



AGENDA

4:30 Excutive Session | 5:30 Council Meeting

Wednesday, August 21, 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/84339384812>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 843 3938 4812

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

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

3. EXECUTIVE SESSION

- 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:

Ford Quiet Title
Battle North

4. APPROVAL OF CONSENT AGENDA

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

[A.](#) 08-07-2024 Minutes

[B.](#) NW Colorado Regional EV Charging Network Project

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

6. DECLARATION OF CONFLICTS OF INTEREST

7. PUBLIC COMMENT

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

8. COUNCIL COMMENTS & COMMITTEE REPORTS

9. STAFF REPORTS

[A.](#) Manager's Report

10. SPECIAL PRESENTATIONS

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

11. BUSINESS ITEMS

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

[A.](#) Resolution 46 - Series 2024 A Resolution Approving the Request for Exemption from Sec. 16-17-110 - Underground utilities - for 362/366 Taylor Avenue

[B.](#) Resolution 47 - Series 2024 A Resolution Supporting the Eagle County Conservation District Mill Levy

[C.](#) Resolution 48 - Series 2024 A Resolution Approving the Battle North Restrictive Covenant and other Documents

[D.](#) Ordinance 19 - Series 2024 (First Reading) An Ordinance Amending the Lighting Code

[E.](#) Resolution 49 - Series 20024 - A Resolution Creating the Fifth Amendment to the Battle Mountain Settlement Agreement

12. DISCUSSION / DIRECTION ITEMS

[A.](#) Minturn Strategic Plan Review

13. FUTURE AGENDA ITEMS

[A.](#) Future Meeting Agenda Items

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- (Tuesday) September 3, 2024
- September 4, 2024 Council meeting canceled
- October 2, 2024



OFFICIAL MINUTES

Executive Session 4:30 | Town Council Meeting 5:30

Wednesday, August 07, 2024

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

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

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Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 845 6039 4178

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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 4:30pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

3. EXECUTIVE SESSION

- 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: Ford Quiet Title and Battle North Diligence

Motion by Eric G., second by Gusty K., 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 Ford Quiet Title and Battle North Diligence as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

Those present in the Executive Session included the Council present, Attorneys Mike S. and Rob Marsh and Town Manager Michelle M.

Note: Council convened from Executive Session at 5:37pm and convened in Regular Session.

4. APPROVAL OF CONSENT AGENDA

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

- A. 07-17-2024 Minutes
- B. 0008 Silver Star Trail - New Single Family Residence
- C. 0141 Miles End Lane - New Single Family Residence
- D. 0185 Miles End Lane - New Single Family Residence
- E. 0096 Miles End Lane - New Single Family Residence
- F. 0206 Miles End Lane - New Single Family Residence
- G. 0226 Miles End Lane - New Single Family Residence
- H. 0024 Silver Star Trail - New Single Family Residence
- I. Resolution 43 - Series 2024 A Resolution Approving a Contract with Tatanka Historical Associates, Inc.to Execute the Historic Resource Survey Grant
- J. Resolution 44 - Series 2024 A Resolution Supporting the Legislative Position of the Colorado Association of Ski Towns (CAST) as it Relates to Local's Housing Efforts
- K. Resolution 41 - Series 2024 A Resolution Reappointing Judge Erik Johnson

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of August 7, 2024 as presented. Motion passed 6-0. Note: Kate Schifani was excused absent.

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Michelle M. noted the change in the agenda to add Resolution 45 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period as item 11-F.

Motion by Eric G., second by Gusty K., to approve the Agenda of August 7, 2024 as amended. Motion passed 6-0. Note: Kate Schifani was excused absent.

6. DECLARATION OF CONFLICTS OF INTEREST

7. PUBLIC COMMENT

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

Ms. Shelley Bellm, 474 Pine St., discussed issues she is having with property sales of her personal prop due to the historic issues and the confusion it is causing.

Mr. Kelly Toon, 531 Main, spoke of the new extended yellow curbs and how that is cutting into the on-street parking. He encouraged enforcement of the speed limits vs limiting parking.

Mr. Ken Halliday recommended other ways of slowing traffic such as additional cross walks.

8. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. noted the bear signs and to protect your trash.

Brian R. spoke of his ongoing discussions with CDOT and how we are trying to get out representatives to help work with CDOT.

Lynn F. updated on meetings with Eagle CO wildlife district and Vail Health Community Outreach.

Eric G. spoke of meetings with Eagle Co housing Authority and additional funding for ADU's and the Climate Action Collaborative.

9. STAFF REPORTS

A. Manager's Report

Bulb Outs

Temporary bollards will be installed in the coming weeks as part of the bulb out program to increase line of sight for pedestrians and vehicles utilizing side streets adjoining Main Street. Bulb outs were recommended in the Imagine Minturn Community Plan and have been requested by multiple residents. With this effort comes change, which has not been supported by all. There are some businesses on Main Street who have expressed concern about the loss of parking and the inability of customers to find parking, hence, not utilizing their establishments. As was stated when the program began, this is a temporary measure that will be reviewed by Council for considering the benefits vs drawbacks and addressed accordingly.

Community Events

With the results of the Community Survey, staff has reevaluated the community events to ensure the events being offered by the town are in alignment with the interests of the community. A brief survey was published to seek resident feedback on desired new community events. Included is a summary of the survey results. With Council's support and given the short turnaround for a "fall harvest" type event, staff looks to support Minturn's local businesses in scheduling a few "First Friday" events for the community.

Safe Streets 4 All (SS4A)

Staff are preparing for the kickoff meeting of the Safe Streets for All planning grant. All contracts and paperwork have been signed and residents have volunteered to take part in the initial stakeholder group. More to come.

Railroad Avenue Pedestrian Improvements

The initial Public Utilities Commission application has been submitted for review to allow for pedestrian access over the (already paved) railroad at Railroad Avenue and Taylor St. Once approved by the PUC, staff will put the project out to RFP and come before Council for contract approval before work can begin, hopefully later this fall.

10. SPECIAL PRESENTATIONS

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

- A. Minturn Scholarship Fund - Shelley Bellm
- B. Core Transit Update - Tonya Allen

Mr. Simon Dixon, 471 Taylor, spoke of supporting options for the transit program. Ms. Allen discussed the real-time aps, maps, and brochures, and she spoke of the first and last mile of getting to and from the bus stops.

11. BUSINESS ITEMS

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

- A. Ordinance 11 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street

Council initially took this Ordinance up at their June 5, 2024 regular meeting. They continued the first reading hearing to August 7, 2024, with a work session to take place on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation.

At the June 5, 2024 meeting Council discussed balancing historic preservation, economic feasibility, and the utilization of property, particularly in the Town’s downtown, commercial generating area. In response to this a work session was scheduled at the July 17, 2024 meeting. During the work session staff brought forth nine different ideas for Council to discuss and give direction on. Staff was directed to bring back an ordinance addressing Options 1-7:

- Option 1: Eliminate the requirement for two sets of design review guidelines
- Option 2: Eliminating potentially redundant approval requirements
- Option 3: Allow for historically designated structures in the downtown corridor to have the immediate ability to functions as short term rentals on all floors
- Option 4: Encourage historic preservation reinvestment as part of the Downtown Development Authority Operations Plan
- Option 5: Require a minimum of two nominators for a structure to be nominated for historic designation
- Option 6: Create a process whereby property owners can determine if their structure would be historically designated without necessarily “supporting” such a designation

- Option 7: Allow residential in the Downtown Character Area on the back 50% ground floor of historically designated commercial buildings to create live/work opportunities

Staff is currently in the process of drafting this ordinance to bring back to Council for review and discussion. Several of these options, should they be implemented, should provide additional flexibility and stability to individual property owners within the 100 Block and throughout the rest of Town. As part of this process the Town has also received significant written public comment. That is attached to this agenda item. Please note that due to not wanting to have duplicates of the public comment in the packet, unless it is specific to 155 Main Street, all written public comment has been listed under 151 Main Street.

It was noted that the Town has received over 20 written public comments with the general consensus to change the existing process by encouraging historical uniqueness while allowing the flexibility to maintain and encourage the town's economic vitality.

Gusty K. confirmed that the property owners are onboard with the proposal. Madison H. stated that no concerns have been expressed. Discussion ensued as to how once designated, how can you remove or update a given property.

