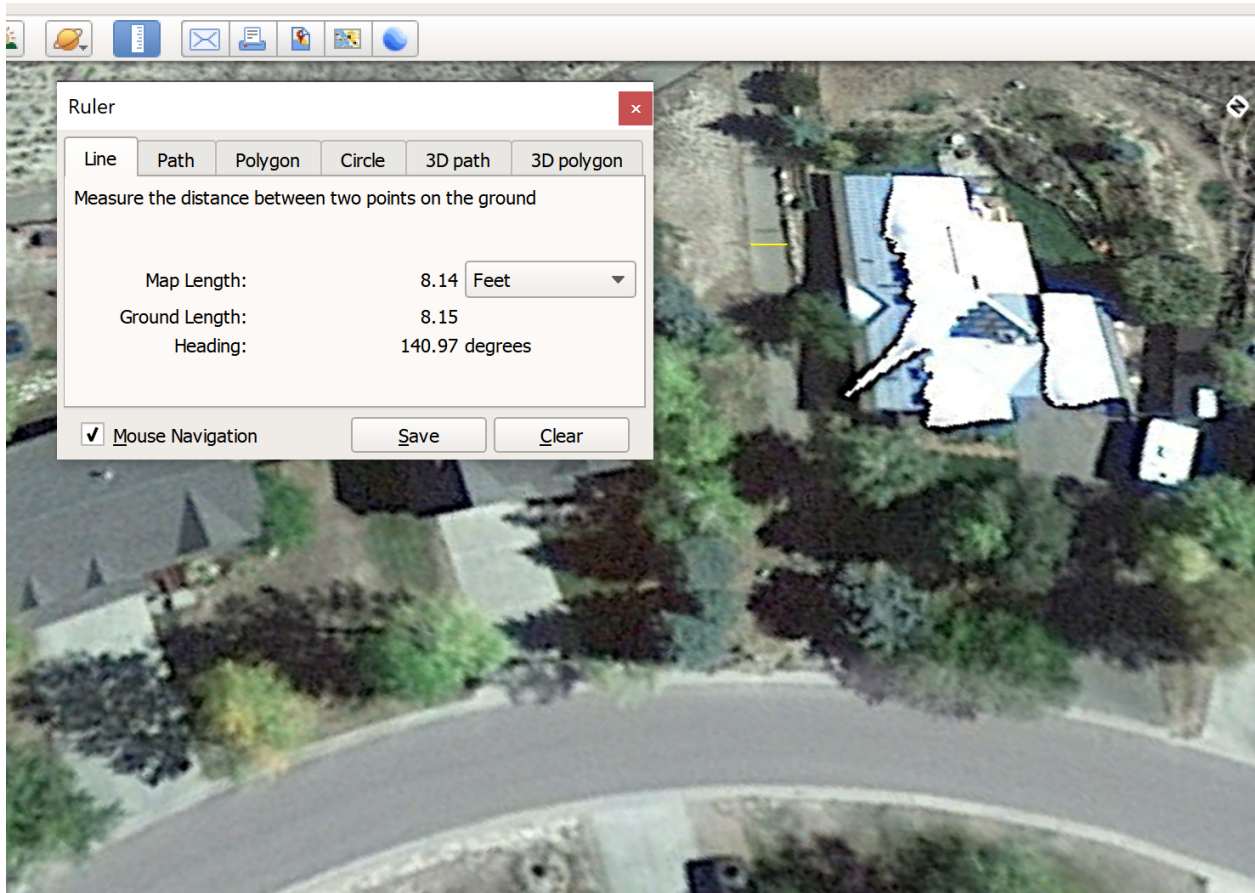
**All pedestrian pass-through connections of this neighborhood example in Carbondale connecting Oak Run Dr, West Ridge Ct, and Graceland Dr are 8' in width, allowing safe and adequate 2-way passing of pedestrians, bikes, and strollers.**



**This between-street connecting sidewalk on Bull Run Rd in Eagle is over 7' in width to safely allow 2-way passage of pedestrians and bikes.**

