



OFFICIAL MINUTES

Town Council Regular Meeting I 5:30PM

Wednesday, February 05, 2025

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/89391838702>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 893 9183 8702

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 5:30 pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present: Mayor Earle Bidez, Mayor Pro Tem Eric Gotthelf, Town Council members Gusti Kanakis, Kate Schifani, and Brian Rodine. Note: Tom Priest and Lynn Feiger were absent.

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, Town Planners Scot Hunn and Madison Harris, Town Clerk Jay Brunvand, and Deputy Clerk Cindy Krieg (zoom).

3. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

A. 01-15-2025 Minutes

B. Resolution 07 - Series 2025 a Resolution allocating the 2025 Holy Cross Energy Community Enhancement funds

C. 146 North Main St – Minturn Saloon annual renewal of a Hotel and Restaurant Liquor License, Connie Mazza, owner/manager

Motion by Gusty K, second by Eric G, to approve the Consent Agenda of February 5, 2025 as presented. Motion passed 5-0. Note: Tom Priest and Lynn Feiger were absent.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Eric G, second by Kate S, to approve the Agenda of February 5, 2025 as presented. Motion passed 5-0. Note: Tom Priest and Lynn Feiger were absent.

5. DECLARATION OF CONFLICTS OF INTEREST

N/A

6. PUBLIC COMMENT

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

Mr. Kyle Fowler, The Crazy Chicken Restaurant, 455 Main St:

Mr. Fowler is requesting to have Council consider amending the golf cart regulations to allow for a larger golf cart for him to use for commercial use. His hope is to be able to offer a golf cart shuttle for customers, from the Minturn Mile in the winter and the Minturn Market and other events in the summer. The current regulations have a restriction in size (weight, and a 4-person capacity).

Michelle M. clarified that the original ordinance that was created was based on examples from other municipalities, and the restrictions on size of golf cart were not necessarily strategic in any way.

One additional challenge however, that will need to be considered, is how to access the north end of town (and Little Beach Park) without going the wrong way down a one-way street. Council agreed that this could be added to a future agenda. Date to be determined.

Terry & Jeff Armistead, 1632 Main St:

Terry shared a heartfelt thank you to Michelle Metteer for her work as Town Manager, and what an impact she has made in Minturn.

She expressed how well she has worked with staff and council, and expressed how much the Armisteads and the town as a whole will miss her.

Jeff Armistead also reiterated Terry's comments.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K: High Five Media board report:

Mentioned the CO Gives donations (this is helpful, but more funding is needed)

CMC media course is being well received

Earle B:

Earle B. and Town Clerk Jay B. attended the CAST (Colorado Association of Ski Towns) meeting recently. There was discussion at the CAST meeting about the federal funding freeze. Although it's been rescinded, it has delayed some things.

Congressionally directed spending still seems on track for Minturn, following discussions with state representatives.

Earle B. also mentioned that per Rep. Joe Neguse, the USFS program that's been tied up in congress for 2 years (affordable housing), should be moving forward though it's likely a few years down the road.

8. STAFF REPORTS

A. Manager's Report

There will be an upcoming council discussion regarding the 30ft river setback. Council could add the Eagle River Quiet Title discussion to that meeting.

Council direction regarding the quiet titling process:

Council was generally in support of moving forward.

Brian R. stated that some residents texted him after they got letters about the quiet titling, and he felt that maybe it was confusing to some, and there is not a lot of information available.

Michelle M. also noted that CDOT has approved a crosswalk with rapid flashing signs at Cemetery Road.

Main Street Phase II Sidewalks

This project is prepared to go to bid and will have an open bid period of three weeks. Postings will be placed in the Vail Daily, Town website, BidNet and CIP Information Service. In addition, the RFQ for construction management services will be published Feb 3rd. Jeff Spanel and Katie Sickles will oversee the RFP process. If any council members are interested in participating in the

interview portion of the process, please let Katie know. Up to two council members can participate. Katie can be reached at interim@minturn.org.

Taylor Street Paving Project

Jeff Spanel and Cindy Krieg hosted an open house for Taylor Street residents to provide additional feedback for residents requesting improvements as part of the Taylor St repave project. This project has an estimated budget of \$750k and will need to address many deficiencies along the roadway including a variety of drainage issues, vehicle speed issues and parking. The Council directed NOT to take back any of the right of way already encroached upon, so the staff will work within the current alignment to find a balance of improvements that can be made within the confines of the budget.

Eagle River Quiet Title

Letters have been sent to property owners along the river within the Eagle River Restoration area notifying them of the Town's effort to quiet title the river bottom. The letters further indicate that no legally obtained private property will be affected by this effort. This has been an ongoing effort since the Council in 2018 approved of this process and the Council in 2024 confirmed the commitment to this undertaking. Rob Marsh is leading this work for the Town and Mike Sawyer can provide additional context as needed after my departure.