Brian R. spoke in support of keeping Minturn Minturn. He felt the HPC code should allow the owner to self-designate their property and expressed concerns with the restrictiveness of the existing code.

Lynn F. felt a lot of the problems and confusion is due to the misunderstanding that this designation would not allow them to do anything to their property, this is not the case. She encouraged patience to allow the process to work through the questions. This will highlight the openness to updating, remodeling, and saving historical properties. She stated we have relatively few historical buildings, but these two units are the most prominent.

Earle B. noted this is a process and encouraged the options 1-7

Mr. Tom Warren, MR MINTURN 155 Main, spoke that the historical designation without the option to do anything with the property. He expressed appreciation and limited optimism to move forward.

Tom P. disagreed with the position that properties that were residential should be allowed to continue as residential, he agreed with the balance of the proposals.

Michelle M. noted a note from Lorane and Roy Vasquez who encouraged the historical designation for 151 and 155 Main.

Public Hearing Opened

Mr. Larry Stone, 152 Main St, felt it important that the town provide a historical packet that could be provided outlining what can be done with a designated property. He felt the startup costs of water fees is far more restrictive than the historic status. He felt we have a lot of empty spaces in the 100 block and we need to create viability. He felt it important that the property owner be able to self-designate their property.

Mr. Michael Gottino, 110 Taylor St, he stated we are known to be too restrictive for developers. He encouraged balance.

Mr. Robert Creasy, 455 Pine St, encouraged a list of properties within the town. He stated if we get it right, then owners will want their properties to be designated.

Mr. Tom Sullivan, 116 Nelson Ave, the reason we have vacant buildings is because of the landlords. He said the property they leased at 151 Main was sold and the rent went from under \$1500 a month to \$5000/month. Further, MR MINTURN will not give a long-term lease on their properties because they are all for sale. These are just not realistic options for small business owners and the initial investment necessary.

Mr. Ken Halladay, 811 Main, noted a historic town will bring business but not overnight. He encouraged the list of potential historic properties be developed. He stated the two houses (151 and 155 Main) are our front door and should be protected along with the trees on those lots. He encouraged an FAQ to answer what historic designation means and what it comes with.

Mr. Kelly Toon, 531 Main St, member of the HPC Commission. Spoke that the HPC is very open to ensuring once designated an owner can and should maintain and preserve their properties. This does not mean they can't do any maintenance, updates, or additions.

Mr. Ken Mentz, 167 Williams St, said he keeps hearing money, developer, returns over and over. Our current landlords are keeping those properties empty by not offering reasonable terms.

Mr. Woody Woodruff, 344 Eagle St, spoke of our opportunities and that we are right on the interstate. He felt the impetus of this discussion was the old bikeshop (GET ADDRESS). It isn't the town's responsibility to ensure property owners and developers make a huge profit.

Ms. Lynn Teach, 253 Pine St, if the property is qualified but has been so upgraded over the years, it might not be historical. She noted, once things are gone, you can't get it back. She said she knows here building was wanted but no one wants a 30day month to month lease.

Ms. Cathy Sullivan, 116 Nelson Ave, never had a maintenance issue with her building. It was bought and remodeled at a significant cost which pushed the rent cost. She then moved her business to a MR MINTURN property and said her concern with staying open was the 30day month to month lease.

Ms. Tracy Anderson, 1016 Mtn Drive, bought her home years ago because it was a great town. She encouraged a long-term view and to protect our history.

Public Hearing Closed

Earle B. noted that in the packet are all letters that were submitted and several have come since then. They all will be made available online for viewing and a printed copy can be requested.

Gusty K. felt it important that the owners need be in favor of the designation of their property.

Brian R. stated he was not comfortable without the owner's buy-in. He felt we should have organic development.

Lynn F. felt the owners should have a say but not the final voice. She was not willing to have a developer come in and make changes we can't support. She felt a designated building should have opportunities to maintain or add to the building. She said Minturn has always had a small commercial base and reasonable rents and leases would solve our vacancy issues. She felt these two buildings should be designated.

Eric G. thanked all for coming out to express their concerns.

Earle B. expressed support for 151 and 155 Main designation. He said we need commercial businesses in the 100 block is crucial.

Tom P. appreciated the passion. He stated we need to take things slow; the properties need to be preserved. We need to fix our documentation and regulations and then move forward.

Motion by Brian R., second by Gusty K., to table to the meeting scheduled Sept 3 to allow the lower commission to review prior to it coming back to council Ordinance Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street. Motion passed 6-0. Note: Kate Schifani was excused absent.

B. Ordinance 12 - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street

Council initially took this Ordinance up at their June 5, 2024 regular meeting. They continued the first reading hearing to August 7, 2024, with a work session to take place on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation.

At the June 5, 2024 meeting Council discussed balancing historic preservation, economic feasibility, and the utilization of property, particularly in the Town's downtown, commercial generating area. In response to this a work session was scheduled at the July 17, 2024 meeting. During the work session staff brought forth nine different ideas for Council to discuss and give directions on. Staff was directed to bring back an ordinance addressing Options 1-7:

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- Option 6: Create a process whereby property owners can determine if their structure would be historically designated without necessarily "supporting" such a designation
- Option 7: Allow residential in the Downtown Character Area on the back 50% ground floor of historically designated commercial buildings to create live/work opportunities

Staff is currently in the process of drafting this ordinance to bring back to Council for review and discussion. Several of these options, should they be implemented, should provide additional flexibility and stability to individual property owners within the 100 Block and throughout the rest

of Town. As part of this process the Town has also received significant written public comment. That is attached to this agenda item. Please note that due to not wanting to have duplicates of the public comment in the packet, unless it is specific to 155 Main Street, all written public comment has been listed under 151 Main Street.

It was noted that the Town has received over 20 written public comments with the general consensus to encourage historical uniqueness while allowing the flexibility to maintain and encourage the town's economic vitality.

Tom Warren, MR MINTURN, stated they submitted several plans for the bike store, and they gained no traction. He asked for clarification of what the designation would mean for their buildings. He stated he would feel much more comfortable with the seven options and what that would mean for his buildings after hearing some of the comments from the council. He said they have only taken the one building due to significant deficiencies.

Public Hearing Opened

Mr. Larry Stone, 152 Main St., noted that commercial property taxes are significantly higher than residential. It is a major hurdle for a business.

Ms. Lynn Teach, 253. Pine, hoped council would consider the same issues for both buildings.

Public Hearing Closed

Motion by Gusty K., second by Eric G., to table to Tuesday Sept 3 to allow the lower commission to review prior to it coming back to council Ordinance Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street. Motion passed 6-0. Note: Kate Schifani was excused absent.

Note: Tom P. left the meeting at 8:10pm.

C. Ordinance 17 - Series 2024 (Second Reading) An Ordinance Approving a Short-Term Rental Tax Ballot Question for the November 5, 2024, General Election

It was presented that this is an Ordinance to present a ballot question at the Nov 5 County Election to increase the Lodging Tax for residential STR's from 1.5% to 6.5% and stood for questions. It was noted there are no changes from First Reading

Public Hearing Opened

No Public Comments

Public Hearing Closed

Motion by Gusty K., second by Eric G., to approve Ordinance 17 - Series 2024 (Second Reading) An Ordinance Approving a Short-Term Rental Tax Ballot Question for the November 5, 2024, General Election as presented. Motion Passed 5-0.

D. Ordinance 18 - Series 2024 (Second Reading) An Ordinance Approving a Downtown Development Authority Ballot Question for a November 5, 2024, Special Mail Ballot Election

Michelle M. presented that 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. This analysis is currently being expounded to include a debt authorization recommendation amount, to be included in second reading.

During Q2, the Town (with help from DCI) held final meetings with downtown stakeholders (including an in-person open house event on June 10th) and had a public discussion during the June 19th Town Council Meeting, on this topic. There was broad support from downtown commercial stakeholders, and from the Town Council.

A Downtown Development Authority functions as 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 on 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. 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).

Staff is recommending the above concept which includes no increase in taxes. To form a DDA, firstly, the Council must approve the concept. An election of the property owners and leaseholders 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.

It was noted that, because of the specificity of the district boundaries and the qualified elector eligibility and vetting requirements, the County cannot accommodate this issue in the County-wide Coordinated Election; thereby forcing us to hold our own limited mail ballot special election.

