



## **OFFICIAL MINUTES**

### **Town Council Regular Meeting (5:30PM)**

**Wednesday, November 15, 2023**

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

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

This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

#### **MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:**

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/88406557995>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 884 0655 7995

**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 5:30pm.

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

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

Staff present: Attorney Michael Sawyer, Engineer Jeff Spanel, Planner Scot Hunn, Town Manager Michelle Metteer, and Town Clerk Jay Brunvand (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.** 11-01-2023 Minutes

**B.** Liquor License - Hotel and Restaurant License annual renewal application: Pizza Pub LLC, dba Magustos Pizza & Burger Pub, Eric Cregon, Owner/Manager 101 Main Street

Motion by Gusty K., second by Kate S., to approve the Consent Agenda of November 15, 2023 as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

### **4. APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of November 15, 2023 as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

### **5. DECLARATION OF CONFLICTS OF INTEREST**

Terry A. will recused herself from the Beldon Place discussion.

### **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. Jeff Armistead spoke of a letter that he submitted and desired to have included in the record re the Beldon Place matter and the potential use of newly released SFE allocations.

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

### **8. STAFF REPORTS**

**A.** Manager's Report

**B.** November 2023 Election Review

### **Colorado Tourism Marketing Matching Grant Award – Great job Cindy Krieg!**

The Towns of Minturn and Red Cliff were awarded \$30,000 for a 2024 Tourism Marketing Matching Grant. The Towns will be matching \$10K (Minturn) and \$5K (Red Cliff) for a total project spend of \$45,000. The project is a Minturn / Red Cliff Outdoor Recreation Visitor Guide (Minturn will have a larger presence in the guide). This has been a goal that we've been working toward (in a partnership capacity) over the past 2 years, and we finally received funding to do so. Below is more information about the grant program, and here is a link to the grant program page on the OEDIT website - <https://oedit.colorado.gov/tourism-marketing-matching-grant>.

The guide will have both a print and digital component and will include the following:

- Seasonal itineraries
- Information on outdoor activity options for all seasons
- Trails information, including a trailhead directory
- Parking information / directions (and steering visitors toward visiting popular trails during less busy times such as weekdays and/or certain times of day)
- Information on shoulder season activities
- Information regarding the Top of the Rockies Scenic Byway
- Business directory (to include tourism-related businesses such as restaurants, retail, lodging, activities/tour operators)
- Responsible recreation messaging throughout (Leave No Trace, Care for CO, etc.). This will include, but is certainly not limited to:
  - Respecting wildlife
  - Respecting trail closures
  - Doggy poop pick-up
  - Pack it out messaging
  - Education regarding fire safety, river safety, backcountry safety, hunting regulations, legal camping info (and stressing where you cannot camp), etc.

The plan is to have the printed guide in downtown businesses, area hotels, Eagle County airport, and CO welcome centers.

### **Bulb-Outs Update**

Upon initial submittal of Minturn's Main Street Bulb Out plans to CDOT, we received preliminary feedback not to expect any artwork to be approved as part of the request. It is likely the bulb-out work itself will be accepted, with possible modifications, but CDOT does not appear as supportive of street-art as we had hoped.

Michelle M. updated this submittal was denied by CDOT for temporary bulb outs and they were opposed to street art. In order to pursue permanent bulb outs we would need to submit a separate application.

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

The towns of Avon, Vail and Eagle County were awarded funding to create an Eagle County Regional Housing Action Plan. All municipal managers are participating in this process and currently the RFP for finding a firm to lead the community through the plan creation process has been published and we expect a person/firm to be in place by early January 2024. Here is the press release that was issued upon grant award:

#### Eagle County Regional Action Plan

The Colorado Department of Local Affairs awarded \$200,000 in grant funds for a regional housing planning effort. The project, titled the Eagle County Regional Housing Action Plan, includes Eagle County and the towns of Vail, Red Cliff, Minturn, Avon, Eagle, and Gypsum. This project will update the 2017 Regional Housing Needs Assessment to determine unmet affordable housing needs in the Eagle River Valley with particular focus on determining housing needs for different income levels. A \$24,000 local match will be funded equally by Eagle County and the towns of

Avon and Vail. In addition to updating data on housing needs, the project includes goals to identify opportunities for additional housing development and establish a 10-year strategy for housing development.