Trump Administration's Executive Orders, Directives & Guidance (Sustainable Strategies Update)

The change in the federal administration has led to uncertainty regarding project loan and funding opportunities (See M-25-13 below for reference). With President Trump pausing federal aid to many programs, Minturn was uncertain as to the \$3M in Congressionally Directed funding the Town plans to utilize for offsetting the cost of the water treatment plant. After listening to Sustainable Strategies analysis of the freeze, which has since been rescinded while the administration takes the next 90-days to review programming, it sounds as though CDS funds are unlikely to be affected as those funds were congressionally approved. More to come as this moves through the process.

Department of Local Affairs (EIAF Grant Award)

DOLA has awarded Minturn funds toward the repair/replacement of the retaining wall at Little Beach Park. This work will also include a new access road from the small basketball court to the stage. As part of this project Minturn requested to utilize the Town's match dollars to purchase a new playground. DOLA has denied this request. Minturn is now looking at utilizing cash funds within the Little Beach Park escrow account to include a new playground as part of the summer 2025 construction work.

B. Planning Director Report

Scot H. recapped the recent Highlands Parcels public process:

- USFS, CPW, Eagle County Open Space, EVLT, and over 40 people attended the open house on 1/19.
- We had a tremendous response to the online survey as well (over 200 responses).

Scot H. will work with Madison H. and Cindy K. to summarize the feedback and present more formal findings at an upcoming council meeting.

There appears to be overwhelming support for some sort of open space for those 2 parcels.

Earle B. stated that he thinks perhaps some people did not fully understand that if the Town opts to pursue open space and no development, that likely will not help offset water infrastructure costs / water rates.

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 8 – Subdivision Application Requirements and Procedures
 - This article replaces previous Chapter 17 – Subdivisions, of the Town Code and adds clarity to the process and administrative aspects of applying for a subdivision.
 - Like Article 5, this new article will include elements (text, certain processes and/or requirements) of the existing code along with new language, new provisions, and layout/format to be more user-friendly.
 - Article 8 has been reviewed by the Planning Commission, has been updated based on Planning Commission feedback, and is now being reviewed by the Town's consultant team (Attorney and Engineer) before being presented again to the Planning Commission.
- 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.

Next steps in our process include review of Article 11 – Annexation and Disconnection (currently undergoing internal review by planning staff before being presented to the Planning Commission), wrapping up Article 8 – Subdivision Requirements and Procedures, and then moving on to Module 2 which will include work on the Town’s zone districts, allowable uses, development standards, and official zone district map. This step (zoning, uses, and allowable uses) will involve public engagement. Staff will keep Council informed as the public engagement process is being formulated.

Active Land Use Applications:

- 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. In fall 2024, the application was sent to referral agencies as well as the Town’s consultant team for review. The Applicant is currently working to address those comments and/or concerns and, in certain instances, to revise the application. 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.
- Design Review Board Administration & Building Activity
Staff continue to meet with property owners interested in new or remodel projects; to accept and review Design Review Board applications for new homes and remodel projects; and to work with our building official to coordinate and complete review of building permits and inspections in the field. Staff anticipate a busy spring, with more DRB applications for projects like Belden Place and Minturn North PUDs, as well as individual new home projects

Other Planning Department Activities:

- The Highlands Parcels 1 and 2 Public Engagement
Staff have completed the first step in the public process to determine the future use of the Highlands Parcels Nos. 1 and 2. In early January, the Town launched a webpage with background information about the parcels, as well as information about the Town’s intended process – including public input – to decide how best to use those parcels. A survey was conducted (online and handwritten options) and the Town hosted an open house on Wednesday, January 29th at Town Hall.
The January 2025 survey questions were based on similar questions asked during the Community Survey conducted in the spring of 2024, essentially asking respondents if they prefer the Highlands to be used or preserved as open space, or for development, or some combination of both. The premise of those (2024) questions were that the Town has the opportunity to sell the Highlands Parcels to generate revenue that directly benefits the Town’s Water Enterprise Fund. Staff drafted the most recent survey to reiterate the Town’s

intent to generate revenue, while not speculating on which options (open space or real estate development sale options) would produce more, or less revenue.

As of this writing, the Town has received 231 responses to the survey (including online and written survey responses from residents and non-residents), and we welcomed approximately 40 people during the open house. The survey will close at the end of day on Friday January 31st. The survey response and the great attendance at the open house are indicative of the community's interest in the Highlands Parcels.

Staff will take the next two weeks to analyze the survey results from the survey and the open house (which had boards/dot matrix exercise asking essentially the same questions as were posed in the survey), as well as any written comments and ideas. An early assessment of public input received indicates that:

- 1) The 2025 Highlands Parcels Survey results mirror the responses related to Highlands Parcel questions asked in the Spring 2024 Community Survey (a preference for the Town to seek revenue generation through the sale of the parcels for open space/land conservation).
- 2) There is a strong preference by the public in 2025 for an open space alternative that limits or prohibits public access/recreation in lieu of protection of wildlife habitats.

Staff will provide a more detailed analysis and report of the survey and open house results to Council at its second meeting in February and will look for further direction from Council on next steps and action alternatives for the Highlands Parcels 1 and 2.

- **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 presented the initial results of the assessment to each of the partner jurisdictions in October and November.