Discussion ensued as to what properties are included or not.

Public Hearing Opened

Ms. Lynn Teach, 253 Pine St, asked about the bonds and who would be paying the bonds back. It was noted the DDA would be liable for the bonds, not the residents or the town itself. Bill Shrum noted the property taxes are not increased, rather the TIF revenue is used to pay the bonds. TIF is the amount above the base value currently assessed. If the property tax is \$10, and the next year is increased to \$12 through the assessment, the \$10 goes to the town, the \$2 goes to the DDA. The bond concern is to allow in the future, it is not anticipated at this point.

Mr. Ken Mentz, 167 Williams St, asked what happens if property values/taxes go DOWN. Bill Shrum stated property tax trends normally increase. If the DDA as a whole experiences

decrement (assessment decrease), and falls below the baseline, then the DDA would not receive revenue until they exceed that baseline again. Mr. Mentz stated he had not received any information on this. Michelle M. noted the public process and that his HOA Manager of Record was an integral part of the process.

Public Hearing Closed

Motion by Eric G., second by Gusty K., to approve Ordinance 18 - Series 2024 (Second Reading) An Ordinance Approving a Downtown Development Authority Ballot Question for a November 5, 2024, Special Mail Ballot Election as presented. Motion passed 5-0. Note: Kate Schifani and Tom Priest were excused absent.

- E. Resolution 42-Series 2024, A Resolution Approving an IGA with the Eagle County Clerk and Recorder for coordinated election services on the November 5, 2024, General Election

During the August 7 council meeting, Council will be considering Ord 17-2024 on second reading to present to the voters a proposal to increase the existing Lodging Tax from 1.5% to 6.5%. This question will be run on the County wide coordinated election for only Minturn voters. TABOR allows tax issues such as this to be run in the normal April municipal election or in the November County wide General Election. This Resolution will approve the IGA required by the County Clerk's Office.

Motion by Gusty K., second by Lynn F., to approve Resolution 42-Series 2024, A Resolution Approving an IGA with the Eagle County Clerk and Recorder for coordinated election services on the November 5, 2024, General Election as presented. Motion passed 5-0. Note: Kate Schifani and Tom Priest were excused absent.

- F. Resolution 45 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period

Note: this item was added to the agenda at approval of the agenda previously.

Mike S. presented that unfortunately, we are going to need a Fourth Amendment to the Settlement Agreement. Once of the closing document is a declaration of restrictive covenants. This document was provided to me only a day or two before I left on vacation for 2 weeks. Upon reviewing this document in advance of the August 7 Council meeting it will need many modifications.

At the time that the Battle Mountain development agreement was approved by the Town Council, I made the following statement in the public meeting:

"The developer is requesting that this be a use by right but subject to a covenant whereby the Town could include certain mitigation requirements. The covenant has not been drafted yet and will be subject to review and approval by the Town Council."

This means that the restrictive covenant will need to be on the agenda for August 21. Because the outside date of the settlement is currently August 22, I believe it is prudent to give the parties an additional week to implement the Closing. To that end, I have extended the outside date to Sept 6.

Motion by gusty k_, second by _eric_, to approve Resolution 45 - Series 2024 A Resolution Approving the Extension of the Battle Mountain Settlement Approvals Period as amended to correct the resolution title and the outside date. Motion passed 5-0.

12. DISCUSSION / DIRECTION ITEMS

A. Battle North Diligence Review

The Town is in the final stages of implementing a Settlement Agreement with the owners of the Battle Mountain property ("Battle Mountain"). The settlement would resolve litigation filed by the Town for breach of various agreements stemming from the annexation and proposed development of the Battle Mountain property. The Settlement Agreement is attached as Exhibit 1. Town staff and its legal team want to provide Council with a description of the implementation of the Settlement Agreement and the due diligence undertaken by the Town with respect to property to be conveyed to the Town.

The structure of the Settlement Agreement allows Battle Mountain to apply for various Town land use approvals and, if those approvals are granted, Battle Mountain will convey certain land to the Town. Over the last 10 months, the Council has held a public meeting to consider the various land use approvals identified in the Settlement Agreement and granted associated approvals. These approval documents are being held by the Town Clerk in a sort of escrow pending completion of the due diligence period provided for in the Settlement Agreement (and extended through subsequent amendments). These approvals include:

A. Adoption of various amendments to the Town Code that provide:

- a. New residential and limited commercial zoning for the Battle Mountain property; residential development of the Battle Mountain property is capped at 250 units.
- b. An exception that allows the Battle Mountain property to be served with potable water by a non-Minturn water supplier (Eagle River Water and Sanitation District).
- c. A subdivision exemption process for land areas larger than 5 acres. Parcels created by the subdivision exemption process have no development right without going through a future Town subdivision or design review application process.

B. Formation of up to 4 metropolitan districts which will finance infrastructure development, provide services for Battle Mountain property (e.g. private road maintenance and operation), and undertake ownership and coordination of environmental compliance for lands located within the superfund site.

C. Adoption of a Development Agreement that grants Battle Mountain vested rights for a period of 30 years and guides the process for future land use to occur.

D. Disconnection from Minturn of the Rex Flats and Gilman areas.

E. Exemption plat creating parcels within the Battle Mountain property (Exhibit 2). The exemption plat is in the process of being reviewed and approved subject to conditions recommended by staff in an administrative process.

F. Dissolution of the General Improvement District that was created in 2008.

Upon "Closing" of the Settlement Agreement, the various approval documents will be recorded in the public records. This will result in the previous land use approvals as associated agreements

(primarily adopted in 2008) being vacated and no longer binding on the parties. Also, as part of the Closing, the Town will receive deeds and covenants for the following parcels depicted on Exhibit 3.

1. A deed conveying the Highlands parcels (Parcels 1 and 2) consisting of approximately 55 acres. A separate access easement granting two routes over the Old Tailing Pile parcel (Parcel 3) will also be conveyed to the Town.
2. A deed conveying the Reservoir South parcel (Parcel 5) which is adjacent to the Bolts Lake Reservoir site and contains approximately 13 acres.
3. A deed conveying two small parcels between the Eagle River and Highway 24 (Parcels 6 and 8) containing approximately 3 acres.
4. A deed conveying a two-acre parcel next to the Minturn Fitness Center (Parcel 11) which can be used for public purposes such as recreation and arts facilities and up to three employee housing units.
5. A covenant granting the Town the right to purchase the Old Tailings Pile parcel (Parcel 3) after construction of Bolts Lake Reservoir and remediation of the property. The parcel is approximately 65 acres in size. The right to purchase is for \$1.
6. A covenant granting the Town the right to purchase the Processing (Parcel 4) after construction of Bolts Lake Reservoir and restoration of the property. The parcel is approximately 7 acres in size. The right to purchase is for \$1.
7. A covenant granting the Town the right to purchase the Maloit wetlands parcel (Parcel 3) after remediation and delisting from the superfund site. The parcel is approximately 17 acres in size. The right to purchase is for \$1.
8. An easement across the Consolidated Tailings Pile parcel for recreation purposes.

Battle Mountain and the Town are currently working on the form of the conveyance documents.

Environmental Due Diligence: Some of the parcels that lie within the Superfund Site are subject to environmental covenants with the Colorado Department of Public Health and Environment. A memorandum from Battle Mountain discussing the covenants is attached as Exhibit 4. After remediation of parcels that will be eventually conveyed to the Town (e.g. Old Tailings Pile), these environmental covenants may be modified to allow for new uses of the property. Additional environmental assessment to be included prior to August 7, 2024. [Link here for the Phase I Environmental Site Assessment \(ESA\).](#)

Valuation Due Diligence The: Town commissioned an appraisal of the parcels that it will receive in fee or in which it will obtain easement rights. Jonathan Lengel is a licensed appraiser who specializes in complex valuations in and around Eagle County. A copy of his appraisal report is attached as Exhibit 5. A summary of the appraisal valuation is below. It is important to note two variables. First, the appraisal makes assumptions about the future uses of the parcels. The Code amendments zoned the parcels that the Town will receive in fee as “holding zone.” This means that before any land use can occur on these parcels, there will be a public process to determine how the land should be used. As such, the value associated with each parcel could change

depending on the future zoning designation. Second, the valuations are in current dollars and contemplate a current conveyance to the Town. Some parcels with meaningful valuation will not be transferred to the Town until the Bolts Lake Reservoir is completed and environmental remediation undertaken. As such, the future value that the Town will obtain could be discounted to account for time.

