



OFFICIAL MINUTES

Town Council Regular Meeting

Wednesday, December 20, 2023 – 5:30pm

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/84968214440>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 849 6821 4440

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 5:32pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusty Kanakis, Brian Rodine, and Kate Schifani. Note: Tom Sullivan has resigned from the Council and his seat is vacant.

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. 12-06-2023 Minutes

Motion by Gusty K., second by Terry A., to approve the Consent Agenda of December 20, 2023 as presented. Motion passed 6-0.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Kate S., second by Brian R., to approve the Agenda of December 20, 2023 as presented. Motion passed 6-0.

5. DECLARATION OF CONFLICTS OF INTEREST

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.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. updated on a water meeting he attended.

Kate S. updated the Colorado River Water District announced an agreement to buy the Xcel Energy water rights of the Shoshone Hydro plant.

Terry A. updated on Colorado Wildlife Round Table updated on critical wildlife areas and noted one of the areas of emphasis is the Dowd Jct area. She noted that five wolves were released in Colorado with five more to be released soon.

8. STAFF REPORTS

A. Manager's Report

Bulb-Outs on Main Street Intersections

As a reminder, CDOT denied Minturn's request for temporary bulb-outs at Minturn's four main intersections along Main Street. These bulb outs would provide increased line of sight and improve safety at these intersections extensively. Although CDOT was not supportive of the temporary option, they did indicate they would support permanent bulb-out options. I am now interested in

understanding Council's interest in exploring permanent bulb-out options. If Council is interested, I will request Jeff Spanel to provide an engineer's opinion of probable cost.

Snow Plowing Operations

As a reminder, only residents are approved to push snow into the Not-A-Park snow dump area for free. If snowplow contractors want to push snow into that area, they need to have the property owner sign up with the town and pay the fee. There has been some confusion with contractors thinking they can also push snow into this area and that is not how the Ordinance was approved.

Minturn Tank Operations

Tank #3 is now online and operational. I will be discussing tank loan options with the State Revolving Loan Fund representative to determine if leftover loan funds can be used to facilitate the functioning of the two tanks interchangeably. If funds can be used to improve the functioning of the system, Minturn may want to install a valve box on HWY 24. I will have more information after discussing this option with the SRF representative.

USGS Gauge on Cross Creek

Minturn currently pays for the USGS gauge on Cross Creek. This comes at an annual cost of around \$16,000. This is a federal program and I have reached out to USGS to understand why Minturn incurs this cost. Unless there is a specific reason in one of Minturn's water rights decrees I expect Minturn to drop this expense. The CWCB and Division 5 Engineer use this gauge to make the instream flow call on Cross Creek. I expect if they wish to continue making the instream flow call on Cross Creek, they will support the federal government in maintaining the costs of the gauge.

Michelle M. verbally updated on:

- The packet includes Bulb-outs on Main St – Council was interested in pursuing permanent bulb-outs.
- Main St revitalization – Minturn North project includes a sidewalk, but we need to extend it down to North Main using the Minturn North. The grant is in the amount of \$275,000 to begin this spring and engineering is already underway.
- Michelle is going to the front range on January 19 to present to the Dept of Natural Resources for improvements to Little Beach Park
- CAST meeting January 24-25 in Crested Butte
- Phase II of the sidewalk project to begin in 2025 – we only have enough money to do one side of the road to the Boneyard Park. It is recommended that we do the river side of the road and do the west side as far as money will allow which is not all the way to the Boneyard. Council directed as presented.
- She noted she is taking next week off.

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.

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 24 - Series 2023 (Second Reading) An Ordinance Increasing Council Pay

As requested by the Council, this ordinance sets the pay for Council and Mayor when such is requested to be adjusted. The Council/Mayor pay schedule has not been adjusted since 2008. This structure will go into effect for seats elected during the 4/2/24 election and thereafter. As each seat stands for election it will be increased to this structure. No changes have been made since First Reading.

Earle B. outlined the amount of time required to sit on Council and that this increase is in line with the previous discussions held by Council.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance No. 24 – series 2023 (Second Reading) an Ordinance amending Chapter 2 of the Minturn Municipal Code by repealing and re-enacting section 2-2-30 establishing and providing compensation for the Town Council and the Mayor of the Town of Minturn, Colorado as presented. Motion passed 6-0

B. Ordinance 25 - Series 2023 (Second Reading) An Ordinance Amending Short Term Rental Fees

This Ordinance modifies the STR fee from \$300 annually to \$300 annually per sleeping area. No changes have been made since First Reading.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Kate S., second by Gusty K., to approve Ordinance 25 – Series 2023 (Second Reading) as presented. Motion passed 6-0.