### **Eagle County Hazard Mitigation Plan**

I am representing Minturn in the updating of Eagle County's Hazard Mitigation Plan. Minturn's participation is required in order for the town to be eligible for FEMA funds should a hazard in the Minturn area occur. The project is in the early phases and is expected to be utilized by all area organizations in the event of hazard. I have identified Minturn's primary (but not limited) hazards of concern to include wildfire, flood, rock/mudslides/avalanche, and drought.

### **ECSD Maloit Park Housing Project Fire Flow Work**

The town has successfully completed the fire flow water pipeline work for servicing a new housing development in the Maloit Park area. The School District is paying all the costs associated with the fire flow work. This was one of the tasks remaining to be completed prior to bringing Tank 3 (new concrete water tank) online.

### **Concrete Water Tank Baffling Work**

The piping for the interior baffling on tank #3 has been ordered. Once the piping arrives, John Volk, Minturn public works and additional crew will handle the installation. Upon completion of this project, tank #3 will be able to be operational. There will still be limitations (not able to completely fill the tank) due to the Medina waterline service issues, but once the Medina service line is installed in the spring, tank #2 can be taken entirely offline, and tank #3 can run at full capacity.

### **Medina Service Line Progress**

The Minturn water team has met with representatives of the Medina property. We discussed the plan for installing a service line from HWY 24, utilizing the town easements over 3<sup>rd</sup> party private property to service the two structures on the property. The town will be paying for the installation of the service line. Of question, is the maintenance of the line should issues arise. I, nor Mike Sawyer, have found anything in the original Ordinance and Agreement indicating the town would be responsible for such infrastructure maintenance. I have attached a copy of the Ordinance and Agreement should anyone wish to review.

### **Phase II Main Street Sidewalk Construction Schedule**

Work for Phase II of the Main Street Sidewalks is underway. Survey work and sub utility engineering is almost complete. A copy of the anticipated timeline for construction has been attached. Installation of sidewalks is expected to begin in the spring of 2025.

### **Election Update: November 7, 2023**

Prop HH was a ballot question that purported among other things to reduce the assessed value on your home, stabilize the TABOR refunds from the state, and assist seniors by further reducing their tax liability. This measure failed at the polls. In Minturn, our assessed value increased approximately 47% over the 2022 Fiscal Year.

Shortly after the election, the Governor called a Special Session of the Colorado Legislature. This session will begin on Friday 11/17/2023 at 9am and most likely adjourn by Wednesday 11/22/2023. The session is scheduled to address/resolve skyrocketing property values and the associated property tax values that go with those increases and will probably also address the school lunch program for low-income children.

There is a pot of \$200m in the state General Fund that can be allocated to the effort although it is not clear how that would be used as well as other ideas that are proposed in the session. The governor was clear this Special Session is very narrow in scope to resolve the property tax relief for the current year, future years will most likely need to be addressed during the regular session. This Special Session will include consideration of a reduced property assessment structure for both residential and Commercial properties, most likely a revised senior credit to further reduce the burden on those over 65, and probable in some form address the low-income school lunch program. At this point the schedule for tax notices remains the same to get the values from the County Assessor, then approved on December 6, and sent back to the County all by the statutory deadline of December 15. Until then, Minturn De-Bruced by passing a ballot measure of our own in 1998 which set our mil levy at 17.934mils. To calculate our property tax revenue, we take the assessed value from the County Assessor against our mil levy and that is our revenue. As of now, the numbers that we have been using in our draft budget will stand until otherwise changed based on the Special Session.

## **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.

### **A. Colorado Gives Day Proclamation**

Representatives from the Eagle County Gives group included Chatham Mayberry, Darell Wegert, and Tsu Wolin-Brown.

Earle B. read the Proclamation into the record. Colorado Gives Day is Tuesday December 5, 2023.

## **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.

Note: the overall presentation below covers all the Minturn North Ordinances.