PARCEL NAME	PARCEL ID	ZONING	CONCEPTUAL USAGE	DATE OF VALUE	MARKET VALUE
Highlands 1	Parcel A	Holding District	Low Density Residential	January 15, 2024	\$6,700,000
Highlands 2	Parcel B	Holding District	Low Density Residential	January 15, 2024	\$9,800,000
Old Tailings Pile	Parcel C	Holding District	High Density Residential	September 1, 2028	\$26,000,000
Recreation Center	Parcel D	Holding District	Public arts/recreation Restricted Residential	January 15, 2024	\$796,000
Reservoir South	Parcel E	Holding District	Reservoir access for public	January 15, 2024	\$25,000
Highway Tract B	Parcel F	Holding District	Recreation	January 15, 2024	\$30,000
Highway Tract D	Parcel G	Holding District	Recreation	January 15, 2024	\$8,000
Consolidated Tailings Pile	Parcel H	Bolts OS/Rec. Dist.	Recreation/public utility	January 15, 2024	\$525,000
Soil Processing	Parcel I	Bolts OS/Rec. Dist.	Recreation/reservoir access for public	September 1, 2028	\$3,700,000
Maloit Wetlands	Parcel J	Bolts OS/Rec. Dist.	Recreation	January 15, 2024	\$30,000

The combined value of the parcels and property interests that the Town will eventually acquire is around \$47,600,000. This is a substantial value to the Town. The Settlement Agreement provides that the land obtained in the settlement also compensates the water enterprise fund. To that end, proceeds from the sale of a portion of the property can be used to assist with costs associated with a water treatment plant.

Legal Due Diligence: The Town will obtain title insurance for the parcels conveyed to it. The Town attorney has undertaken a review of the title commitment and is working with the title company to have any inapplicable exceptions removed. The Town is paying the costs of the title insurance policy. There are no water rights conveyed as part of this transaction.

Matters Required for Closing: Closing is scheduled to occur on or before August 22. As noted, the Town is working on the form of various conveyance deeds and covenants to implement the Settlement Agreement's terms. The form of the exemption plat is still undergoing some work and final approval is handled administratively. Additionally, at Closing documentation will be executed that terminates the pending litigation "with prejudice" meaning that the claims cannot be re-filed.

Ms. Polly Jessen, Environmental Attorney for the town, outlined the liability etc. of the environmental condition of the site(s). Earle B. asked if there was a path that Minturn could be held liable? Only if the town were to cause damage to the cap or other mitigations that go against what is requested by the state or EPA in their Comfort Letters. Ms. Jessen noted the forthcoming Comfort Letters will be explicit and clear in their directions.

Mike S. noted the appraisal values of the properties. He stated they assume the highest and best use, which might not occur. He noted these values are present values and we will not receive the land for a number of years. He stated it is important to note the values are tens of millions of dollars. Michelle M. noted that the town's historic portfolio of land has been limited and this will significantly increase those holdings.

Michelle M. noted we plan to include the recreation parcel once it is remediated. This could be reasonable to accommodate by this fall.

13. FUTURE AGENDA ITEMS

A. Future Agenda Items

Michelle M. confirmed, in order to have all Council Members present, the Council Meeting will be held on Tuesday 9/3 NOT 9/4.

14. ADJOURN

Motion by Eric G., second by Lynn F., to adjourn the meeting at 9:20pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

- Upcoming Council Meetings & Events:
- August 21, 2024
 - September 2, 2024 Labor Day - Town Hall Closed
 - September 4, 2024
 - September 18, 2024



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

The Honorable Pete Buttigieg
Secretary
US Department of Transportation
1200 New Jersey Ave SE,
Washington, DC 20590

August 21, 2024

RE: The Town of Minturn supports the Northwest Colorado Regional Electric Vehicle Charging Network project

Dear Secretary Buttigieg,

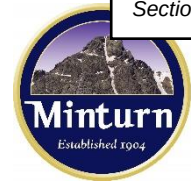
On behalf of the Town of Minturn, I write to express my strong support for the Northwest Colorado Rural Electric Vehicle Charging Network project. With US Department of Transportation Charging & Fueling Infrastructure grant funds, the Northwest Colorado Council of Governments (NWCCOG) will deploy electric vehicle (EV) charging infrastructure along four Alternative Fuel Corridors (AFCs) across seven rural counties in Northwest Colorado. This collective effort will facilitate the expansion of EV charging infrastructure that is necessary for enabling EV adoption for residents, visitors, commuters, and freight traveling within our rural Rocky Mountain region.

Minturn is located in Eagle County, Colorado along HWY 24 and we are pleased to participate as a local government partner in the Northwest Colorado Rural Electric Vehicle Charging Network project. Minturn supports efforts to expand EV charging along HWY 24 through Minturn because we believe a regional approach to EV charging infrastructure expansion is the most effective way to address shared barriers to EV adoption for rural residents of Northwest Colorado and the project will help to fill gaps in EV charging infrastructure for the many working locals who commute between Lake and Eagle County.

Minturn will remain engaged and supportive throughout the implementation of the Northwest Colorado Regional Electric Vehicle Charging Network project. Please give NWCCOG's proposal for US DOT Charging & Fueling Infrastructure grant funds the highest consideration for funding.

Sincerely,

Earle Bidez
Mayor



To: Minturn Town Council
 From: Michelle Metteer
 Date: August 21, 2024
 RE: Town Manager Update

Colorado Municipal League (CML) Policy Committee

In preparation for the 2025 legislative session, Colorado Municipal League (CML) member municipalities are now asked to appoint/confirm representatives who will serve on the League's 2024-2025 Policy Committee, as well as for municipal members to submit any legislative or policy proposals for committee consideration and recommendation to the CML Executive Board. Each representative will be expected to read and adhere to the Policy Committee Roles and Responsibilities, as outlined in the attachment and covered in more detail below.

General policy committee responsibilities include:

1. Attending and participating in all Policy Committee meetings, in-person or virtually, and voting on policy positions to recommend to the CML Executive Board.
2. Evaluating requests from member municipalities for CML-initiated legislation and making a recommendation to the Executive Board.
3. Reviewing the League's [2024-2025 Policy Statement](#) that guides League positions on policy issues affecting municipalities and proposing revisions, if necessary. (Any recommended changes to the policy statement are voted on by CML members at the Annual Business Meeting that takes place as part of CML's Annual Conference.)

2024-2025 Meeting dates (subject to change)

All meetings are 9:00 - Noon

- Friday, Oct. 11
- Friday, Dec. 6
- Friday, Jan. 17 (Virtual)
- Friday, Feb. 21
- Friday, March 14 (Virtual)

Unless a Council member specifically volunteers for this position, I will add myself to the Policy Committee and Mayor Earle Bidez will be appointed as the alternate.

Community Events: First Fridays

Staff reached out to the business community to gauge interest in hosting a First Friday event. This would be a sponsored event by the Town and would seek to spotlight our local businesses while bringing community together. Thus far two businesses have responded expressing interest. The "first" First Friday will be September 6th at the Eagle River Inn with Whisky tasting by Eagle River Whisky. The October First Friday will be at Kirby Cosmos with a pig roast. More to come.

Safe Streets 4 All (SS4A)

Minturn is looking for one to two business owners to join the SS4A Working Group. This is a local group of stakeholders who will meet up to four times (virtually) over the next year to provide discussion and feedback on the state of the safety of Minturn streets. Those interested should contact Michelle Metteer at manager@minturn.org or 970-445-2418.



To: Town Council
From: Madison Harris
Date: August 16, 2024
Agenda Item: Resolution 46 - Series 2024 - 362-366 Taylor Avenue - Request for Exemption from Sec. 16-17-110 - Underground utilities

REQUEST:

Review Resolution 46 - Series 2024 and make a decision to approve, approve with conditions, or deny the request by the owner of 362 and 366 Taylor Avenue to be granted exemption from Sec. 16-17-110 - Underground utilities.

INTRODUCTION:

The owner/developer of 362-366 Taylor Avenue would like to request exemption from Sec. 16-17-110 - Underground utilities for the duration of infrastructure work.