Since then, EPS has worked to finalize a report which should be published in February or March 2025. EPS will now work with each partner jurisdiction to develop individualized action plans (based on the findings from the report) laying out strategies for defining opportunities that fit each jurisdiction and generally aimed at improving or protecting local's housing stock. In February and March, the partnership – lead by EPS – will again visit each jurisdiction to present the final report along with individualized recommendations (action plans) for consideration.

- **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 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.

9. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

Council took a brief recess to have some cake in celebration of Michelle M's moving on from the Town Manager role.

10. BUSINESS ITEMS

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

A. Ordinance 02 - Series 2025 (Second Reading) An Ordinance Amending Chapter 16, Article 17 of the MMC in Regard to Cut-Off Times for Holiday Lighting

Staff have attached the first reading of Ordinance 02 – Series 2025 for the Town Council's review and consideration at their regular meeting of January 15, 2025.

Recently, the Town reviewed and adopted minor revisions to Section 16-17-180 - Exterior illumination standards, to allow for seasonal uplighting of the historic Minturn Water Tank for Town purposes. During their deliberations to approve Ordinance No. 19, Series 2024, the Minturn Town Council discussed the Town's dark or "night" sky lighting restrictions as well as exemptions within the Minturn Municipal Code that allow for holiday or ornamental lighting. The Council was most interested in understanding how the Town regulates or enforces exterior lighting restrictions and whether there should or could be limits placed on the time of day when non-permanent holiday lighting can be displayed. Staff were then directed to facilitate a follow-up discussion related to holiday lighting.

At the regular Council meeting of November 20th, 2024, staff presented existing lighting regulations and definitions for "Exterior lighting" and "Holiday/ornamental lighting" and highlighted some issues with the current regulations and definitions. Namely, the current definition of holiday/ornamental lighting is problematic because it states that holiday or ornamental lighting means "festoon lighting." Staff disagrees with this (holiday lighting and "festoon" or café-style lighting are different) and, ultimately, the Council gave direction to staff to present an ordinance amending Section 16-17-180 to update the definition of "Holiday lighting" and to add a separate

definition for “Festoon lighting” – to differentiate between the two forms of lighting and, therefore, to allow for better regulation of both.

Additionally, the Council gave staff direction to amend Section 16-17-180 to add a time limit (dawn or sunrise to 10pm) when holiday lighting can be turned on, while allowing festoon lighting – typically considered “café” style lights that people use in their backyards year round or which are used for commercial outdoor seating year round – to be considered as permanent and therefore not limited to time limits that will apply to holiday lighting.

This ordinance received a unanimous recommendation from the Planning Commission for approval.

No changes from first reading.
No council comments.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K, second by Kate S, to approve Ordinance 02 - Series 2025 (Second Reading) An Ordinance Amending Chapter 16, Article 17 of the MMC in Regard to Cut-Off Times for Holiday Lighting as presented. Motion passed 5-0. Note: Tom Priest and Lynn Feiger were absent.

B. Resolution 05 - Series 2025, A Resolution Approving a Contract for an Interim Town Manager

Council is asked to approve Resolution 05 – Series 2025 a Resolution appointing an interim Town Administrator for Special Projects and an Interim Town Administrator for in-house operations for the Town of Minturn.

In light of Michelle M’s resignation and as considered in prior discussions the Council is asked to appoint Ms. Katie Sickles as the Interim Town Administrator for Special Projects. Her role will be to continue the advancement and or completion of the multitude of special projects and capital projects the town has currently undertaken. As a result of several interviews and conversations, Ms. Sickles has the background and expertise to manage the projects and to move forward those projects in a professional manner. In addition, the council is asked to appoint Jay Brunvand as Interim Town Manager as the in-house Interim Town Manager. This position will be responsible for the policies and affairs of the Town, managing and controlling the functions of the Town Departments and staff, and in-house assistance of the permanent Town Manager and liaison with the Special Projects interim Town Manager. The replacement of the Town Manager with a permanent hire will require significant effort and costs. The intent is to place qualified interim individuals while the permanent hire search is undertaken.

Mike Sawyer did a brief introduction / recap of the contract and what is covered. This agreement follows the Town’s standard Professional Services Agreement.

Mike S. also stated that the agreement may end up being extended once a permanent manager is hired, to help with that transition.

Ms. Sickles introduced herself and gave a brief background of her experience.

Gusty K. pointed out one typo in the resolution – Willy Powell’s name was listed in error, and this will be corrected.

Motion by Gusty, second by Kate, to approve Resolution 05 – Series 2025 appointing interim town managers as amended with the above noted correction. Motion passed 5-0. Note: Tom Priest and Lynn Feiger were absent.

C. Resolution 06 - Series 2025 A Resolution Approving A Conditional Use Permit for Light Manufacturing at 161 Main Street and 161 Nelson Avenue

The Applicants, Spence and Stefanie Neubauer, request a Conditional Use Permit review of a new, 3,597 square foot distillery located at 161 Main Street and 161 Nelson Avenue in the Old Town 100 Block A Zone District. The Planning Commission acting as the Design Review Board have approved the design plans of the distillery. The Applicant has provided a relatively complete and thorough set of site, landscaping, and architectural plans allowing staff and the DRB to conduct a final plan level review of the project.

