



OFFICIAL MINUTES

Executive Session 4:30 PM | Work Session 5:00 PM | Town Council Regular Meeting 5:30 PM

Wednesday, June 19, 2024

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/81428964731>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 814 2896 4731

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 Pro Tem Eric G. called the meeting to order at 4:30pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Staff present: Town Attorney Mike Sawyer, Events Coordinator Cindy Krieg, Town Planner Madison Harris, and Town Clerk Jay Brunvand (zoom).

Note: because Earle B. was attending by zoom, Mayor Pro Tem Eric G. officiated the meeting.

3. EXECUTIVE SESSION (4:30 PM)

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

Staff present: Town Attorney Mike Sawyer and Rob Marsh.

- A.** An Executive Session pursuant to CRS Section 24-6-402(4)(b) for the purposes of consulting with the attorney to receive legal advice on legal questions related to the following matters:

- 1. Town Legal opposition to Ford v. Baldauf, Case No. 24CV30046, Quiet Title to bed of Eagle River

Motion by Gusty K., second by Brian R., to convene in executive session pursuant to CRS Section 24-6-402(4)(b) for the purposes of consulting with the attorney to receive legal advice on legal questions related to the following matters: Town Legal opposition to Ford v. Baldauf, Case No. 24CV30046, Quiet Title to bed of Eagle River as presented. Motion passed 7-0.

Council convened from Executive Session at 5pm, recessed the meeting, and convened in a work session.

NOTE: Work Sessions are public but not recorded.

4. WORK SESSION (5:00 PM)

- A.** Council Ethics Training

Mike S. conducted the ethics training. Those in attendance were the council present and staff present for roll call.

The council convened in regular session at 5:32pm.

5. 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.** 06/05/2024 Minutes
- B.** 1014 Two Elk Lane - Exterior Modifications
- C.** 0036 Silver Star Trail - New Single-Family Residence
- D.** 0095 Miles End Lane - New Single-Family Residence

- E. 0196 Miles End Lane - New Single-Family Residence
- F. Eagle River Coalition Letter of Support
- G. Resolution 30 - Series 2024 Authorizing the Mayor to Sign a Second Amendment to a Settlement Agreement Between Battle Mountain and the Town

Staff requested the addition of Item G to the consent agenda.

Motion by Gusty K., second by Tom P., to approve the Consent Agenda of June 19, 2024 as amended. Motion passed 6-0. Note: Kate S. was excused absent.

6. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Tom P., second by Gusty K., to approve the Agenda of June 19, 2024 as amended. Motion passed 6-0. Note: Kate S. was excused absent.

7. DECLARATION OF CONFLICTS OF INTEREST

8. 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.

9. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. attended several meetings and updated on them including a DDA and NWCCOG meeting.

Tom P. updated on MFC events.

Lynn F. acknowledged today is Juneteenth.

Brian R. commented on the Minturn North approvals. He noted the copy/paste and felt it would be good to hear feedback from the developers and owners. He asked if staff had seen the HOA documents. Madison H. commented on the review letters going to the applicants that encouraged differentiation. She noted the owners are choosing the colors. Earle B. discussed how color differences between homes could be encouraged and should this be incorporated into the code.

10. STAFF REPORTS

11. SPECIAL PRESENTATIONS

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

12. BUSINESS ITEMS

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

- A.** Resolution 16 - Series 2024 A Resolution approving the Battle North Service Plan – Sawyer

Mike S. presented Resolution 16 – Series 2024 and stood for questions. Jim Mann was also in attendance to present and noted that this was last discussed in April.

Mike S. reviewed Battle Mtn is proposing four separate Special Districts and how they will work together on development infrastructure and public areas. He noted the bond holders that may purchase bonds within the Special Districts can only find recourse through the mill levy, they cannot go against the town nor any land/property.

Jim Mann commented he felt most of his concerns have been addressed. He noted the debt issue information provided are all based on 2021 market conditions, these are not the same as today. He stated that even if we have one or two interest rate cuts, it will still be in the 6-7.5% debt interest rate. He felt this could cause them to come back with future needs and that this would affect the affordability of the developments' homes. He stated some concerns with the financial matters to include the potential cost of improvements and the cost of money generated to cover those costs.

Earle B. asked for clarification on items. Jim M. stated that once the town creates the special districts, they are restricted on how much they can bond based on the mill levy cap. He stated that they could come back at a future date to request to amend the service plan, or they walk from the project.

In response to Lynn F.'s question, Jim M. stated if they walk from the project, it could affect the condition of the property, i.e. infrastructure items uncompleted, when they walk from the property. He did confirm that there is not a financial obligation or risk to the town.

Mr. Bill Ankele, presented for the developer. He addressed the concerns expressed by saying this is creating a financial mousetrap that creates a mill levy cap and maximum debt structure. He noted that this builds parameters that they can work within and enforcement caps that gives the town the enforcement tools. The parameters reduce the risk for both sides of the issue.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Mike S. noted that this agreement is part of the settlement agreement and some decision should be made. Earle B. stated the risk lays with the applicant, not the town and we should approve it.

Motion by Tom P., second by Gusty K., to approve Resolution 16 – Series 2024 a Resolution approving the Battle North Service plan as presented. Motion passed 6-0. Note: Kate S. was excused absent.

B. Acceptance of the 2023 Fiscal Year Audit – Brunvand

Town Auditor, Joe Hood of Maggard and Hood, was present via zoom to present the findings of the audit. It was noted the audit is required by state law to be conducted annually and that the town is in good standing with a clean audit.

Mr. Hood noted the audit was completed and there are no concerns, we have a clean un-modified audit for the town. The Gen Fund and the Ent Funds both had positive financial growth in 2023 overall.

Earle B. asked if Joe had any concerns. He expressed that he did not.

Motion by Gusty K., second by Tom P., to accept the FY2023 Financial Audit as presented. Motion passed 6-0. Note: Kate S. was excused absent.

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

Madison H. stated based on comments from Council, as well as examining staff's own process, staff has drafted an ordinance that addresses primarily two items: 1) extending the reconsideration of a proposed designation once denied from 1 year to 5 years, and 2) adding additional posting places like the website and posting boxes as places to alert people so that the process can be more transparent to the public.