ANALYSIS:

Sec. 16-17-110 - Underground utilities states the following: *“Except as otherwise approved by the Town Council, all wires, cables or other equipment for the distribution of electric energy and telecommunications signals, with the exception of transformers, meters, junction boxes and similar equipment, shall be placed underground. Where developments are approved along or with crossing existing overhead power and communication facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and right-of-way shall be provided as part of the development.”*

The Applicant is requesting an exemption from Sec. 16-17-110, as otherwise he would need to trench 60 feet to the nearest pole to pull power from. Per the Applicant’s email: **“I believe I meet the spirit and intent of section 16-17-110** because i have removed overhead connection lines to my building and i am not reinstalling it. Currently, any new or existing home on Taylor has to somehow obtain new or replacement electrical service from existing overhead lines- whether its an existing pole or a new pole seems immaterial. No existing poles are near my property- the closest is 60ft, the other is 100 ft away. In addition, the proposed 20' tall new new pole is not itself an overhead line or distribution equipment, but is rather a support for a conduit from the overhead line to the ground, where underground burial of electric service to the duplex will begin. ”

COMMUNITY INPUT:

Ongoing.

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

ATTACHMENTS:

- Email from Karl Krueger dated August 7, 2024
- Attachments from Applicant
 - Taylor Avenue Electrical Photo Survey 8-2-24
 - Existing Pole between 386 & 382 Taylor
 - Existing Pole between 352 & 342 Taylor
 - Previous Electrical Connection to 362 Taylor 20ft Above Grade
 - 362&366 Taylor Proposed Pole with Conduit from Overhead Lines
 - 18 ft Snow Rake Scale
 - Temp Supply from Overhead Supply
- Resolution 46 - Series 2024

Madison Harris

From: Madison Harris
Sent: Friday, August 16, 2024 1:23 PM
To: Madison Harris
Subject: FW: 362/366 Taylor - Duplex Review
Attachments: TAYLOR AVENUE ELECTRICAL PHOTO SURVEY 8-2-24.pdf; EXISTING POLE BETWEEN 386 & 382 TAYLOR.pdf; EXISTING POLE BETWEEN 352 & 342 TAYLOR.pdf; PREVIOUS ELECTRICAL CONNECTION TO 362 TAYLOR 20FT ABOVE GRADE.pdf; 362&366 Taylor Proposed Pole with conduit from Overhead Lines.pdf; 18 ft SNOW RAKE SCALE.pdf; Temp Supply from Overhead Supply.pdf

From: KARL KRUGER <kruegerarchitect@comcast.net>
Sent: Wednesday, August 7, 2024 10:32 AM
To: Madison Harris <planner1@minturn.org>; John Krueger <john@jkcovail.com>; Michelle Metteer <manager@minturn.org>
Cc: Jeffery Spanel <jspanel@inter-mtn.net>; Jay Brunvand <treasurer@minturn.org>; Kevin Rindy <code@minturn.org>
Subject: RE: 362/366 Taylor - Duplex Review

Hi Madison, Town Staff and Town Council,

I am sending this e-mail as my summary of the reason I have requested to come before the Town Council to demonstrate i meet the spirit and intent of Minturn Code section 16-17-110.

Sec. 16-17-110. - Underground utilities. Except as otherwise approved by the Town Council, all wires, cables or other equipment for the distribution of electric energy and telecommunications signals, with the exception of transformers, meters, junction boxes and similar equipment, shall be placed underground. Where developments are approved along or with crossing existing overhead power and communication facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and right-of-way shall be provided as part of the development. (Prior code 16-17-11)

- **I believe I meet the spirit and intent of section 16-17-110** because i have removed overhead connection lines to my building and i am not reinstalling it. Currently, any new or existing home on Taylor has to somehow obtain new or replacement electrical service from existing overhead lines- whether its an existing pole or a new pole seems immaterial. No existing poles are near my property- the closest is 60ft, the other is 100 ft away. In addition, the proposed 20' tall new new pole is not itself an overhead line or distribution equipment, but is rather a support for a conduit from the overhead line to the ground, where underground burial of electric service to the duplex will begin.
- **A new, substantial pole will be required for just my temporary electrical service needed to build the duplex** (see last attachment) and it might as well be permanent since it is likely just as expensive to install a 20' permanent pole (round, 18" diam.) for an electrical line that is only 20' above Taylor pavement. Paying for an install and de-install of the temporary pole in addition to the requirements in the bullet point below are uneconomical, redundant and a waste of materials and labor and effort all soon to be undone if /when the electrical lines are buried.

- **There doesn't appear to me to be a good reason for me to trench**, provide heavy d cable, and back-fill 60 ft and also repave my neighbor's 20' wide drive just to get electrical service to my property corner from an existing pole, especially when this new 60' electrical service line will be redundant if/when Minturn ever does bury the electrical distribution line.
- **My northern neighbor, (372 Taylor) if/when the property redevelops, could use this new proposed pole** instead of trenching, installing cable, and back-filling 50' to the nearest pole and repaving 20' of newly installed asphalt. The trenching for 372 Taylor will also be redundant when/if lines are ever buried if approval is not given to install a 20ft pole for both of our use.

Background: The overhead electrical line, that the home I demolished was connected to, is at 20 ft above the grade below. I know this because when Xcel disconnected it, a little wide spot with some bumpers or insulators remained (see attachment 4) and that's the connection/line that I measured to. I used a snow rake that is 18'-0" tall out measure the line height and you can see the line is at about 20'. (see 2nd to last last attachment)

Apparently there is a high voltage line that is well above the electrical line that my old home once was connected to. That apparently high volt line comes down to a transformer on a pole in front of 386 and 382 Taylor (see photo 2). From the transformer a line comes down the pole to the line that I measured to, which is presumably voltage for households. It will thus require a 20 ft pole (exposed above soil) to reach the household voltage service line.

I am not adding overhead line, just a pole to bring electricity down for the duplex to use and my neighbor's property to use if/when my neighbor rebuild .

Thanks,
Karl Krueger / Architect
www.karlsruheerarchitect.com









VIEW OF CORNER OF 372 & 366 TAYLOR FROM TAYLOR AVE.
AS OF JULY 20, 2024



- EXISTING OVERHEAD ELECTRICAL LINE (110 FT SPAN- SEE BELOW)
- EXISTING UNKNOWN OVERHEAD LINE
- NEW 20 FT POLE (VISIBLE PORTION) WITH CONDUIT TO GROUND FOR 362 & 366 TAYLOR AND FUTURE 372 HOME
- EXISTING RETAINING SMALL ROCKS ON 372
- EXISTING RETAINING WALL MADE OF CONCRETE AND ROCKS (IN TAYLOR AVE. R.O.W.)
- EXISTING WOODEN-TRY STAIR FOR 372 TAYLOR (IN TAYLOR AVE. R.O.W.)
- ROADBASE IN TAYLOR R.O.W.

VIEW OF CORNER OF 372 & 366 TAYLOR FROM TAYLOR AVE.
SHOWING NEW POLE AND BOULDER RETAINING WALLS ON 366 TAYLOR

Section 11, ItemA.