At the regular meeting of November 1, 2023, the Town Council reviewed the Minturn North Final Development Plan for PUD, along with two Final Plat documents - one for the UPRR Property, and another for the Minturn North PUD Subdivision - as part of the first reading of three separate Ordinance Nos. 15, 16, and 17. During the hearing on November 1st, the Council considered the application(s), the staff report and recommended conditions of approval, testimony of staff and consultants, as well as testimony of the Applicant and of the public. The following topics were discussed and/or provided as part of public testimony at the hearing on November 1:

- Property Owner Association and covenants
- Mud and debris flow hazards analyses and proposed mitigation
- Waterwise landscaping
- Connectivity (trail and sidewalk networks)
- Drainage and stormwater improvements
- Subdivision Improvements Agreement (SIA) and vesting periods

During the hearing on November 1st, staff confirmed with the Council that while final plans, plats, and agreements were nearing final form (meaning no or few outstanding, substantive issues), there were still several minor or technical issues needing to be resolved with regard to covenants, plats/easements, and the SIA/development agreement - all of which staff believed could reasonably be resolved prior to second reading of Ordinance Nos. 15, 16, & 17. Staff also outlined several suggested conditions of approval that would require the Applicant to continue working with the Town prior to second reading of the ordinances and/or following any final approvals to provide construction details and final (or in some cases, updated) cost estimates for off-site improvements such as paving of County Road 14, construction of the ECO Trails bridge crossing over Game Creek, and the construction of turn lanes at Hwy. 24.

The Town Attorney and Town Engineer have worked diligently with the Applicant since November 1st to resolve most outstanding issues related to covenants, easements, plats and civil engineering drawings. That being said, the Town Engineer has reviewed the most recent, updated civil engineering plans (received by the Town on November 7th) and has provided an updated letter dated November 9, 2023, outlining any remaining details or comments. While most outstanding issues and/or technical comments have been satisfactorily addressed, there remain additional minor issues and details needing to be addressed either on the civil drawings or on the plat documents. Staff believes that each of these minor issues can be resolved prior to second reading of Ordinance Nos. 15, 16, and 17 and, importantly, prior to consideration by the Council on November 15th of the Development Agreement (Resolution No. 31) which is reliant on final, 100% construction drawings and cost estimates. Additionally, there remain issues and outstanding construction related details (County Road, Hwy. 24, ECO Bridge designs and cost estimates) which should remain as conditions of Final Plan approval. Therefore, staff is still recommending approval with conditions of the Final Development Plan for PUD, Final Plat documents for the UPRR Property and for the Minturn North PUD Subdivision. Staff commentary and recommendations related to the Minturn North PUD Development

Mike S. reviewed the process whereby we would review and discuss the three Ordinances and the Resolution first and then vote on each separately. He reviewed the Development Agreement (Resolution 31-2023).

There is a revised allocation of 39SFE's for the units, plus an SFE for common irrigation; discussion ensued on the irrigation per lot. An additional 14SFE's will be held for two years for the development in case the additional need for larger homes over 3000sf. The agreement locks the 2000sf of outdoor irrigation per lot regardless of the size of the home. This will free up a number of SFEs now and potentially the future unused portion of the 14 held back.

Terry A. asked if the town would have the ability to limit irrigation during times of need; yes, the development will follow the rules set townwide.

It was noted the irrigation supply and billing is established at the irrigation rate within our current fee structure.

Terry A. discussed and confirmed the Letter(s) of Credit that will be supplied to the town. She asked about the Hwy 24 turn lane, if we have any requirements of how the construction vehicles will access the project; this is a CDOT directive, not the town's. In the Development Agreement there is a comment that they are to use Minturn Road when possible, not Bellm Bridge.

Kate S. asked about the upkeep of Minturn Rd due to the truck use. The county is responsible for the road to the town boundary.

NOTE: Tom S. entered the meeting via zoom at 6:15pm

Mike S. reviewed the UPRR matters. He noted that through this process we are getting benefits that the railroad would not otherwise do but for this development. The Minturn Road easement will be updated that will include enough land for the road and trails, portions of Railroad Ave will receive an easement as will Taylor Ave, these are nonrevocable and they are at no cost. We are getting track crossings at Railroad Ave and Taylor and at Forest Service Bridge.

Restrictive covenant of lots 34-38 will be placed for Minturn residents, then to eligible households in Eagle County. Eligibility must be maintained, houses can be rented but only to eligible citizens. This covenant runs for 50years. These lots are members in full standing of the development but would pay a fraction of the cost of the other HOA members. The Eagle County Housing Authority would assist to manage these conditions.

A second home covenant of 1% transfer fee for an owner that is NOT an eligible buyer has been established. This fee is above and beyond the town's RETT tax of 1%. If you qualify for eligibility and then lose your eligibility status, you would then have to pay the 1% fee.