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

Public Hearing Opened

Lynn Teach, 253 Pine St, commented in support.

Public Hearing Closed

Madison H. expressed the intent is to assure the owner of a property that it can only be nominated only once every five years.

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

D. Ordinance 14 - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plan – Sawyer

Mike S. noted that the next four items are together and reference the same Belden Place project.

Ordinance Nos. 14 and 15, Series 2024 were presented on second reading to the Town Council at their regular meeting of June 19, 2024. Both ordinances have been prepared in consultation with the Town Attorney and both have been reviewed by the Minturn Planning Commission. The Council requested no substantive changes to either ordinance during their review on June 5th. A full staff report explaining the background of the original Belden Place PUD approvals, the Settlement, as well as the proposed minor amendments to the Belden Place PUD Final Plan, the Belden Place PUD Guide document, and the Belden Place PUD Final Plat for Subdivision reviewed. Since the Council's first reading of the ordinances, staff has worked with the applicant to resolve several minor, outstanding issues related to final civil engineering details, final construction cost estimates, and final plat/survey details. A separate resolution associated with approval of the updated final engineering plans, cost estimates, and Subdivision Improvements agreement (including financial surety guarantees) will be presented to Council at its regular meeting of June 19th. Additionally, staff has identified two issues – one associated with the Amended Belden Place Final Plan for PUD (Ordinance No. 14, Series 2024) and one associated with the Amended Belden Place Final Plat (Ordinance No. 15, Series 2024) as described below:

Belden Place Amended Final Plan Upon review of Ordinance No. 14, Series 2024, on first reading, and relative to the Town's recent approval of amendments to the Town of Minturn Inclusionary Housing regulations – lowering the Area Median Income (AMI) threshold for deed restricted, price capped housing units from 200% AMI to 120% AMI – staff realized that the Amended Belden Place PUD Guide Document attached to Ordinance No. 14 still includes provisions within the Belden Place PUD Attainable Housing Program setting the initial sales price for price capped, deed restricted units at 200% AMI. Because the original Belden Place Final Plan for PUD application was filed after the Town's initial adoption of inclusionary housing regulations in 2020 (which, at the time, required 200% AMI restriction), staff recommends that Council can require the PUD Guide (Belden Place PUD Guide Appendix 'A' – Attainable Housing Program) to be amended following or as a condition of approval of Ordinance No. 14 on second reading to be in compliance with the currently adopted AMI rate of 120% for initial sales on deed restricted, price capped units within the PUD as a function of this PUD Final Plan amendment process. This restriction would apply to four (4) multi-family units to be constructed on Lot 7A within the PUD.

Belden Place Final Plat The Town Engineer, Jeff Spanel, Intermountain Engineering, has reviewed the Amended Belden Place Final Plat for consistency with the Town's plat standards

and requirements. Mr. Spanel has suggested one additional, minor revision to the General Notes section of the Amended Final Plat to address and to clarify permitted encroachments of second floor building improvements (for balconies and similar projections). Here is the suggested additional language to be added to the plat, General Note No. 5, IV:

“Second story overhang features must be a minimum of 8 feet above the ground surface.”

Staff is recommending a condition of approval with the second reading of Ordinance No. 15, Series 2024 to address this recommendation by the Town Engineer. The Applicant has agreed to add this language to the plat prior to recording of the plat.

The attorney representing the applicant, presented and then stood for questions.

Discussion ensued as to deed restrictions and affordability of units. Mike S. noted that the applicant will need to be in compliance with the PUD once that is approved which will include this concern, we are not at that point yet. Concern was expressed that as interest rates increase the number of lower income buyers has reduced.

Public Hearing Opened
No Public Comment
Public Hearing Closed

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

E. Ordinance 15 - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plat – Sawyer

Mike S. stood for questions.

Public Hearing Opened
No Public Comment
Public Hearing closed

Motion by Brian R., second by Tom P., to approve Ordinance 15 - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plat as amended. Motion passed 6-0. Note: Kate S. was excused absent.

- Condition that the street name be changed to not reflect a similarly named street in town currently used.

F. Resolution 26 - Series 2024 A Resolution Approving Belden Place SIA – Sawyer

The Town entered into a settlement agreement with Belden Place in November 2023 to settle litigation stemming from the land use approvals completed in March 2022. As part of that

settlement, Belden Place was permitted to request the allocation of 16 SFEs not used by Minturn North for use in the Belden Place project. Council heard this request in March and approved the allocation of the 16 SFEs. Council recently considered on first reading amendments to the PUD Guide and PUD Plat reducing the number of lots and making other minor modifications. In conjunction with implementing the settlement, an amendment to the subdivision improvements agreement (SIA) is required. Attached to this memo is a redline of the SIA. The changes relate to the reduction in the total number of lots and the allocation of the 16 SFEs to the project. Current water right dedication fees have been applied. Other minor edits and formatting have been made. Edits have been made to Section 4.C. of the SIA. The new language reflects the additional 16 SFEs allocated to the project, for a total of 39 SFEs. The developer receives credit for 19 SFEs of service for historical water use on the property. The SIA provides that “No additional SFEs of water service can be provided to the Property until such time as the moratorium is lifted or amended.” Zoning for the property allows for a total of 42 SFEs of development. However, the developer may choose to limit the “stacked triplexes” to only 3 SFEs of service and thereby stay within the 39 SFEs provided in the SIA. See chart from Belden Place listing SFE allocation by lot at Exhibit A

Motion by Tom P., second by Gusty K., to approve Resolution 26 – Series 2024 A Resolution approving the Belden Place Subdivision Improvement Agreement as presented. Motion passed 6-0. Note: Kate S. was excused absent.

- G.** Resolution 29 - Series 2024 A Resolution Rescinding a Cost Share Agreement for the Construction of a Stormwater Sewer Improvement between Miner’s Basecamp and the Town of Minturn – Sawyer

Mike S. noted this was based on a previous agreement on this project which the Town is no longer obligated to.