The plans show a two level structure with a max height measured to the midpoint of the roof of 23 feet above proposed grade. The height of the proposed structures appear to be within the maximum 35-foot allowable within the Old Town 100 Block A Zone District.

Additionally, the massing, forms, and scale of the proposed structure, as well as proposed exterior materials, textures and detailing also appear to achieve the design objectives of Appendix B – Design Guidelines and Standards. Parking is not required for a commercial building within the Old Town 100 Block A Zone District, however there is one loading space provided. According to staff’s analysis of development standards and dimensional limitations in Section III below, the project appears to meet the Town’s standards. Staff believes that the Applicant has provided a complete, detailed set of plans necessary to complete a thorough final plan review. Staff and the Planning Commission are recommending approval, with conditions.

Earle B. recused himself, as he has a business lease relationship with the owners.

Madison H. summarized the key staff findings, definitions, the discussion from the January 8, 2025 Planning Commission meeting, and previous public input.

Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:

1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.

Staff Response: Generally, the subject site is located within a historically commercial area. The Town's master plan and guiding policy statements for the Old Town Character Area 100 Block A Zone District anticipate a mix of commercial types: "This district was updated concurrent to the Community Plan update and includes two subareas: 100 Block A (properties fronting onto Main Street) and 100 Block B (properties to the west of Main along Williams). The intent of this district is to incentivize sales-tax generating uses and the reuse of existing structures, while new construction is required to fit in with the rest of the 100 Block through new design standards and guidelines." - 2023 Imagine Minturn Community Plan Chapter 1, pg. 21 It should be noted that the Community Plan does provide goals and strategies geared toward supporting commercial. As such, staff suggests that the use proposed is in accordance with this criteria. A primary purpose of the Conditional Use Permit review is to ensure that permitted uses are compatible with their locations and surrounding land uses and will further the purposes of the Community Plan and Chapter 16.

2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Staff Response: Generally, the location and use proposed, if properly conditioned, should not be detrimental to the public health, safety or welfare, nor should they be materially injurious to the properties or improvements in the vicinity if the site is maintained in accordance with the standards of the Minturn Municipal Code. Within the variance hearing there was brought up by a member of the public concern for the possibility of "whisky fungus". The Applicant reached out to an expert on the matter, Dr. James Scott, and per the attached email the risk of this being an issue is minimal due to the small scope of the production as well as the dry climate that we live in.

3. That the proposed use will comply with each of the applicable provisions of this Chapter.

Staff Response: Staff believes that this finding can be met.

Planning Commission Recommendation and Suggested Conditions:

Staff and the Planning Commission suggest that the Final Plans for 161 Main Street and 161 Nelson Avenue comply with applicable provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code. In the event the Town Council approves of the Conditional Use Permit, the following conditions of approval are suggested by the Planning Commission.

1. The Amended Final Plat combining the two lots shall be completed prior to building permit issuance.
2. Signage is encouraged to not allow parking in the loading dock and directing people to park in the Municipal lot.
3. That the testimony given in regards to the loading dock remaining a loading dock is binding

Applicant Comments:

Spence Neubauer, 161 Main St. property and business owner:

Mr. Neubauer addressed the distilling process / systems.
He also reviewed the Manufacturing Light definition.

Mr. Neubauer shared several photos and diagrams, to demonstrate the closed process / closed systems. He explained that there is no ethanol being released.
The vaporizing happens in boilers, it's a closed process.
Sealed tanks / sealed systems.
After you mash (closed process), you add grain and hot water.
The fermenter is where you add the yeast (this is also a closed process).
There is no open fermentation, therefore there is no smell released.

Mr. Neubauer also discussed sensors and mitigating safety risk. While there is never zero risk, there seems to be some misunderstanding regarding gases and vapors.

Fire sprinklers will also be in place per building code.

Ms. Stefanie Neubauer is also working with CSU students to develop a plan to capture the CO₂ and reuse it.

Mr. Neubauer provided some examples of other distilleries in CO.

The max floor space at this property will allow for approximately 100 barrels at a time.

The fungus concerns from ethanol release, which was brought up in public comment, typically comes into play at around 10,000 – 20,000 barrels.

Ms. Stefanie Neubauer, 161 Main St. property and business owner:

Ms. Neubauer acknowledged that whisky fungus is a real thing, however owners Stefanie and Spence have done a significant amount of research on this.
Stefanie presented several articles about the topic, and also spoke about her correspondence with Dr. James Scott, who is a leading expert on the subject.
Ms. Neubauer wrote to him to inquire about this concern. She read the letter she sent to Dr. Scott to ask for his input, and also shared his response.
Dr. Scott and Ms. Neubauer did a Zoom call and discussed in great detail.
Dr. Scott stated that he is not seeing this under 10,000 – 20,000 barrels.
He did suggest installing ethanol sensors in the area anyway, as a precautionary measure.
Ms. Neubauer stated that if any fungus is detected, production will halt until it subsides.