C. Ordinance 26 - Series 2023 (Second Reading) An Ordinance Amending the Fees for Minturn Municipal Court

This Ordinance changes the court fees from \$15 to \$25 plus 25%. No changes have been made from First Reading

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by Lynn F., to approve Ordinance 26 - Series 2023 (Second Reading) An Ordinance Amending the Fees for Minturn Municipal Court as presented. Motion passed 6-0.

D. Ordinance 27 - Series 2023 (Second Reading) An Ordinance Amending the Approval Process for Special Event Fees

This Ordinance changes the court fees from \$15 to \$25 plus 25%. There have been no changes from First Reading.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Kate S., second by Lynn F., to approve Ordinance 26 - Series 2023 (Second Reading) An Ordinance Amending the Fees for Minturn Municipal Court as presented. Motion passed 6-0.

E. Ordinance 28 - Series 2023 (Second Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period

This Ordinance changes the Contractor Licensing fee from \$240 every three years, to \$100 annually. There have been no changes from First Reading.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by Kate S., to approve Ordinance 28 - Series 2023 (Second Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period as presented. Motion passed 6-0.

F. Resolution 34 - Series 2023 A Resolution Adopting the Eagle County Emergency Operations Plan

Eagle County in cooperation with Eagle County towns, municipalities, and special districts has developed a county wide emergency operations plan and evacuation plan. The ECEOP is an all-disciplined, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. It provides the structure and mechanisms for the coordination of local support as well as coordination with state and federal agencies. These combined plans are considered effective for two years upon adoption. Once adopted, this Emergency Operations Plan will be distributed to all public safety agencies and state, federal, and local governments that operate within Eagle County. The EOP will also be available to the public and area agencies responsible for developing and maintaining up-to-date internal standard operating procedures, training and exercise plans in order to support the overall Emergency Operations Plan.

Michelle M. introduced representatives from Eagle County and Eagle County Sheriff's Office.

Earle B. asked who knocks on the doors to ensure everyone is informed. Sargent stated education is a major portion of this plan as well as full enrollment in the EC Alert program. Michelle M. also noted information is being added to the Newsletter and the website.

Discussion ensued as to specific events, impacts, bottlenecks, and information dissemination as well as the need to ensure everyone is registered with the EC Alert program. It was pointed out the importance of pre-planning and preparation, these are the first steps.

Motion by Gusty K., second by Kate S., to approve Resolution 34 – Series 2023 a Resolution adopting the Eagle County Emergency Operations Plan as presented. Motion passed 6-0.

G. Resolution 35 - Series 2023 A Resolution Approving an Update to the Jester Gibson Moore Retention Agreement for Legal Counsel

Minturn needs temporary legal support. Mike Sawyer and I have connected with Rob Marsh of Jester, Gibson Moore and believe he is positioned well to fill some gaps in the current ability of Karp Neu Hanlon to address Minturn's legal needs. Rob Marsh has served municipalities in a variety of different capacities. Mike and I believe Rob will work well with the Minturn team to fill the needed gaps.

Lynn F. noted for the record she is no longer Of Council for Jester Gibson and Moore.

Motion by Terry A., second by Gusty K., to approve Resolution 35 – Series 2023 a Resolution to approve an update to the Jester Gibson Moore Retention Agreement for Legal Counsel as presented. Motion passed 6-0.

11. DISCUSSION / DIRECTION ITEMS

A. Metro District Code Provisions Review – Sawyer

Mike S. presented the need to establish parameters to draft code provisions to allow Metro Districts when appropriate. Over the last few years, the Town of Minturn has been approached by developers requesting the formation of metropolitan districts as part of land use approvals. At those times, the Town has engaged in ad hoc discussions about the virtues of metropolitan districts and the risks they can create. This discussion is intended to provide information about how metropolitan districts can constructively be used to accomplish town goals in a manner that does not create risks for future homeowners and that maintains consistency in Town governance. This discussion particularly relates to land use approvals that Battle Mountain will be submitting for development of the Maloit Park area.