Motion by Gusty K., second by Brian R., to approve Resolution 29 – Series 2024 a Resolution rescinding a Cost Share Agreement for the construction of a stormwater sewer improvement between Miner’s Basecamp and the Town of Minturn. Motion passed 6-0. Note: Kate S. was excused absent.

- H.** Resolution 28 - Series 2024 A Resolution Approving a Temporary Use Permit for the Town of Minturn at 171 Main Street and 191 Main Street – Krieg

Staff requested Council to review and approve Resolution 28 - Series 2024, a resolution approving a temporary use permit for the Town of Minturn at 171 / 191 Main St. The Town of Minturn wishes to erect a temporary 20x20 tent for summer bike parking, to allow for bike parking for the Minturn Market and other events as well as general bike parking, and to create a sense of “place” for said parking. The hope is to create a consolidated location for bike parking, vs. having bikes strewn about various areas of downtown. The Town has a 20x20 white tent with metal poles, which would need to be staked into the ground in the proposed area. The tent would be erected upon approval, hopefully in time for the first Market on June 22nd, 2024. The tent would remain up only through the summer, proposed through October 3rd, 2024. Utility locates have been requested, and are scheduled to be completed by Tuesday, June 18th. The Town would like to create a sense of place with some custom designed signage, as well as painting of the bike racks. The town is working

with a local artist to bring a fun, colorful design to the bike racks. The Town has obtained approval from the property owners of both the 171 Main St. lot as well as the 191 Main St. lot. The tent would be erected on the 171 Main St. lot, but may very slightly encroach onto 191 Main St. The tent is proposed to be placed next to the Colorado Mattress building, on the south side of the building. At the June 12, 2024 Planning Commission Meeting, they reviewed the resolution and forwarded a recommendation of approval to the Town Council, with some additional recommendations. Recommendations and staff responses are noted below:

- Wayfinding Signage
 - Staff is working on a strategic wayfinding signage plan
- Fencing
 - Staff is recommending that we be strategic with how we place the racks vs. installing a fence (No Fencing will be installed)
- Proper revegetation after use only if damage occurs
 - The Town is willing to evaluate the location at the end of the summer season to determine any damage and any necessary revegetation. However, currently the yard is in poor condition. This is not Town property and is not maintained by the Town. Town staff (Public Works) will mow the location prior to installation of the tent.

Discussion ensued as to how this will work.

Mr. Kelly Toon, 531 Main St, discussed the bike path from Vail and the condition and signage. He noted County Rd/Minturn Rd is easier to ride. He asked about a bike repair station at the site as an option. Bike security was an expressed issue.

Motion by Gusty K., second by Tom P., to approve Resolution 28 - Series 2024 A Resolution Approving a Temporary Use Permit for the Town of Minturn at 171 Main Street and 191 Main Street as recommendations were presented. Motion passed 7-0.

I. Ordinance 16 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 478 Eagle River Street – Harris

Madison H. presented and Mr. Andy Peters, applicant representative was introduced.

Council is asked to review the landmark designation nomination of 478 Eagle River Street based on the criteria outlined in the Minturn Municipal Code Sec. 19-3-20, citing findings of fact, and make a decision of approval, approval with conditions, or denial.

Application: #2024L – 003

Address: 478 Eagle River Street

Zoning: Old Town Character Area – Mixed Use Zone District

Owner: David Ford

Applicant(s): Tracy C. Andersen

Ms. Tracy Andersen has submitted a nomination for Historic Landmark status of 478 Eagle River Street. The application has been reviewed, deemed complete, and to meet the Minturn landmark designation criteria. As such, staff scheduled a public hearing for the Historic Preservation Commission meeting on June 18, 2024 and a public hearing for the Town Council meeting on June 19, 2024. Adjacent properties and the owner of 478 Eagle River Street were notified via certified mail, and a notice placed in the Vail Daily minimum 10 days before the public hearing.

At the June 18 HPC Public Hearing a recommendation to not approve as a Historic building.

Public Hearing Opened

Mr. David Ford, 478 Eagle River St owner outlined his family's plans to build a new home there that enhances Minturn.

Mr. David McMillon, 843 Main St, spoke in support of non-historic designation

Mr. Michael Pukas, architect and friend of Mr. Ford, spoke in support of non-historic designation and Mr. Pukas also submitted a letter of same.

Mr. Steve Hutton submitted a letter in support of non-historic designation.

Madison H. read an email into the record forwarded by Ms. Lilly Ford, property owner, from Ms. Terry Anderson who submitted the application. Madison H. summarized for the record an email forwarded by Ms. Lilly Ford from Ms. Tracy Andersen. The email included statements about ultra rich people moving to town and tearing down older homes to build monstrosities, and about how a nomination doesn't mean anything other than a closer look.

Public Hearing Closed

Tom P. noted the concern of nominating a building purely on age. Yes, we want to preserve our history but age alone doesn't make a property of historic value or significance.

Motion by Tom P., second by Brian R., to Deny Ordinance 16 - Series 2024 (First Reading) An Ordinance amending the Town's Historic Register to Add 478 Eagle River Street. Motion passed 6-0. Note: Kate S. was excused absent. Note: because this was a motion to NOT award historical designation, the Ordinance died on First Reading and was not published nor will it move forward.

13. DISCUSSION / DIRECTION ITEMS

A. Resolution by the Stakeholders for a Downtown Development Authority (DDA) Ballot Question - Krieg/Shrum

Cindy K. presented with the assistance of Mr. Bill Schrum, Downtown Colorado Inc. The Town of Minturn has been considering the values a DDA could bring to this community off and on for almost three years. In this time, staff and some business and property owners of Minturn's downtown area have investigated this option with the culmination of the attendance at the 2022

DCI Conference in Colorado Springs. From there the Town returned with an action plan for the potential to create a DDA from which we have slowly been progressing ever since. The Town recently completed a secondary financial analysis by consultant Jim Mann, to better understand the potential income revenues of a DDA. And then most recently, the Town (with help from DCI – Downtown Colorado, Inc) held a series of virtual stakeholder meetings followed by a stakeholder open house on June 10th. Following this most recent series of meetings (as well as a stakeholder survey), Town Staff have asked the downtown stakeholders to provide their input to Council, so that an informed decision can be made as to whether to pursue this initiative.