Ms. Neubauer also interviewed neighbors of the Breckenridge Distillery. Those neighbors had positive feedback and stated that they have not experienced any issues with odors.
She has the video of those interviews available upon request.

Public Comment Opened:

Mr. Hawkeye Flaherty, 160 & 162 Main St, presented and spoke opposed to the approval.
Mr. Flaherty lives directly across from the property.

Mr. Flaherty feels it does not comply with the Community Plan or the code, and he expressed health and safety concerns. His presentation document has been included as Exhibit A.

Mr. Tim McMahon, Avon:

Mr. McMahon commented that this would be a draw for people to come to Minturn, and would help other businesses. He also commented that he felt the applicants addressed all of Mr. Flaherty's concerns.

Mr. Robert Creasy, 453 Pine St.

Mr. Creasy is the architect on this project.
He corrected Mr. Flaherty on measurements of the building, and stated that the footprint does comply and does in fact meet the code.

Under the Uniform Building Code: Storage is an accessory use (Manufacturing light is the primary use, storage would be an accessory use). Tasting room is similar to a tavern or restaurant use. Manufacturing light qualifications are met.

He stated that the applicants clearly demonstrated that all of the gases will be maintained inside the units.

The proposed fire sprinkler system is what's required by the National Fire Protection Agency.
This project is meeting national code with what would put out an alcohol fire.

The 2nd floor referenced is simply a mezzanine for overflow of the tasting room (not for manufacturing). It's technically a one-story building.

Mr. Tom Sullivan, 116 Nelson Ave:

Mr. Sullivan expressed safety concerns with regard to the intersection at Nelson Ave. and Williams St. This is already a very difficult intersection (especially with the hill on Nelson Ave), and he feels that the rear variance will make this intersection more dangerous.

He also brought up traffic flow on Nelson.

How is a car turning onto Nelson is going to exit?

Is there a plan for traffic flow both during construction and when the building is finished?

This will create a 3 point turn in a 4-way intersection, with a hillside coming into it.

Concerned about safety and not being able to stop coming down the hill.

Has the town looked into this?

Eric G. stated that the Town is looking into this, to which Mr. Sullivan responded that's not a sufficient answer.

Michelle M. confirmed that Nelson Ave paving (and possibly heating) is a future agenda item. It was stated by Eric G. that repaving should not happen without a traffic plan. This will be discussed in more detail on a future agenda.

Mr. Larry Stone, 152 and 156 Main St. and commercial property at 201 Main St.

Mr. Stone is in favor of the project, he feels that this will be a great thing for Minturn, and feels that any concerns can be overcome.

Email Comments submitted:

- Dr. James Scott, Toronto Canada, reiterated his Planning Commission comments that he was in support of and felt the odor and fungal blackening would not be an issue with such a small production line.
- Ms. Lindsay Mangat, 102 Nelson Ave, spoke in support of approval.
- Chris & Tessa Manning – comments in support were submitted after the packet went out. Madison H. read these into the record.

Public Hearing Closed

5 minute recess at 7:05pm.

Meeting resumed at 7:10pm.

Applicant given an opportunity to address public comments.

Spence Neubauer, Applicant

With regard to traffic, this area does get overloaded on Fridays and Saturdays, especially when Thai Kitchen and other restaurants are busy. Prior to this project, people parked all over the place in this area and it was already an existing problem. He does not feel this project will compound the problem.

Mr. Neubauer also stated that they are hopefully going to use waste heat to help heat the Nelson hill, to help with safety there.

Council questions:

Gusty K. Commented that it's the applicant's private property and it is within their rights to develop it. He stated that any ROW intersection issues are the Town's problem, the Town needs to find a solution to fix it.

Staff Comments:

Madison H. added that the planning department would like to recommend 2 additional conditions:

- 1) Formalize the ethanol monitoring systems

- 2) With the building permit, that the application submit a traffic plan along with their construction management plan

Motion by Kate S, second by Brian R, to approve Resolution 06 - Series 2025, A Resolution Approving a Conditional Use Permit for Light Manufacturing at 161 Main Street and 161 Nelson Avenue as presented with the 3 original conditions and the additional 2 recommended conditions. Motion passed 5-0. Note: Tom Priest and Lynn Feiger were absent.

Michell M. noted that for the future agenda item regarding Nelson / Williams (traffic flow and possible heating), she has requested that staff have that ready for council discussion by April.

- D.** Ordinance 03 - Series 2025 (First Reading) An Ordinance Amending Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code establishing ownership and occupancy requirements for approval of a short-term rental license

Council to approve on first reading Ordinance 03 - Series 2025 An Ordinance Amending Section 6-7-40 of the Minturn Municipal Code to require occupancy of a property as a primary residence prior to approval of a short-term rental license.