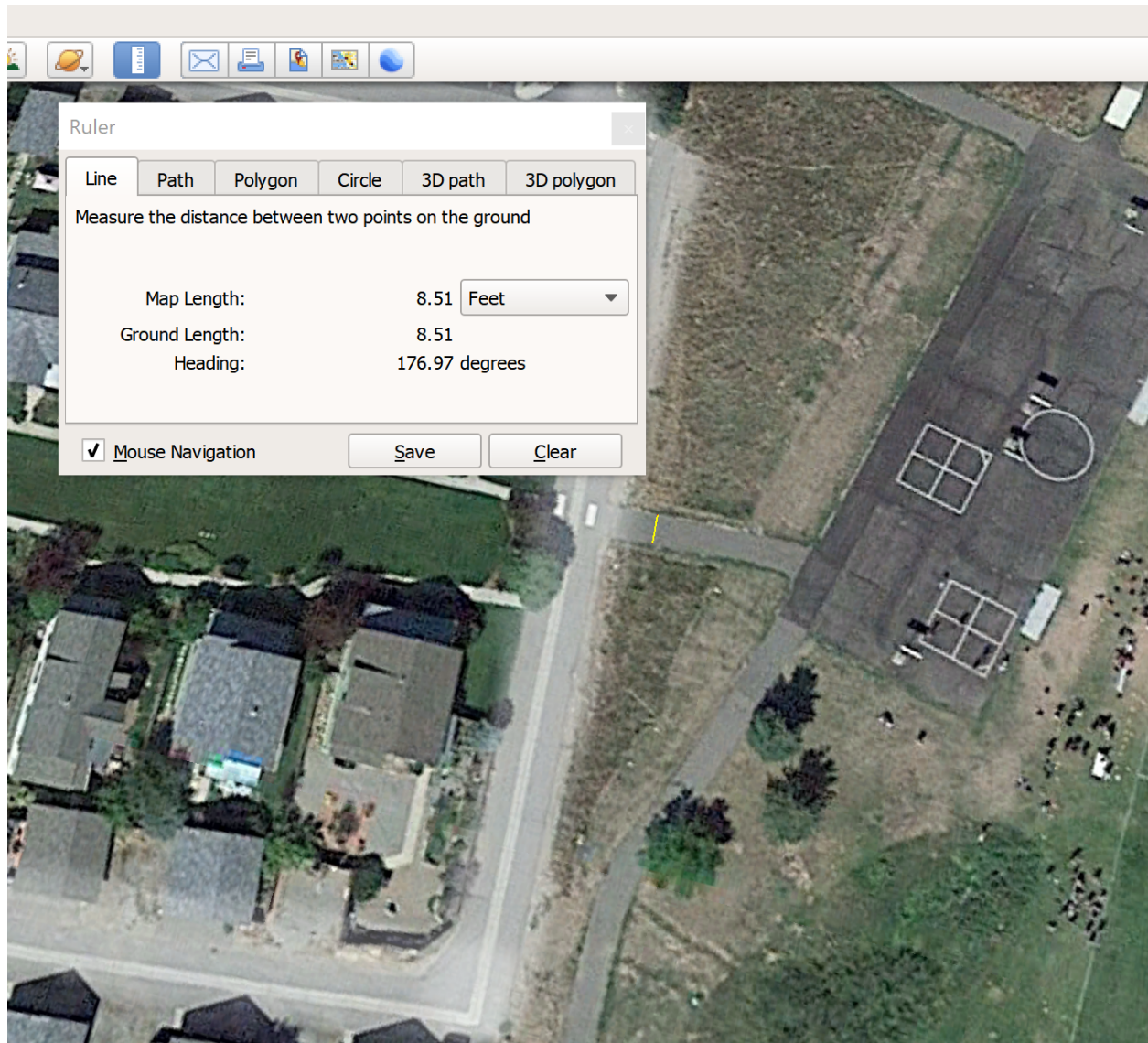


***Ringneck Circle pedestrian passageway in The Terraces neighborhood in Eagle. The width of the pedestrian pass-through between roads and house lots is 8 feet. Wide enough for two bikes or a bike and a pedestrian with a stroller to safely pass in opposite directions, as well as wide enough to be accessed with a small gator for maintenance and snow removal.***





At this pedestrian pass-through between Miller Ranch Neighborhood and Berry Creek Middle School, the width is 8-9', allowing for safe and adequate 2-way passage in opposite directions.



At this pedestrian pass-through in Vail from Hanson Ranch Rd between the Tivoli Lodge and the private residence, width is 10', allowing appropriate and safe passage of two-way traffic that includes bikes and pedestrians with strollers.