A Downtown Development Authority functions as a “quasi-municipal corporation which is intended to halt or prevent deterioration of property values or structures in a Central Business District. To this end, a DDA is focused with finding ways for improving real estate development, infrastructure, and operations of a downtown area. It does this by leveraging any future increase in assessed property valuations within the approved DDA boundary. The Town could also assess a mill levy however feedback throughout this process has indicated a local DDA should be able to support these objectives by solely relying on the Tax Increment Financing. This allows the DDA to reinvest in Minturn’s Downtown and keep money in Minturn which would have otherwise gone to the bevy of other organizations that see revenue through property taxes such as the School District, Cemetery District, Library District, Eagle County, and others. The complete mill levy breakout can be found on electronic page 81 of the 2024 Minturn Budget. This is all done through a mechanism called tax increment financing (TIF). For those that want to take a deeper dive into the mechanics of TIFs, here is an excellent, albeit long, presentation by Troy Bernberg with Northland Public Finance. Staff is recommending the above concept which includes no increase in tax rates. To form a DDA, firstly, the Council must approve the concept. An election of the property owners included in the DDA boundary is then required. If approved, a DDA has a lifespan of 30 years with the potential to be extended by an affirmative action of the Council. An important understanding to consider before moving forward with a DDA is the amount of tax increment funding from the eventual increase in property values that could be brought in by the DDA. Prior to formation, a financial analysis is conducted to determine if a potential DDA area could bring in funds providing enough value to create a financially healthy DDA. Jim Mann’s findings have determined that even though reinvestment in Minturn’s Downtown is unknown at this time, there are a variety of different scenarios which create opportunities for increased revenues supporting a financially healthy DDA.

Mr. Bill Schrum outlined the map that was in the packet.

Public Comment

Mr. Larry Stone, 152 Main St, spoke in support.

Mr. Spence Neubauer, 161 and 444 Main St, spoke in support.

Mr. Marco Tonazzi, 151 Main, emailed in support.

Cindy K. noted that this was only an election for businesses, current residential properties are not included. She also outlined how someone could join the district at a later date in other parts of the

town. She noted this is a request to go to an election with a ballot question. Further maps and other information will be formed once the direction on the election is given.

Direction given by Council: proceed with a ballot question writing and bring back for approval for the November Eagle County Coordinated election.

B. Short Term Rental Policy Review – Krieg

Staff is requesting to discuss and receive direction from Council on potential changes to the current Short Term Rental policies. This is due to both recommendations from Council members, as well as community input on the recent Minturn Community Survey. In 2017, the Town of Minturn introduced a Short Term Rental policy, and since that time, the general policy has remain largely unchanged. Town Council members have recommended that a policy discussion take place, to evaluate whether the current polices / regulations are sufficient.

Some proposed changes to the policy include:

- Occupancy for 2 years (vs. simply owning the property for 2 years)
- Provision for on-site full-time residents to be able to apply for an exemption from the 2 year requirement (providing the owner is living on the property and is a full-time resident of Minturn).
 - Would need to verify the definition of a “full time” resident
- Based on community survey input, council may also wish to consider looking at the number of short-term rentals and whether a change to the cap should be considered

Lynn F. stated she would be in favor of reducing the 10%/50 unit cap.

Tom P. felt the cap was sufficient.

Discussion ensued in support of the ownership for 2yr STR limitation and that it be owner occupied for 2 years.

Mr. Larry Stone, 152 Main St, spoke in support of the STRs.

Mr. Kelly Toon, 531 Main St, spoke in support of the STRs.

Direction given by Council: continue discussion, potential item for a work session, and bring back to Council with a recommendation.

C. Short Term Rental Tax Ballot Measure – Brunvand

Staff is requesting to discuss and receive direction to proceed with a ballot question on the November 2025 County election to increase the existing lodging tax by five percentage points for residential Short-Term Rentals (STR) ONLY.

In November 2005, during a county wide coordinated election, the town passed a ballot measure allowing the town to assess a 1.5% Lodging Tax on all STR rentals. This included commercial

lodging facilities as well as residential facilities. An STR is defined as a unit rented for 30 days or less. Staff is requesting direction to proceed with a ballot request in the November 2024 County wide coordinated election to increase the Lodging tax 5% points, from 1.5% to 6.5% for RESIDENTIAL rentals ONLY. Commercial properties are assessed property taxes at 26.3% and residential properties at 6.7% of assessed value. Due to this almost 4x variance, we are only looking at this tax to be applied only to residential STR's.

The current and projected sales tax rates for STR are as follows. (NOTE: The commercial lodging would remain at the current level, the STR would move to the projected and non-lodging would sales tax would remain at 8.9%):

CURRENT		Projected	
Lodging Tax		Lodging Tax	
For both Residential		for Residential	
and Commercial			
State	2.9%	State	2.9%
County	1.5%	County	1.5%
Transit	0.5%	Transit	0.5%
Town	4.0%	Town	4.0%
Lodging	<u>1.5%</u>	Lodging	<u>6.5%</u>
	10.4%		15.4%

Estimating the projected revenue picture with this change:

	1.50%	6.5%*
2021	18,960	38,307
2022	20,457	61,081
2023	14,461	52,832

*Commercial factored at 1.5%

Earle B. spoke in support. Discussion ensued that this was appropriate. Concern was expressed that we were putting a small revenue source on

Council direction given: Direction to pursue a 5% residential Lodging Tax increase ballot question directing staff to write the ballot measure and bring back for certification to the November Coordinated County Election.

D. Geronimo Parking Variance – Krieg

Most of Minturn is familiar with Frank's car, as it has lived on the 100 block of Main St. for decades. Town Council previously had established "Geronimo" as "The People's Car" and deemed it public art. The vehicle was given a parking variance for the summer of 2023, and was therefore permitted to be parked for longer than 72 hours and given exemption from being towed. Staff acknowledges the history of this vehicle within the community and seeks direction from Council on addressing this funky and eclectic issue. Community input has been mixed on this issue. While the community appreciates the history of this vehicle, it does impact prime parking availability within the 100 block commercial zone.