At the June 19, 2024 Council meeting, there was a discussion spurred by input received on the Community Survey in regards to Short Term Rentals and recommendations from Council members. Due to the breadth of that discussion, it was recommended that there be a separate discussion regarding 2-year residency requirements. That discussion was had at the January 15, 2025 Council meeting. Since the introduction in 2017 of Minturn's Short Term Rental policy, little has changed. It has been observed that in the last couple of years, there have been a couple of instances where property owners will use the current 2-year ownership requirement as the time to go through the Design Review and Building Permit process, and, once they've received their Certificate of Occupancy, the two years have passed and the property immediately becomes a Short Term Rental. At the January 15, 2025 Council meeting direction was given to draft an ordinance addressing two paths for short term rentals. 1. If the whole property is to be given a STR License then it must have functioned as a primary residence for the initial two-year ownership, and 2. if only a portion of the property is to operate a STR License then as long as the rest of it functions as a primary residence then the two year ownership requirement is waived. In the Community Survey completed in April 2024 and presented to Council, many residents expressed worries about the impacts of short term rentals on the availability of locals housing. There were some suggestions for further tightening regulations on STRs and some residents felt the need for stronger enforcement.

Mike Sawyer introduced the ordinance, and explained the different sections and what they mean.

Subsection D1 – Partial short term rental: This section allows for an exemption if less than 33% (of the liveable square footage), is being short term rented (for example, a lockoff or other small part of the property, less than 33%). This would allow for an exemption from both the 2 year ownership requirement and the proposed 2 year residency requirement.

Subsection D2 – Majority short term rental: If above that 33% threshold, the Town would continue to have the 2-year ownership requirement, and in addition, it would be required to have the property be occupied as a primary residence for 2 years. There is a definition for “long term rental” though the Town does not currently have a definition for “primary residence.” Under municipal law, it just means if you register to vote here. This is difficult to monitor if it’s based on how much time an owner spends here.

Public Hearing Opened

Mr. Kelley Anderson, 721 Main St., 936 and 942 Main St.

942 is currently a short-term rental (STR), the other 2 properties his family owns are not.

936 is currently a trailer. They’d like to remove it and build something nice.

His house at 721 will be a tear-down someday when he passes. To require someone to live onsite as a primary residence does not make sense. His family will end up selling and going elsewhere if these types of restrictions are in place. He feels that existing properties should be grandfathered in. His family bought their properties years ago.

Removing the trailer to build a home would be an improvement to the Town, so if passed this restriction would be a deterrent to doing an improvement like this.

Ms. Lynn Teach, 253 Pine St., Ms. Teach just wanted to reiterate that the short term rental guidelines still need to follow the current guidelines / cap on numbers. The availability needs to be there.

Ms. Jessica Sullivan, 116 Nelson Ave.

Ms. Sullivan and her father Tom Sullivan own Minturn Rentals, they manage quite a few long term and short term rentals in Minturn.

Ms. Sullivan expressed concern that this act would not help the housing issue. She feels it will inadvertently cause property owners to just have their properties sit vacant. She stated that it would be better if they were short term rented and contributing to our local economy.

None of the STRs they manage are used as a primary residence. The owners purchased the homes as vacation homes. Most of these homeowners have spent millions of dollars on their homes, and they won’t long term rent because it would mean they can’t use the property.

The Town is currently only at around 30 of the 50 cap of STRs, and this has been the case the last few years (it has consistently hovered around this number, going up and down slightly year to year).

Ms. Sullivan gave an example of one of the properties they manage that did sit empty before and now is lively and has consistent activity contributing to the Town.

She recommends making it easier vs. harder for property owners. She feels the existing 2 year ownership requirement is sufficient.

She pointed out that STR taxes just went up significantly.

She also inquired from council what the intent of this amendment is?

She feels that having a STR unit is preferable to a vacant second home.

Earle B:

In response to Ms. Sullivan's question about intent, Earle B. stated that Council felt like there was a loophole in the code whereby property owners could build and then immediately STR at 2 years.

Mr. Tom Sullivan, 116 Nelson Ave:

Echoed what Ms. Sullivan stated. Mr. Sullivan brought up the examples of 701 Boulder and their additional property at Lucero's.

He stated that both of those homes were in excess of \$2K to build. One of those homeowners lives in Chicago and one in NY. These people want to rent their homes and they care about Minturn. They want to contribute. He feels that this proposal is misguided, to try to force people to rent their multi-million dollar homes long-term.

He feels this doesn't make sense.

He reiterated the concern over vacant second homes. We don't want Minturn to become a ghost town. When average home costs in this valley are \$1.5M, there are going to be second home homes. If these vacation homes are at least being utilized as STRs, then the lights are on and they are bringing activity (and revenue) to Town.

Mr. Bob Anderson (via zoom), 721 Main St., 936 and 942 Main St.

Mr. Anderson echoed some of what his brother Kelley stated.

He also noted that he is an ambassador of Minturn. He and his family live here part time in the summer. They hope to be here more full time eventually, but he still has kids in school in Louisiana). He commented that some of the people they rent to have wanted to buy the house. Their guests come and spend money in Minturn, at restaurants, shops, etc. and want to be here.

He feels the 2 year ownership requirement could be based on certificate of occupancy, but does not feel that there should be a residency / occupancy requirement.