Bryan R. expressed concern that the HOA could override the Town's ability to allow what makes Minturn Minturn. He was concerned that they could ban renting a room to a roommate and he wanted to see bigger changes such as some of what was stricken from first reading. Discussion ensued how this might be addressed. Mike S. noted the denser the development the more restrictions may be necessary. It was discussed why they have an HOA vs a Metro District. Mike S. stated the Metro District has competing abilities with the town.

Terry A. asked:

- Re the Minturn Trail and nonmotorized uses, she wants it to mirror the Eagle County trails that are non-USFS trails to allow ebikes. Mike S. noted Eco-Trials have vetted this and had no concerns.
- Construction fencing was clarified. One fence will be installed around the entire project.

Mike S. noted the construction plans included in the packet. There have been edits to answer concerns but the plans will be the most updated. He also stated there are several construction cost categories, these have been updated and will again be included with the most updated documents.

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

The following list reflects the remaining conditions of approval (as well as those that have been or will be resolved prior to 2nd reading – shown in strikethrough font) recommended

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
2. ~~The Applicant shall work with the Town Engineer and Town Attorney to revise and update PUD documents (CC&Rs) and/or agreements to permit the Town of Minturn, as an authorized contractor, to access to repair critical offsite drainage facilities in emergency situations.~~
3. The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
4. The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
5. Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.
6. Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the EcoTrail Game Creek Bridge.
7. The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat. **Any revisions to 100 percent construction drawings and associated cost estimates as a result of any changes requested by ERWSD shall be added to the 100 percent construction drawings and cost estimates to be reviewed and approved by the Town Engineer.**
8. ~~The Applicant shall work with the Town Attorney to update and revise the Declaration of Covenants, Conditions, Restrictions and Easements for Minturn North (CC&Rs) to ensure proper limitations on the scope and powers of any Home Owner’s Association (HOA) created as part of the PUD. Specific focus on revisions to the CC&Rs should be aimed at reducing controls on design review and/or architectural control by the HOA Executive Board; use of individual properties for the keeping and storage of recreational equipment, recreational vehicles (RV’s, trailers, vehicles), and personal items in keeping with the rest of the Town. Specific sections of the~~



~~CC&Rs to be addressed and revised include Section 15—Use Restrictions, and Section 16—Miscellaneous Matters and Owner—Acknowledgements.~~

### Public Hearing Opened

Mr. Bill Hoblitzell, 262 Taylor St, if the POA followed state law on water use and landscaping needs and discussed his concerns. He was in agreement with Brian R's concerns that we keep restrictive codes at a minimum. He encouraged the town to work to establish fairness that they are not required to maintain regulations that are not town-wide.

Mr. Hermes, applicant, addressed the landscaping and xeriscape. It was noted that every lot and the common area landscaping will be subject to the landscaping codes of the town.

### Public Hearing Closed

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

### Conditions Included in Approval:

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering "Game Creek Existing Mudflow Analysis" specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
2. The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
3. The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
4. Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.
5. Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the EcoTrail Game Creek Bridge.
6. The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat. Any revisions to 100 percent construction drawings and associated cost estimates as a result of any changes requested by ERWSD shall be added to the 100 percent construction drawings and cost estimates to be reviewed and approved by the Town Engineer.

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

The following list reflects the remaining conditions of approval (as well as those that have been or will be resolved prior to 2nd reading – shown in strikethrough font) recommended

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

Public Hearing Opened

No comments

Public Hearing Closed

Motion by Gusty K., second by Earle B., to approve Ordinance 16 – Series 2023 (Second Reading) an Ordinance Approving the Final Plat for UPRR Subdivision as presented with the following conditions and most recent version of all plats. Motion passed 5-1. (Terry A. – Nay) Note: Lynn F. was excused absent.

Conditions Included in Approval:

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

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

The following list reflects the remaining conditions of approval (as well as those that have been or will be resolved prior to 2nd reading – shown in strikethrough font) recommended:

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

Public Hearing Opened

No public comments

Public Hearing Closed

Motion by Gusty K., second by Earle b., to approve Ordinance 16 – Series 2023 (Second Reading) an Ordinance Approving the Final Plat for UPRR Subdivision as presented with the following conditions. Motion passed 4-2. (Terry A. and Brian R – Nay) Note: Lynn F. was excused absent.