Discussion ensued of alternative parking spots other than Main St.

Council direction given: reapprove the parking variance.

E. High Five Media Board Representation

Initially, when cable television came to the valley, a cable commission was formed that included reps from the towns of Vail, Avon and Minturn to help usher public access television into the valley. Although Minturn is not one of our cable franchise partners (like Vail and Avon), High 5 Media has always felt it was important to have the town's voice at the table to shape how this resource is allocated. High 5 Media prefers an elected official for board representation, but a staff member is also welcome. They typically have quarterly board meetings, and then various committee assignments (at least one) that require additional work and meetings. They also ask that board members make a meaningful donation to help support our nonprofit, but we don't require it of town appointed board members. In the event a Council member is not available for this assignment, the town manager can fill this position

Direction given by Council: no direction was given

14. FUTURE AGENDA ITEMS

A. Cancellation of July 3rd Council Meeting – Council to provide direction

Direction given by Council: cancel the meeting Tom/gusty motion to cancel the 7/3/24 meeting

B. Future Agenda Items

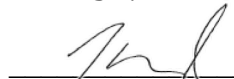
15. ADJOURN

Motion by Gusty K., second by Brian R., to adjourn the meeting at 9:01pm.



Earle Bidez, Mayor

ATTEST:



Jay Brunvand, Town Clerk



INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- July 2, 2024 Minturn Independence Day Celebration
- July 3, 2024 – Cancelled
- July 4, 2024 - Independence Day; Town Hall Closed
- July 17, 2024
- August 7, 2024



Consolidated Service Plan for Battle North Metropolitan District Nos. 1-4

White Bear Ankele Tanaka & Waldron
2154 East Commons Avenue, Suite 2000
Centennial, CO 80122



History of Service Plan Submittal

- ▶ December 20, 2023: Metropolitan District/Service Plan Presentation/Discussion to Town Council by Mike Sawyer
 - ▶ February 15, 2024: Initial draft of Service Plan submitted by the applicant to the Town
 - ▶ March 6, 2024: Presentation of the Service Plan by the applicant to Town Council for discussion
 - ▶ March 13, 2024 to April 7, 2024: Continued discussions with Town staff and Mike Sawyer regarding comments on the draft Service Plan
 - ▶ April 10, 2024: Input from Jim Mann received
- 



History of Service Plan Submittal (cont.)

- ▶ April 15, 2024: Memorandum from the applicant to the Town responding to input from Jim Mann
- ▶ April 17, 2024: Presentation of the Service Plan (as revised based on prior comments and discussions) by the applicant to the Town Council. Town Council continued the matter pending receipt of a response from Jim Mann to the applicant's responsive memorandum of April 15, 2024
- ▶ April 18, 2024 to May 17, 2024: Continued discussions with Mike Sawyer and further revisions to the draft Service Plan based on the same
- ▶ May 17, 2024: Detailed memorandum from Jim Mann
- ▶ May 22, 2024 to June 4, 2024: Continued discussions, culminating in a detailed response from the applicant to the Town, including a revised draft of the Service Plan reflecting revisions made as a result of continued discussions



History of Service Plan Submittal (cont.)

- ▶ June 5, 2024: Town Council Meeting at which consideration of the Service Plan was continued to allow time to review June 4, 2024 materials from the applicant
- ▶ June 5, 2024 to date: Continued discussions and submission of revised materials to Mike Sawyer addressing comments from Jim Mann
- ▶ June 19, 2024: Presentation of final Service Plan to the Town Council for approval
- ▶ Note that election deadlines for the organizational election for the District start as early as June 18, 2024



Summary of Modifications



- ▶ Independent Engineer engaged to provide conceptual infrastructure plans for roads, water, sewer, and drainage
- ▶ Independent Engineer Report describing the basis for estimating costs and validating that the costs are reasonable for the proposed infrastructure
- ▶ Engaged an expert in Special District accounting to provide a proforma Operating Budget, including estimated costs for District maintenance
- ▶ Districts may not issue bonds with a foreclosable lien on Parcels 3 and 12
- ▶ Districts may not include Parcels 3 or 12 without Town consent
- ▶ No Town Parcels may be included into District boundaries



General Background

- ▶ Four Districts are proposed in keeping with the Settlement Agreement, Two Residential Districts, a Commercial District, and an Operating District.
 - ▶ Affordable Housing Units may only be included into District No. 4
 - ▶ Lower debt mill cap of 35 mills
- ▶ The Districts will provide financing for roads, water (including a potable water system), sanitation, storm drainage, and parks.
- ▶ Beyond financing, it is anticipated that the Districts will own and/or maintain:
 - ▶ Internal Streets
 - ▶ Open Space/Restricted Parcels
 - ▶ Community Parks and Trails



Key Restrictions and Limitations

- ▶ Limited boundaries
 - ▶ No Town-owned property may be included in District boundaries
 - ▶ Parcel 4 now may not be included in District boundaries
 - ▶ Parcels 3 and 12 (Town has options) may not be included without Town approval
- ▶ Limited powers authorized:
 - ▶ Streets
 - ▶ Water
 - ▶ Sanitation/Storm Drainage
 - ▶ Park and Recreation
 - ▶ No Covenant enforcement power for private covenants
 - ▶ Covenant enforcement power limited to the Restricted Parcels
- ▶ All Public Improvements are subject to the Town's subdivision process – therefore the Town will review and approve all public improvements