Mr. Larry Stone, 152 & 156 Main St.

Mr. Stone's concern is that we have not done an extensive study of the revenue from STRs to our town. He feels it is a vital part of our economy.

He also has concerns about vacant properties, and feels we have an existing ordinance that works.

Minturn does not have a lot of means to generate sales tax (and lodging tax), this is an important part of our economy here in Minturn. We need heads in beds.

We are a tourism economy, and we need lodging. We don't have many hotels, and we need the STR units to capitalize on our tourism economy.

Mr. Stone recommends leaving the ordinance as is.

Mr. Mark Tamberino, Owner, Kirby Cosmos BBQ Bar, 474 Main St:

Mr. Tamberino feels that STRs are a huge asset to our town. Heads in beds mean customers in our restaurants and other businesses. He feels the existing ordinance works, and doesn't think it needs to change.

Public Hearing Closed

Council Comments:

Earle B. Mentioned that all of the public comments had valid points. At CAST, they published a report. Minturn was last in sales tax amongst members, and some of those communities are just as small as we are.

Kate S. asked Earle B. if he was suggesting that those other communities have higher sales tax and lodging tax because of STRs?...

Earle B. mentioned that he wasn't sure but in general, we have seen a decline in business revenue.

Staff comments:

From a community / neighborhood impact perspective:

Michelle M. commented that in regard to STRs, actual submitted complaints from the community have been very minimal.

Scot H:

Sits on a housing board. There are different studies regarding the impact of STRs on locals housing. There are valid points. Would this change actually help locals housing, or would we just be sitting on vacant homes?

Michelle M:

She and Mike S. were both involved in creating the original ordinance / code.

Michelle M. has been part of many housing discussions locally and regionally, and agrees that this change would likely not help with the long-term rental / long-term housing situation.

Gusty K. proposed denying the ordinance and keeping as is.

Mike S. brought up that there were 2 items in this ordinance:

- One part was regarding residency / occupancy (Section D2)
- The other part was the 33% partial exclusion (Section D1)

Mike S. stated that you could strike all parts that are tied to the residency part, but keep Section D1 regarding partial short term occupancy.

Brian R. stated that STR ordinances / policy are a very small part of the much bigger housing issue conversation. Perhaps there are other policies that could be looked at to help us make gains in this area. Suggested we should look at this more comprehensively vs. with these one-off changes.

Kate S. asked about continuing the topic.

Mike S. stated that Council could continue to a future date, public hearing has not been noticed yet.

Mike S. Recommended that if Council does not want to approve the 2 year residency requirement, that the ordinance should be approved with an amendment striking everything except 6-7-40, Subsection D1.

Motion by Gusty K, second by Brian R, to approve Ordinance 03 - Series 2025 (First Reading) An Ordinance Amending Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code establishing ownership and occupancy requirements for approval of a short-term rental license, with the amendment to remove everything except 6-7-40, Subsection D1.

Motion passed 5-0. Note: Tom Priest and Lynn Feiger were absent.

11. DISCUSSION / DIRECTION ITEMS

A. Minturn Bike Park - Proposed Future Projects

Sammy Chipkin from Vail Valley Mountain Trails Alliance attended in person and presented. Ernest Saeger, Executive Director, was present via Zoom.

Earle B. inquired, following the presentation, whether the proposed dirt jump enhancements / improvements be done in time for the GoPro Games?

Sammy C. noted that would be a tight turnaround with weather / timeline, but possibly.

Brian R. commented that he spends a lot of time at the bike park with his kids.

He sees a lot of use from families, so he can see a lot of value in the skills area.

Eric G. has a 3 year old, could not get his son to go on the kids pump track, he just wants to be where the big kids are.

Zone 1 seems like a good spot for the skills course.

Has seen families from all over (including Mexico) using the facility.

Michelle M. requested council direction on moving forward with the timeline proposed by VVMTA in the presentation.

Council approved \$30K in the 2025 budget, and could look at additional funding in the 2026 budget.

Council approved moving forward with the proposed timeline to gather community input on what our bike park users would like to see in the future.

Plans for community engagement:

- Online Survey
- Concept design created based on results
- Open house to provide feedback on the concept (possibly on bike park opening day)
- Release final draft for review and approval
- Execute on final design

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics:

- Golf carts
- Possible STR Work Session (holistic discussion around policy)
 - This could tie in with the Minturn Forward housing discussion
- Nelson Ave / Williams St. traffic flow (recommended for April)
 - CDOT would not allow us to change the direction of Williams St.

13. ADJOURN

Motion by Kate, second by Brian to adjourn at 8:43pm. Motion passed 5-0.



Earle Bidez, Mayor

ATTEST:



Jay Brunvand, Town Clerk



Exhibit A:

Items for Council Presentation – Hawkeye Flaherty, Public Comments regarding the Conditional Use Permit Application for 161 Main St.

Variance and Findings.

There was no reasonable argument to justify the Findings

APPENDIX B - MINTURN DESIGN STANDARDS AND GUIDELINES

B. - GOALS, OBJECTIVES, AND GUIDING PRINCIPLES

Building Compliance with code.