The most common form of district that is governed separately from the municipality is a "metropolitan district." A metropolitan district is often referred to as a Title 32 district referring to the provisions of Colorado law that govern such districts. A metropolitan district is a mini government governed by an elected (or appointed under certain circumstances) board of directors.

Metropolitan districts can provide a broad range of governmental services including: fire protection, mosquito control, parks and recreation, safety protection, sanitation, solid waste disposal facilities or collection and transportation of solid waste, street improvement, television relay and translation, transportation, and water. C.R.S. § 32-1-103. Metropolitan districts can impose property taxes to provide revenue to provide services and to pay off debt. For a metropolitan district to be formed within a municipality, the Town Council must give its consent. C.R.S. § 32-1-204.5 This is done by the Council approving a “service plan” for the metropolitan district. The service plan details what infrastructure the district can construct, what services it can provide, what taxes it can impose and what debt it can issue. Once created, the metropolitan district is governed by an elected board. The actions of the elected metropolitan district board are constrained by the service plan approved by the municipality. In other words, if the approved service plan limits a metropolitan district from providing a certain service, or imposing a property tax above a certain level, the metropolitan district cannot undertake such actions without obtaining the municipality’s approval. He noted that Battle Mtn development is an example of some of the needs that could be covered under a Metro Dist such as a water plant and associated infrastructure, private roads, and the like.

Earle B. felt several items that Mike S. expressed mirror his concerns. He desired any Metro to support the goal of attainable housing.

Terry A. expressed that Battle Mtn owners would most likely be non-fulltime-resident and asked how effective or limiting this might be. She expressed concern that one or more Metro Dist might dilute the EPA and current owner’s responsibilities. Terry A. asked what authority the town might have over a Metro Dist. Mike S. said the district would be able to operate under the approved service plan until they come into the town to request a change to that service plan and then only if that change is granted.

Lynn F. felt this would enable us to allow a district but not require us to HAVE a district. Mike S. noted we could consider a District without having a model service plan ordinance in place. She felt the need to not subdivide the community.

Brian R. agreed a Metro can serve specific services but was concerned with duplication of town efforts and intents within the development and how it fits within the town.

Gusty K. was concerned with multiple districts within the same development which would require multiple boards. Often the Town has difficulty getting candidates willing to serve.

Mr. Tim McGuire, Battle Mtn representative, clarified some of the concerns addressed and how the responsibility currently distributed liability with the EPA and current responsibility. He noted to be on a Metro Dist board within the state you must be a resident of Colorado, you can be a second homeowner but must be a state resident in your primary home.

Mr. William Ankele was on zoom, Battle Mtn Attorney, spoke of his Metro District experience. He stated you handle the metro district’s needs and costs through mill levy caps for operations and debt. It was noted that each metro district is its own entity and managed by its own board and they can be similar but separate.

Earle B. would like to see mill levy and funding caps, maintaining the town, not several enclaves, and mechanisms in place that when conflict does arise, how it can be managed.

Mike S. recommended, and Council directed, staff work to bring forward a model service plan for a future meeting discussion in late January or February.

B. Council Seat Vacancy

Earle B. noted Tom Sullivan has resigned from the Council.

Michelle M. noted we could advertise asap and then appoint on 1/17/24.

Council directed to proceed as recommended by Michelle M.

12. FUTURE AGENDA ITEMS

A. Future Agenda Items

13. EXECUTIVE SESSION

**A. Environmental Matters Related to the Diligence of the Battle Settlement Agreement
- Polly Jessen**

Motion by Terry A., second by Kate S., to convene in Executive Session for a conference with the town attorney 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). Motion passed 6-0.

- Battle Mountain Settlement Agreement related to properties that the town may acquire an interest in
- About contaminated lands and long-term ownership and maintenance there of

14. ADJOURN

Motion by Kate S., second by Gusty K., to adjourn the meeting at 10:24pm.



Earle Bidez, Mayor

ATTEST:



Jay Brunvand, Town Clerk



INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- December 25, 2023 - Town Hall Closed (Christmas Day)
- January 1, 2023 - Town Hall Closed (New Year's Day)
- January 3, 2023
- January 15, 2023 - Town Hall Closed (Martin Luther King Jr. Day)
- January 17, 2023