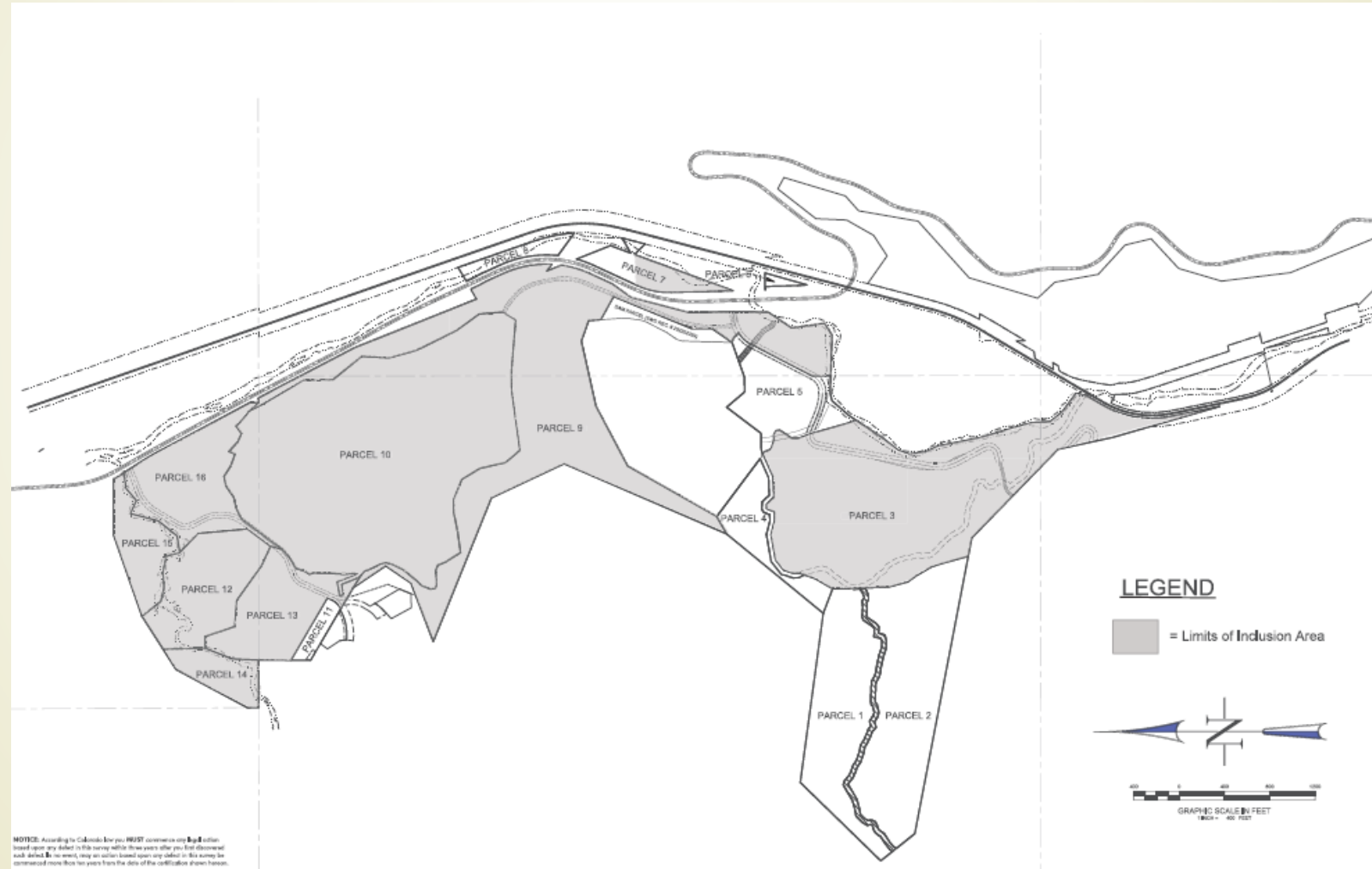


Key Restrictions and Limitations

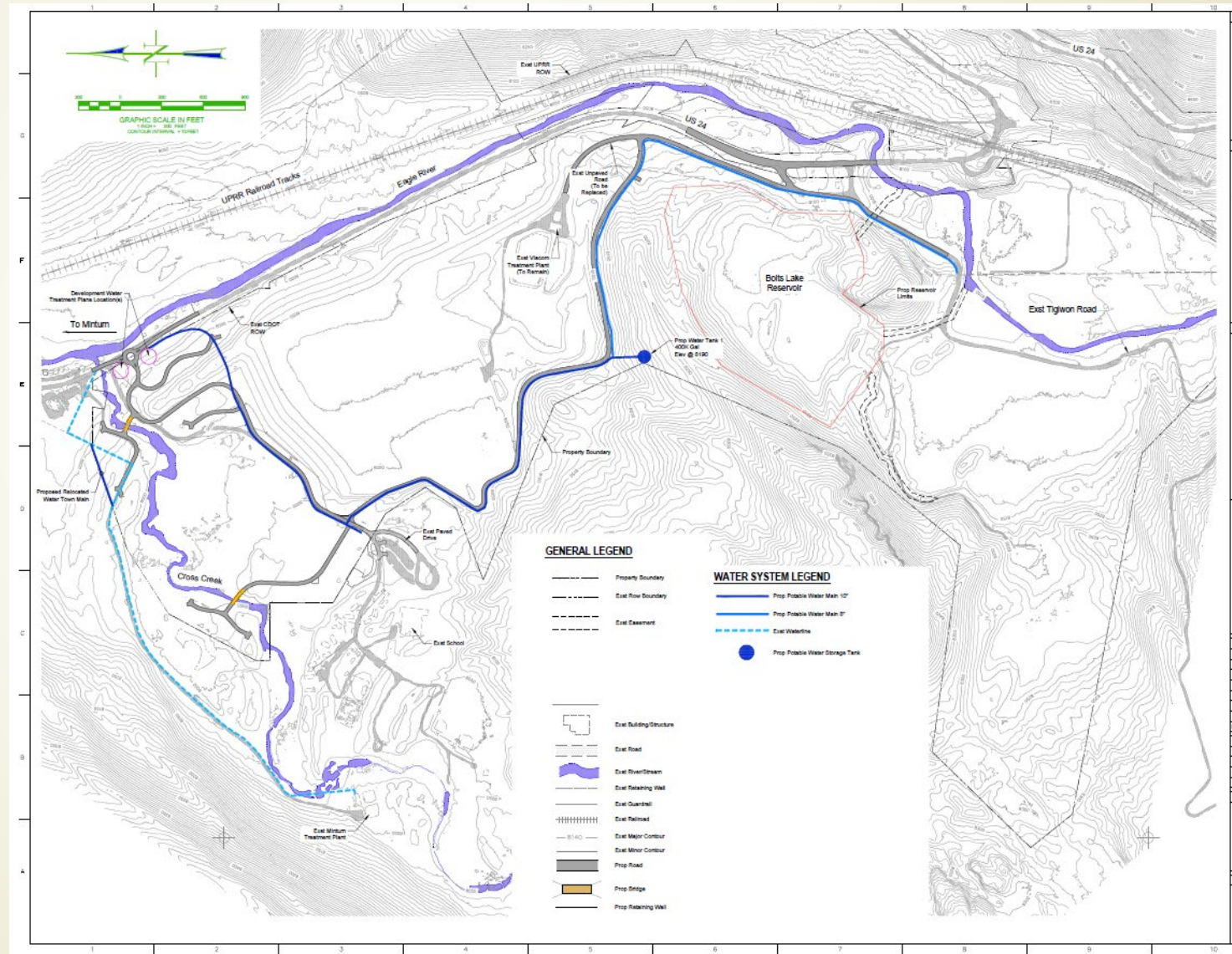
- Cap on debt authorization
- Cap on debt service tax levy
- Cap on operations tax levy
- Term of bonds limited to 30 years
- Districts cannot issue bonds with a foreclosable lien on the Restricted Parcels
- Debt Issued to reimburse the developer requires an External Financial Advisor Certificate
- Cannot exercise condemnation power without Town approval
- IGA Between the Districts and the Town provides contractual remedies