Does not comply with the design standards and guidelines for development Minturn has developed.

MINTURN COMMUNITY PLAN

The Design Standards and Guidelines within Appendix B of the Town Code outline a framework for the 100 Block that is both practical and inspiring. To achieve the vision for the 100 Block described in this chapter, the Town of Minturn should use the Design Standards and Guidelines to guide future development/redevelopment efforts.

Does not comply with Appendix B Sec 16-6-35 (b)

The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale.

Street level space within the 100 Block Commercial Zones shall be dedicated to lodging in historic properties and retail uses. Non-street level space within the 100 Block Commercial Zones may be used for compatible retail, office, and residential uses.

Large monolithic buildings and are not allowed.

100 Block Commercial Zones

Sec. 16-6-70. - Old Town Character Area use table the 100 Block B

- Manufacturing Light **Conditional Use Designation C**
- Tasting Room **Not Allowed**
- Storage **Not Allowed**
- Warehouse **Not Allowed**

Sec. 16-3-60. - Use not listed.

Uses that are not listed in the Character Area use tables shall be considered to be uses that are not allowed, unless one (1) of the following occurs:

- (1) Code amendment
- (2) Determination of similar use.

ARTICLE 2 - Definitions, Illustrations and Lot Standards

Sec. 16-2-20. - Definitions

Manufacturing, light means an establishment engaged in manufacturing, assembly, compounding, processing, packaging, treatment or distribution of products, including primary product production from raw materials or production of services, **but excluding establishments which produce or emit toxic or noxious gases, odors or fumes**, excessive noise, vibration or electrical interference or similar substances or conditions onto adjacent or other properties; **or dangerous to the comfort, peace, enjoyment, health and safety of the community.**

Conditional use means a use listed in the Character Area use tables and permitted upon approval of the Town Council upon **showing that such use in a specified location will comply with the conditions and standards for the zone** and location proposed.

Conditional use permit means a use permit issued by the Town **stating that the conditional use meets all the standards and conditions set forth in this Chapter**

Do distilleries produce toxic or noxious gases.

Yes, distilleries can produce toxic or noxious gases, primarily including ethanol vapors which are flammable and can be hazardous in enclosed spaces, along with carbon dioxide generated during the fermentation process, which can be dangerous in high concentrations due to its ability to displace oxygen; depending on the specific process, other potentially harmful gases like sulfur dioxide may also be present.

Key points about distillery gases:

- **Ethanol vapors:**

The main hazardous gas produced in distilleries, flammable and can build up in poorly ventilated areas.

- **Carbon dioxide (CO₂):**

A byproduct of fermentation, can be toxic in high concentrations and cause asphyxiation.

- **Potential for explosions:**

Due to the presence of flammable ethanol vapors, distilleries require proper ventilation and safety measures to prevent explosions.

What are the fumes from distilling?

The process of making hard alcohol, such as whiskey, bourbon and gin is fraught with danger, with the potential for fire occurring from the release of flammable compounds such as ethanol (alcohol). These vapors can come from leaks in tanks, casks and equipment such as transfer pumps, pipes and flexible hoses.

What are the odors from distilling?

Yes, distilleries definitely produce noticeable odors, particularly during the distillation process, due to the release of various chemical compounds like alcohols, aldehydes, and sulfur compounds, which can smell strong depending on the stage of production and the type of spirit being made; some of these smells can be unpleasant, especially during the "heads" phase when unwanted compounds are removed.

Key points about distillery odors:

- **Varying smells depending on the process:**

The smell of a distillery can change depending on whether they are mashing, fermenting, or distilling, with each stage having its own distinct odor profile.

- **"Heads" and "tails":**

The initial part of the distillation process, called the "heads," often has a harsh, chemical smell due to impurities like sulfur compounds, while the later "tails" can also have undesirable odors.

A by product of producing Whiskey: Does whiskey mold need alcohol to continue to grow

Yes, whiskey mold, also known as *Baudouinia compniacensis*, needs alcohol to grow. It feeds on the ethanol vapors released from whiskey barrels during the aging process, which is known as the "angel's share".

Explanation

- The fungus grows on the sugar in the ethanol emissions.
- The fungus can spread across any surface it can find, including buildings, trees, cars, and outdoor furnishings.
- The fungus can cause aesthetic and potential property damage.
- The fungus can be removed using high-pressure water jets or bleach.

Factors that contribute to whiskey mold growth

- **Porous wood barrels:** The barrels expand and contract as the seasons change, which allows some of the maturing spirit to evaporate.
- **Alcohol-saturated air:** The air in the warehouse is filled with alcohol vapor.
- **Temperature changes:** Temperature changes can stimulate the growth of the fungus.
- **Nutrient source:** The fungus can feed on the sugar in the ethanol emissions.

This dark, sooty growth feeds on alcohol vapors from barrel-aged whiskey and spreads across any surface it can find.

CLOSING REMARKS

How did Eagle River Whisky acquire a permit or Business License for a manufacturing process that is expressly forbidden in Chapter 16? Who was responsible for issuing this License?