Conditions Included in Approval:

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

**D. Resolution 31 - Series 2023 A Resolution Approving the Minturn North Development Agreement**

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

Brian R. asked that in good faith the developer adhere to the spirit of the discussion. Council discussion ensued on this matter. Mr. Hermes, applicant, noted an amendment that any modification to the covenants that restrict existing uses would need to be approved by the town in advance.

Motion by Gusty K., second by Tom S., Resolution 31 – Series 2023 a Resolution authorizing the Mayor of the Town of Minturn to sign the Planned Unit Development agreement for Minturn North Planed Unit Development as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

- Condition of compliance to Jeff S. letter
- of the insertion of the town's vision statement
- and addition that any modification to the covenants that restrict existing uses would need to be approved by the town in advance.

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

Mike S. presented.

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

Mike S. noted this is supported by Battle Mountain supports this action as part of the settlement and that there are no changes from First Reading.

Public Hearing Opened  
No Public Comments  
Public Hearing Closed

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

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

Michelle M. presented that Minturn has held two public discussions on the topic of snow removal and the Snow Removal Plan. These discussions culminated in the adoption of the 2023/24 Minturn Snow Removal Plan; Resolution 30 – Series 2023. Within the Plan is identified the allowance for Minturn Residents to hand-shovel snow from sidewalks into the right of way of town owned streets. This is an effort to help mitigate the complications some residents face due to a lack of on-site snow storage. This also allows the Town to address other snow-related violations while following the Minturn Municipal Code in a fair and equitable manner. She noted there were no changes from First Reading.

Public Hearing Opened  
No Public Comments  
Public Hearing Closed

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

- G. Resolution 32 - Series 2023 A Resolution Approving the Belden Place Settlement Agreement

Note: Terry A. recused herself due to a Conflict of Interest.

Mike S. presented.

In Spring 2022, the Town Council held public hearings associated with the Belden Place PUD. On March 16, 2022, the Town Council approved the PUD Plan, Final Plat, Subdivision Improvements Agreement, and a cost sharing agreement related to drainage improvements. The Council was unaware that a few days prior to these public hearings the developer filed a lawsuit against the Town. The litigation has been pending for 18 months. The Town did receive a positive ruling on a motion to dismiss. However, that Court order did leave some claims pending. In the interim, the parties have discussed a settlement structure. The settlement agreement attached has been reviewed by Belden Place who has agreed to the provisions. The settlement agreement has also been

reviewed by Nick Poppe the Town's CIRSA attorney. Here is a brief explanation as to how the proposed settlement works.

Similar to the Battle Mountain settlement, the Belden Place settlement is contingent to various approvals to be obtained after the agreement is signed. Specifically, the settlement allows for Belden Place to seek the following approvals from Council after the settlement is executed:

1. An application to have the 16 SFEs of water service not needed by Minturn North allocated to Belden Place. The original water moratorium, which still applies to Belden Place, allows for such a hearing and decision by Council. As you will see in the agreement, Belden Place will still be a few SFEs short for full buildout.
2. An application to amend the PUD plan and final plat for Belden Place to eliminate the Triplex on Lot 12/13/14 and replace it with a single-family unit plus an ADU. This will help lower the total number of SFEs required for full build out of the project.
3. An application to amend the Subdivision Improvements Agreement to modify provisions related to the number of SFEs required to serve Belden Place together with other minor changes.

During the period that these applications are being considered, the litigation will be stayed to prevent further expenditure of work on the matter. If any of these applications are denied, Belden Place may withdraw from the settlement agreement and proceed with the litigation. If the applications are approved, the litigation will be dismissed. Further, if the settlement is approved, Belden Place agrees that the Town contribution for drainage improvements will be void. Also, the Town would agree to a stipulation in a pending code enforcement case that would allow Belden Place not to fill in the excavation on the property (because presumably construction would commence shortly thereafter). Staff believes that the proposed settlement is a workable framework for resolving the Belden Place issues. The matters described above would be handled in public hearings where members of the public can participate. Only after that public process had played out would the Town dismiss the litigation. Staff recommends approval of the settlement agreement.

Motion by Gusty K., second by Kate S., to approve Resolution 32 - Series 2023 A Resolution Approving the Belden Place Settlement Agreement as presented. Motion passed 5-0. Note: Lynn F. was excused absent and Terry A. stood recused.