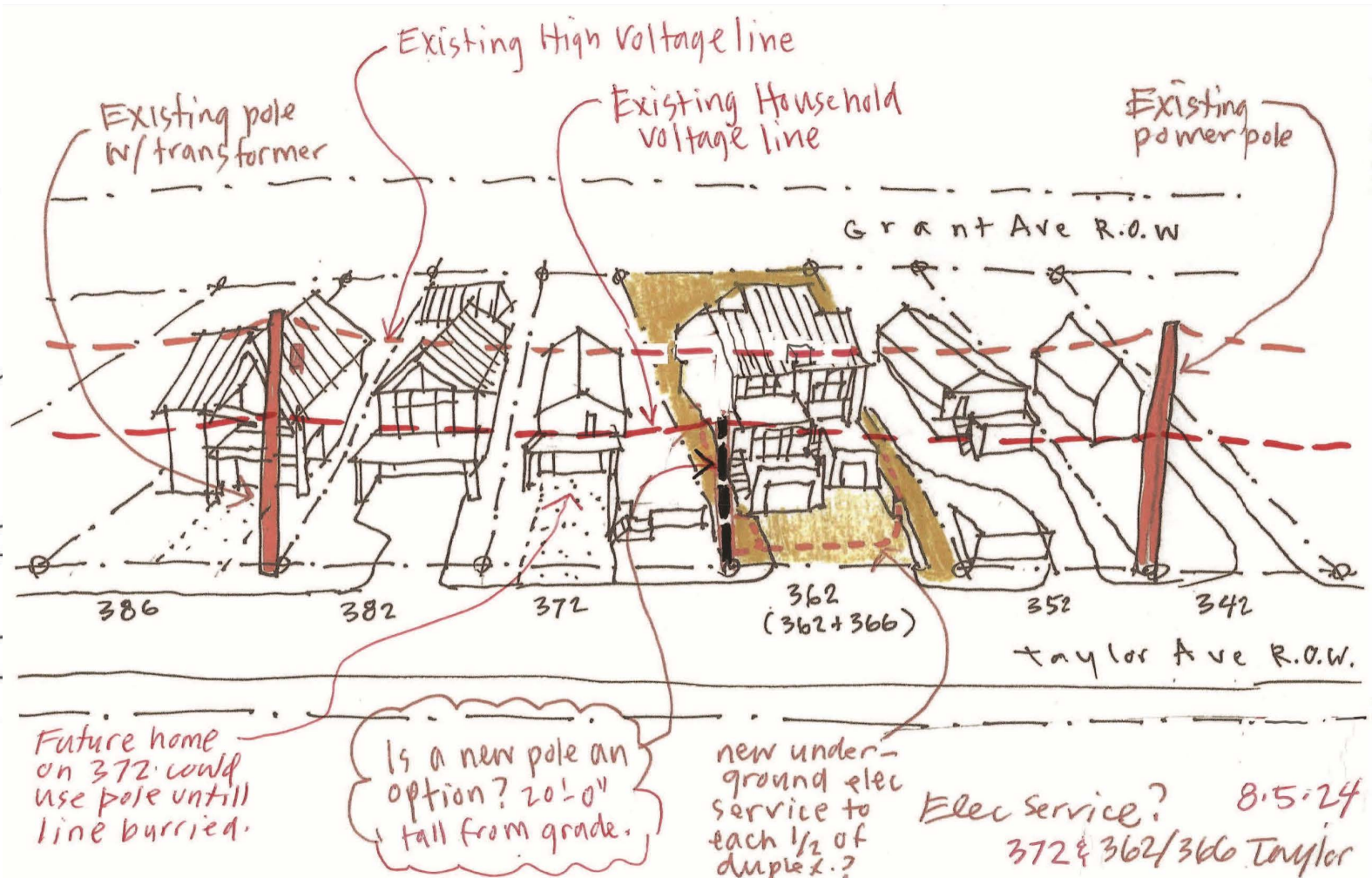


- APPROXIMATE CORNER OF LOTS 372 AND 366 (INSIDE WALLS)
- POWER POLE BURIED 4 FT OR 5FT DEPENDING ON XCEL SPEC.
- PROPOSED NEW ASPHALT DRIVEWAY AT 366 TAYLOR (DASHED LINE SHOWS EDGE OF TAYLOR PAEMENT)
- PROPOSED BOULDER RETAINING WALL AT 366 TAYLOR (SHOWN IN WHITE WITH WAL PRO-FILE FOR CLARITY)

Karl Krueger / Architect
Po Box 8332 Avon, Co 970-390-9756
kruegerarchitect@comcast.net
www.karlkruegerarchitect.com

362 /366 TAYLOR AND 372 TAYLOR ELEC UTILITY INSTALLATION 7-25-24
DUPLEX @ 362 TAYLOR AVE

**PROPOSED NEW POLE FROM OVERHEAD LINES
(REMOVED WHEN ELECTRICAL LINES BURRIED)**





DRAWING TM-10

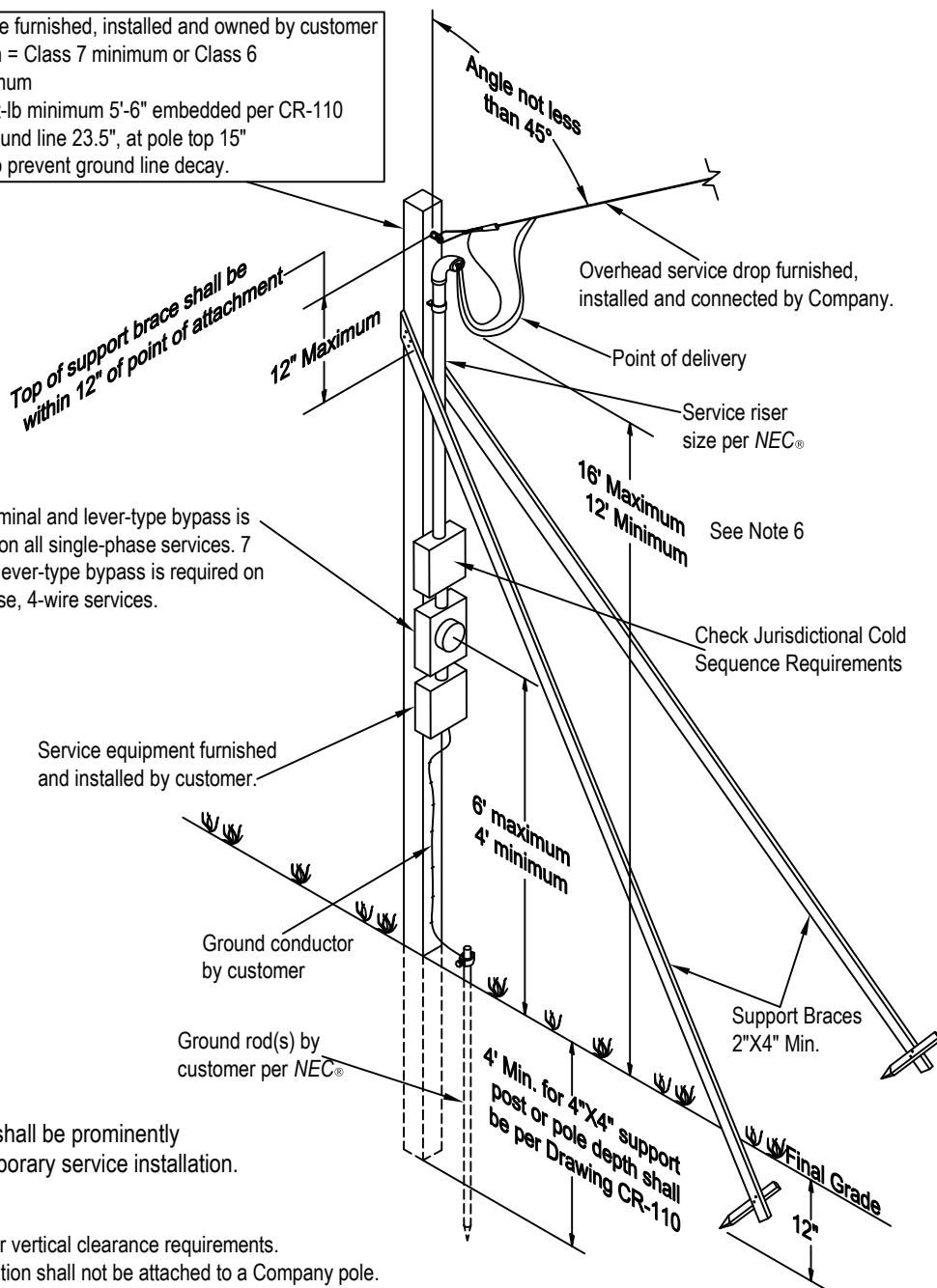
TEMPORARY SERVICE INSTALLATION FROM AN OVERHEAD SECONDARY SUPPLY

Services up to 320 amp 1Ø-3Ø
Commercial Service

Installation shall be outside the utility easement and no closer than 10'
or a maximum of 70' with a conductor no larger than 4/0 from the
Company's secondary supply point.

Temporary service installations subject to cold sequence requirements.

4"x4" post or meter pole furnished, installed and owned by customer
Utility Pole Designation = Class 7 minimum or Class 6
Pole Height = 25' Minimum
Pole Strength = 1200 ft-lb minimum 5'-6" embedded per CR-110
Circumference = at ground line 23.5", at pole top 15"
Pole must be treated to prevent ground line decay.