Inclusion Area

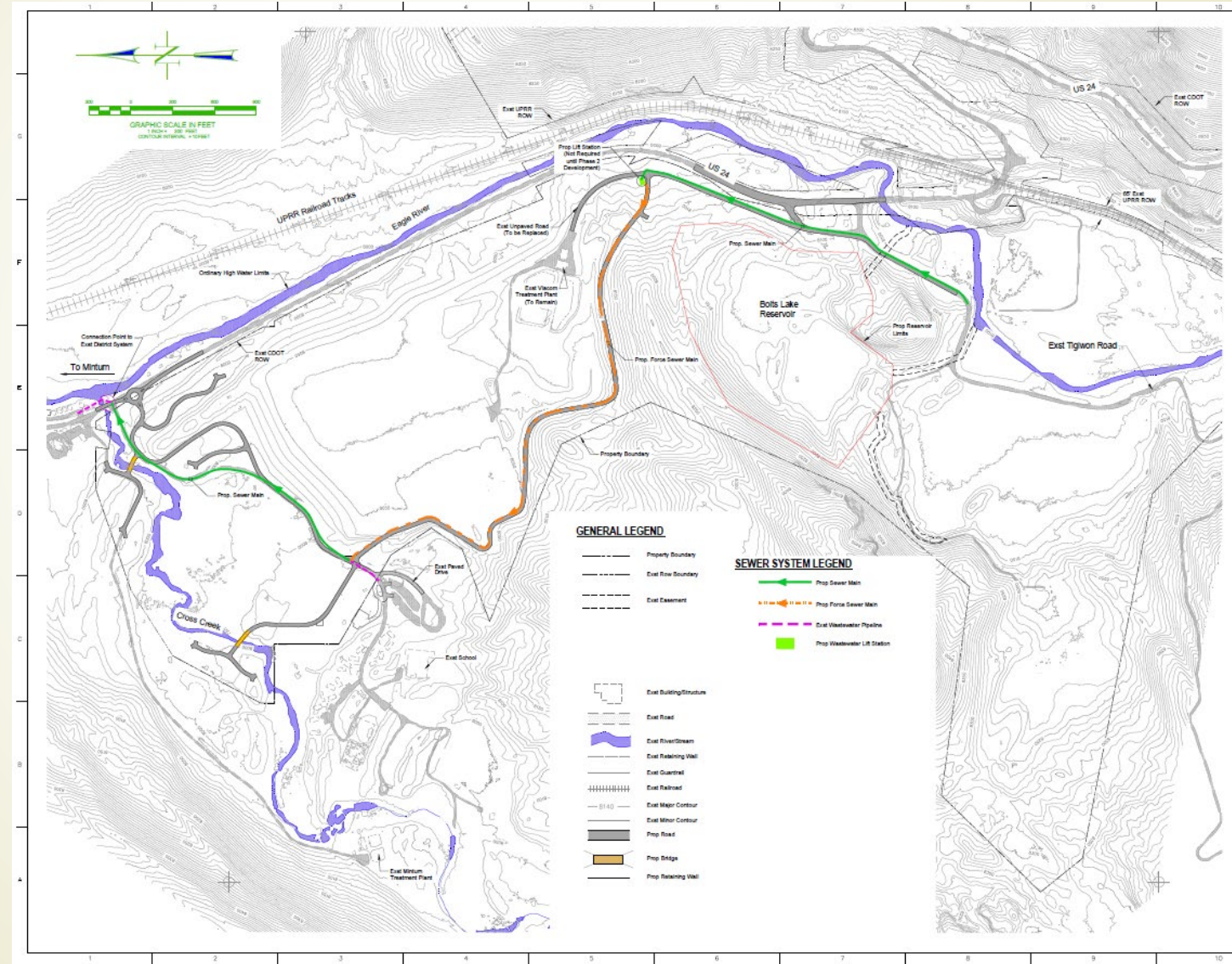
- Includes all Battle and Restricted Parcels
- Does NOT include any Town Parcels