Note: Terry A. resumed her seat at the dais.

#### **H. Ordinance 20 – Series 2023 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2023 Town of Minturn Budget – Brunvand**

This is an annual Ordinance to account for various increases in revenues and expenditures which are anticipated to exceed their original budget. Each change in Exhibit "A" is listed in fund order showing the increased amount and the revised total budgeted amount. This Ordinance takes into account only those items which are anticipated to exceed their original line item budget. Revenues which exceed their original budget indicates additional revenue, expenses that exceed their original budget indicates over spending of that line item. Revenues and expenses that exceed their original

budget need to be supplemented in order to properly recognize and then utilize this variance in the appropriated budget. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed. This means the Ordinance and action requested only addressed excess revenue and expense, it does not address items that will save money by coming in under budget. This may give a false view that we are over spending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance 20 – Series 2023 (First Reading) an Ordinance amending the 2023 budget as set forth in the following exhibit “a”, to appropriate additional general fund revenues in the amount of \$280,372.00, and appropriating additional general fund expenditures in the amount of \$157,376.00, and appropriating additional enterprise fund revenues in the amount of \$343,000.00, and appropriating additional enterprise fund expenditures in the amount of \$218,701.00, and appropriating additional conservation trust fund revenues in the amount of \$3,000.00, and appropriating additional market fund revenues in the amount of \$4,000.00, and appropriating additional market fund expenses in the amount of \$19,300.00, and appropriating additional capital fund revenues in the amount of \$7,500.00, and appropriating additional scholarship fund expenses in the amount of \$1,400.00, and appropriating additional battle mountain fund revenues in the amount of \$2,000.00 as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

**I. Ordinance 21 – Series 2023 (First Reading) An Ordinance Setting the 2024 General Property Tax Mill Levy for the Town of Minturn – Brunvand**

This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn’s annual General Fund revenues.

Public Hearing Opened  
No Public Comments  
Public Hearing Closed

Motion by Kate S., second by Brian R., to approve Ordinance No. 21 – Series 2023 (First Reading), an ordinance levying general property taxes for the year 2024, to meet general operating costs of government for the Town of Minturn, Colorado for the 2024 budget year as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

**J. Ordinance 22 – Series 2023 (First Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2024 for the Town of Minturn – Brunvand**

This is an annual ordinance approved by Council to establish the annual fee schedule and any proposed fee increases. The fee schedule has been discussed in previous meetings with Council and each department, changes to the fees are reflected in the schedule. All fees will go into effect on January 1, 2024.

During the discussion it was requested that the Little Beach Park fees be reviewed for second reading.

Public Hearing Opened  
No Public Comments  
Public Hearing Closed

Motion by Gusty K., second by Terry A., to approve Ordinance No. 22 – series 2023 (First Reading) an Ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2024 as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

**K. Ordinance 23 – Series 2023 (First Reading) An Ordinance Adopting the FY2024 Annual Budget and Recognizing the Town of Minturn’s 2024 Revenues and Expenses by Fund – Brunvand**

This is an annual ordinance reports, allocates, and appropriates the beginning fund balance, all anticipated revenues, and all anticipated expenses for each fund as detailed in the budget document. To date all directed changes to the preliminary budget accepted at the first meeting in October 2023 have been assimilated into these final numbers. Council will receive a final budget shortly after second reading in December which will reflect the budget as approved by this Ordinance.

Discussion ensued as to revenues in the various funds in general and specifically the Enterprise Fund. Michelle M. noted the payroll reallocation of wages from the Enterprise Fund to the General Fund. Significant discussion was held on the past, current, and future water rates for metered use but no changes were made.

Public Hearing Opened  
No Public Comments  
Public Hearing Closed

Motion by terry A., second by Gusty K., to approve Ordinance No. 23 – series 2023 an Ordinance appropriating revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January, 2024 and ending on the last day of December, 2024 as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

**11. DISCUSSION / DIRECTION ITEMS**



**12. FUTURE AGENDA ITEMS**

**A.** Future Meeting Topics

**13. ADJOURN**

**INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

--December 6, 2023

--December 20, 2023

--January 3, 2023

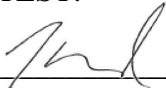
Motion by Kate S., second by Brian R., to adjourn at 9:58pm



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Earle Bidez, Mayor

ATTEST:



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Jay Brunvand, Town Clerk