NOTES:

1. See [Section 4.2](#) for vertical clearance requirements.
2. Temporary installation shall not be attached to a Company pole.
3. Support may require additional braces to be protected from vehicular and other construction hazards.
4. Make sure area is clear of underground obstructions before installing support or ground rod.
5. Service drop shall not be at an angle of less than 45° from vertical.
6. If utility designated pole is used, the 16' maximum can be increased to 24' maximum.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 46 – SERIES 2024**

**A RESOLUTION APPROVING THE REQUEST FOR EXEMPTION FROM SECTION
16-17-110 – UNDERGROUND UTILITIES AT 362 TAYLOR AVENUE AND 366
TAYLOR AVENUE, TOWN OF MINUTURN**

WHEREAS, The Town of Minturn received a request for exemption from Sec. 16-17-110 to allow for overhead power on July 25, 2024; and

WHEREAS, The Town of Minturn Town Council (“Town Council”) is commissioned with certain powers and duties contained in the Minturn Municipal Code (“MMC”) Home Rule Charter Section 4.4; and

WHEREAS, on August 21, 2024 the Town Council heard the request pursuant to MMC Sec. 16.17.110; and

WHEREAS, The Town Council may approve the request as submitted or may approve the request subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO HEREBY AND HEREWITH:

Section 1. That the request for exemption from Sec. 16-17-110. – Underground utilities be approved.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21st day of August, 2024.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



Eagle County Conservation District Survey Key Findings

June 2024

Methodology

New Bridge Strategy conducted a survey among N=270 landowners who are also registered to vote in Eagle County Conservation District from June 3-10 2024. Please note that we utilized a list of voters provided by the District and therefore, did not have complete demographic information about this audience so we did not weight the data.

Interviews were conducted via live telephone interviews (both cell phones and landlines) and online via email invitation and text-to-web.

The margin of error is $\pm 5.96\%$ for the overall sample. The margin of error will vary for sub-groups.

Key Demographics

Gender



<i>Male</i>	55%
<i>Female</i>	45%

Age



<i>18-34</i>	6%
<i>35-44</i>	17%
<i>45-54</i>	25%
<i>55-64</i>	23%
<i>65+</i>	28%

Length of Residence



<i>Less than 5 years</i>	16%
<i>5 to 10 years</i>	17%
<i>11 to 15 years</i>	9%
<i>More than 15 years</i>	47%
<i>Native</i>	11%

Education



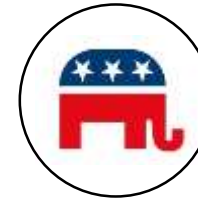
<i>High School or Less</i>	5%
<i>Some college</i>	16%
<i>College grad</i>	40%
<i>Post grad</i>	39%

Ethnicity



<i>White</i>	88%
<i>Voters of Color</i>	10%

Party



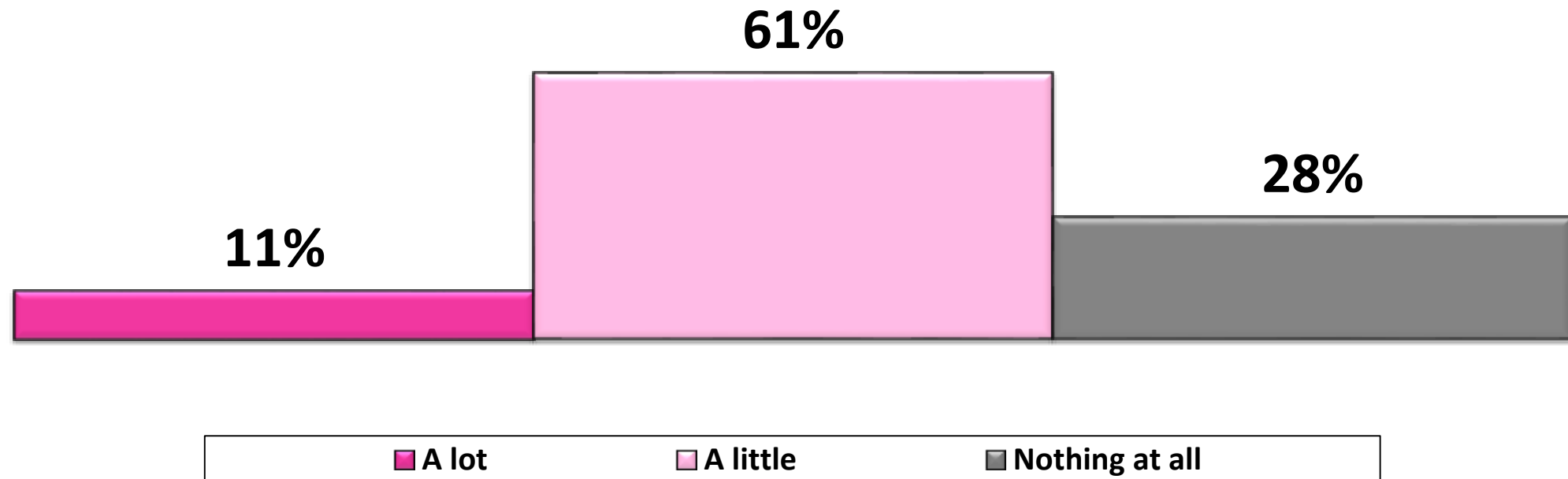
<i>Republican</i>	20%
<i>Independent</i>	44%
<i>Democrat</i>	36%



Core Perceptions of Eagle County Conservation District

Most know at least a little about ECCD. Only one-in-ten say they know a lot.

Section 11, Item B.



How much would you say you know about the Eagle County Conservation District?

Long-time residents and Republicans are most familiar with ECCD

Section 11, Item B.

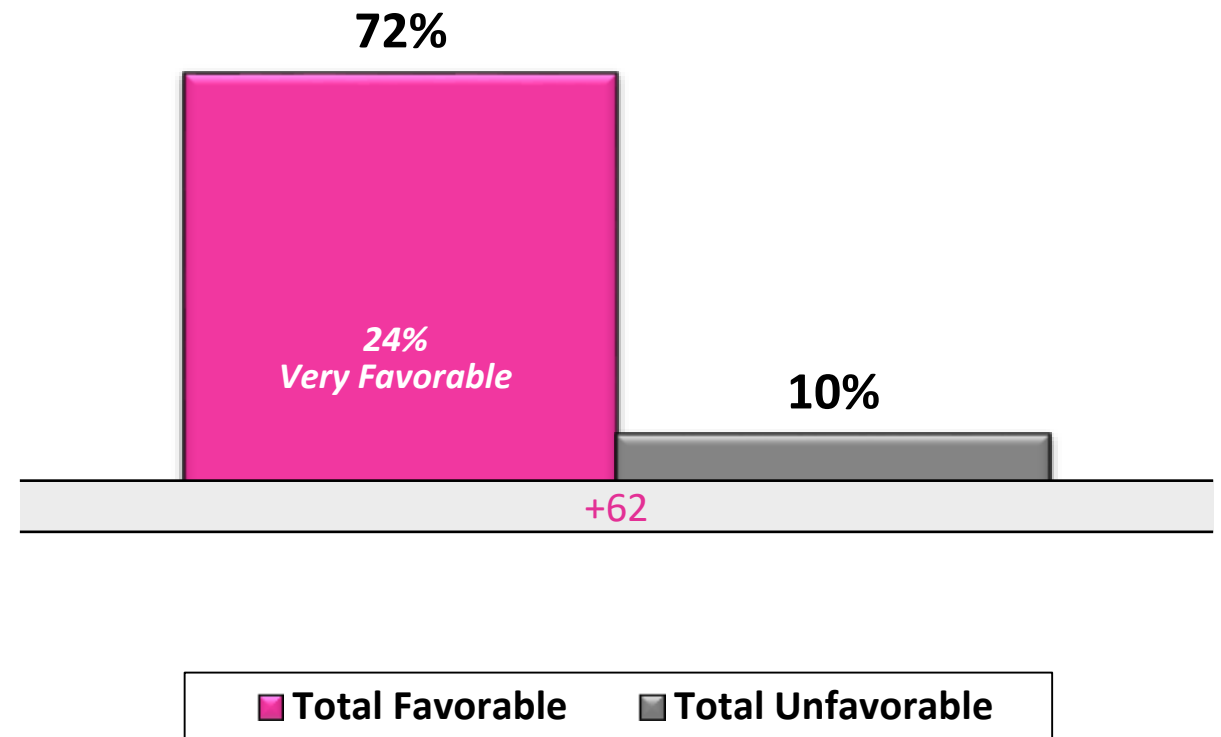
Total Know A Lot/Little about ECCD	
Men	70%
Women	75%
Age 18-44	56%
Age 45-54	75%
Age 55-64	89%
Age 65+	70%
Less than 15 years resident	65%
15+ years resident	78%
Republican	81%
Independent	70%
Democrat	70%

How much would you say you know about the Eagle County Conservation District?