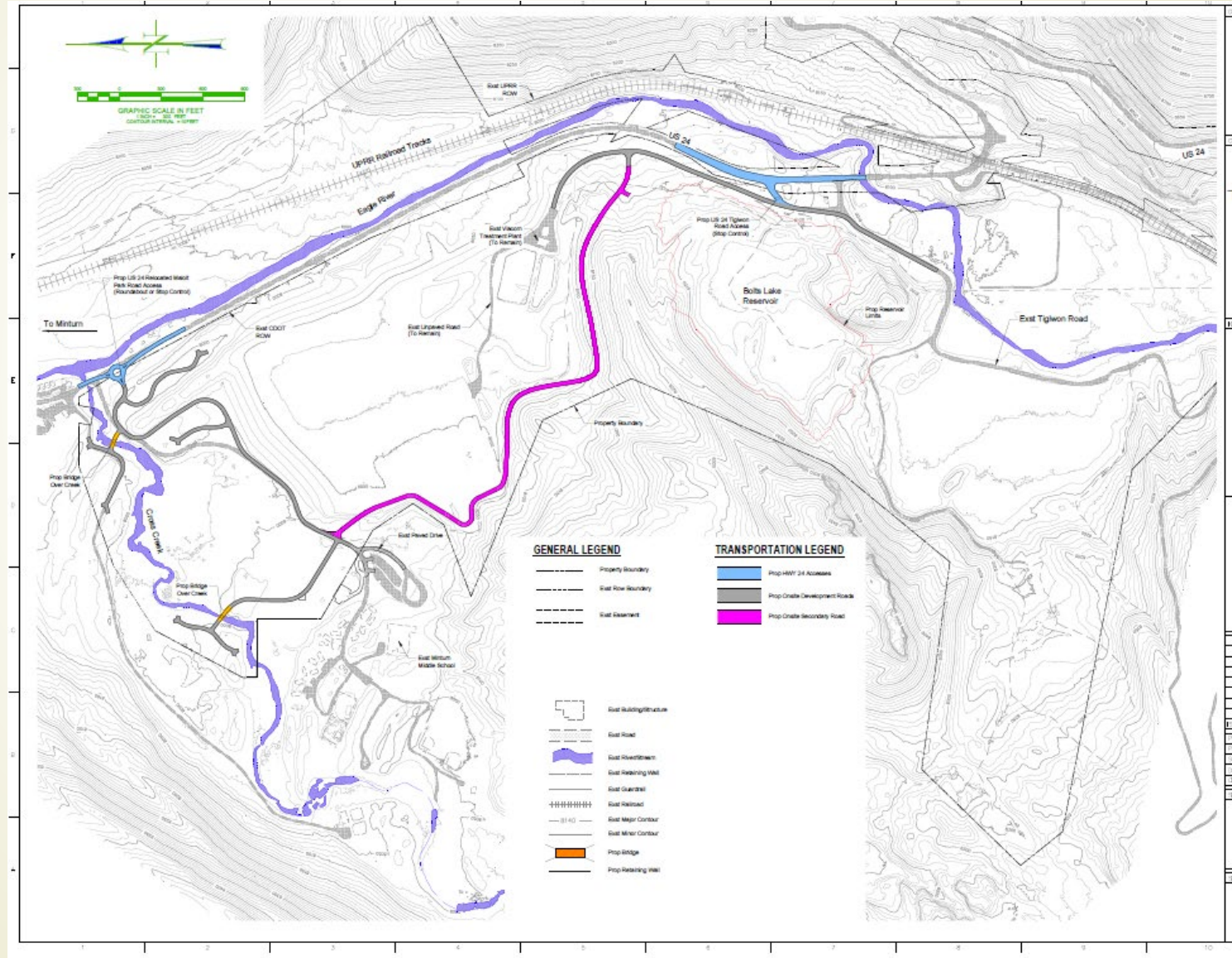
Conceptual Water Improvements Map



Conceptual Sewer Improvements Map



Conceptual Street Improvements Map







Preliminary Infrastructure Estimates

- ▶ Original infrastructure data has been enhanced in response to Staff comments
 - ▶ Independent Engineer has reviewed the cost estimates and proposed development plan
 - ▶ Independent Engineer has developed concept plans for roads, water, sewer, and drainage
 - ▶ Cost estimates are considered reasonable and appropriate in the opinion of the Independent Engineer
- ▶ All infrastructure will be submitted through the subdivision process to the Town for review – the Districts cannot finance anything the Town has not approved
- ▶ A portion of the initial infrastructure will be financed by the property developer
- ▶ District financing will only occur when Districts are able to sell project bonds
- ▶ If future costs are greater than estimates, the developer will need to finance any costs beyond the Districts' financial capacity



Potential Public Infrastructure Financing

- ▶ **All Public Improvements are subject to Town review during the subdivision process**
 - ▶ Reconstruction and improvements to Maloit Park Road
 - ▶ Potential improvements and traffic calming at HW 24/Maloit Park Road intersection
 - ▶ Pedestrian access/sidewalks along Maloit Park Road
 - ▶ Potential transportation/bus stop along Maloit Park Road
 - ▶ Recreation bike and pedestrian paths in Maloit area connecting to the Reservoir Site
 - ▶ Parks and other recreation areas tying into the Rec Center and Maloit recreation areas
 - ▶ Public improvements shared with the School District subject to coordination and financing agreement with the School District
- 



Restricted Parcel Oversight

- ▶ Regular monitoring and enforcement of Restrictive Covenants
 - ▶ Maintain signage and fencing as required
 - ▶ Ongoing participation with EPA and CDPHE
 - ▶ Annual reporting as required by CDPHE
 - ▶ Payment of annual oversight fees as required by CDPHE
 - ▶ Coordination with CBS/Viacom regarding protection and assurances that existing remedial features (trenches, treatment plant, etc.) remain operational
 - ▶ Coordination with ERWSD regarding reservoir construction and site remediation
 - ▶ Coordination with the Town regarding the property
- 

Key Financial Terms of Service Plan

Estimated Costs of Public Improvements	\$51,000,000
Total Combined Debt Limit	\$62,000,000
Maximum Debt Service Mill Levy	District Nos. 1-3: 50 mills District No. 4 (Affordable Housing Units): 35 mills Debt service mill levies are subject to adjustment based on changes in the calculation of assessed value
Operations and Maintenance Mill Levy	20 mills, subject to adjustment based on changes in the calculation of assessed value
Maximum Debt Mill Levy Imposition Term	30 years from the date of first imposition of a debt service mill levy for each debt issuance
District Fees	Permitted to be imposed for services, programs or facilities provided
Projected Bond Issuances	Series 2026 • Approximately \$35,920,000 Series 2036 • Approximately \$54,070,000 • Refinance of the 2026 issuance • Approximately \$24,000,000 in additional funding



Questions?