Of those who are at least a little familiar with the District, almost three-in-four have a favorable impression of the Conservation District.



EAGLE COUNTY
CONSERVATION
DISTRICT



And do you have a favorable or unfavorable impression of the Conservation District?
Asked only of those who were familiar with the District, N=195.



Potential Ballot Measure

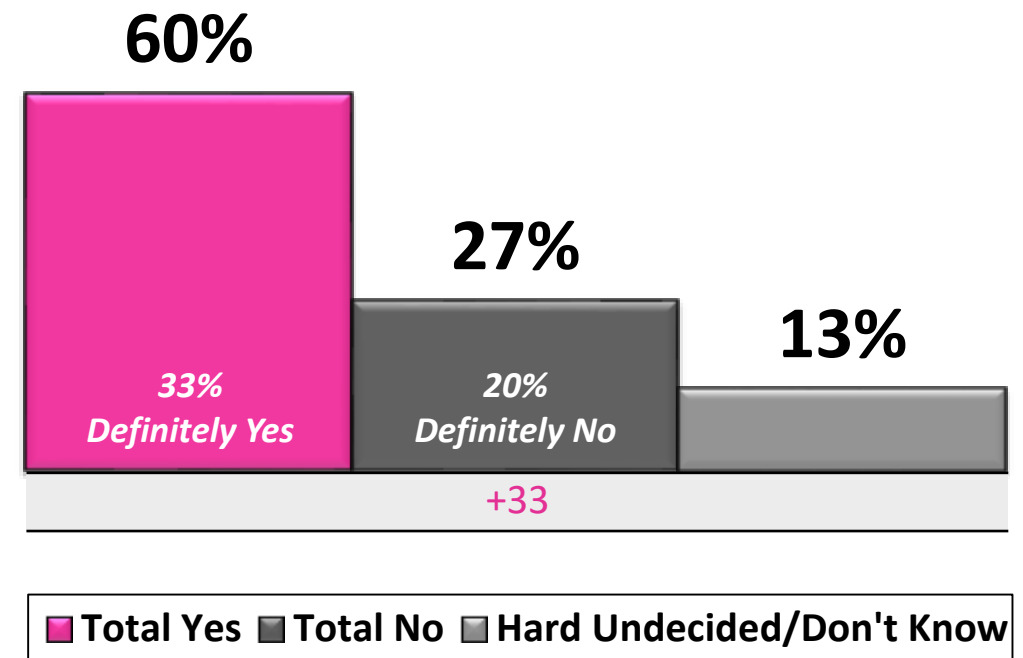
Three-in-five qualified voters in the District say they would vote Section 11, ItemB. on the potential measure if the election were being held today.

Now, there could be a question on the ballot in the future, so please indicate if the election were being held today and the following proposal is on the ballot, would you vote Yes or No on it. It would read as follows...

Shall Eagle County Conservation District taxes be increased \$650,000 annually commencing in tax payment year 2025, and by such amounts as may be collected thereafter, from a property tax of 0.15 mills (estimated to cost \$10.00 per year for every \$1 million in home value) for the following purposes:

- *Restoring and protecting forest and grassland health to reduce the risk of wildfires to communities and wildlife;*
- *Maintaining drinking water quality and the health of rivers and streams by working with local residents to improve water conservation and help them use more native and drought tolerant plants and grasses;*
- *Ensuring local food production by working with local ranchers and landowners to improve soil health, support more efficient water use and ensure adequate water supplies;*

With all expenditures subject to applicable legal requirements regarding an annual independent audit, as required by law; and shall such tax revenues and the earnings from the investment of such tax revenues be collected, retained, and spent as a voter-approved revenue change under Article X, section 20 of the Colorado constitution or any other law?



Water, land conservation and wildfire risk mitigation are the top reasons why voters say they would vote yes. Many also said the minimal tax increase makes it a good investment.

	# of mentions
Water conservation/quality	48
Preserve land/forests/nature	36
Wildfire mitigation	27
Minimal tax increase/good investment	26
Concern for environment/support for environmental protection	24
Purposes listed are important/necessary	17
Benefits community/public good	11
Preserve wildlife habitat	6
Important for future generations	5
Supports agriculture	5

"Because the increase is minimal in taxes and because the money is going toward issues I feel strongly about."

Female, Age 45-54, Republican

"It's good for the environment, and it's a good investment."

Male, Age 65+, Democrat

"I'm interested in maintaining the environment. Water rights and maintaining the supply is vital to the area."

Female, Age 55-64, Else/Independent

*What are the one or two main reasons why you would vote
Yes in favor of this proposal?*

Opposition to increasing taxes was the top reason residents said they would vote no.

	# of mentions
Opposed to more taxes	47
Additional funds for District not necessary	11
Government/county misuse of tax funds	9
Proposal is vague/need more information	5
Concerns about inflation/cost of living	4

What are the one or two main reasons why you would vote
No against this proposal?

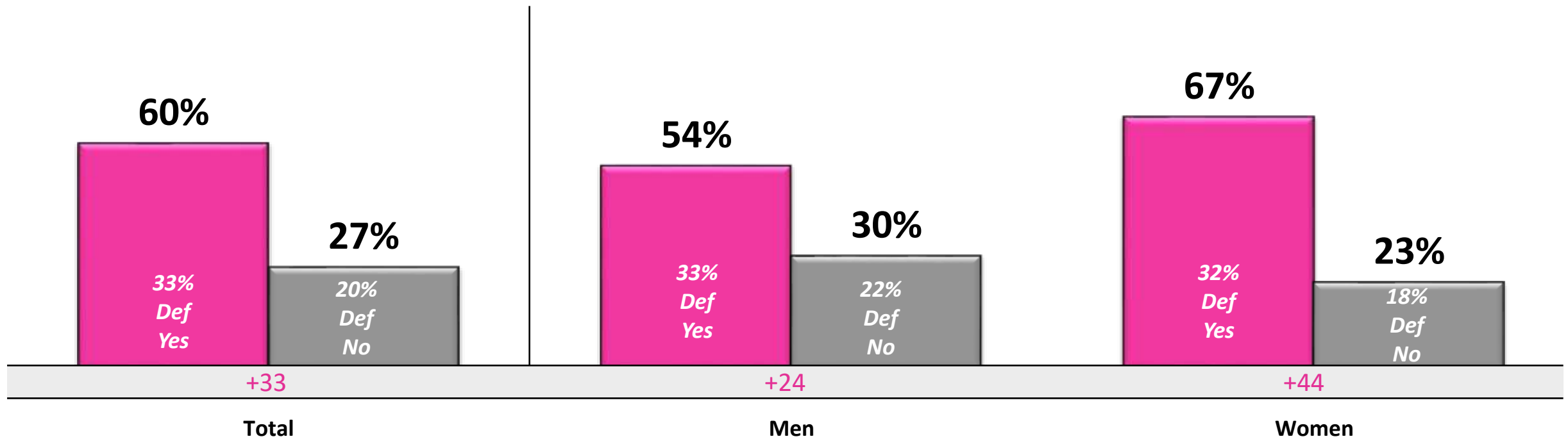
"It's a big tax increase with no confirmation that it will be used properly."
Male, Age 45-54, Else/Independent

"I would need to know exactly how these funds are being used. There is a lot of ambiguity there."
Female, Age 45-54, Democrat

"The amount of taxes on my property value has gone up. Not sure where the money is going."
Male, Age 35-44, Democrat

Female voters tend to be more supportive of the proposed measure.

Section 11, Item B.

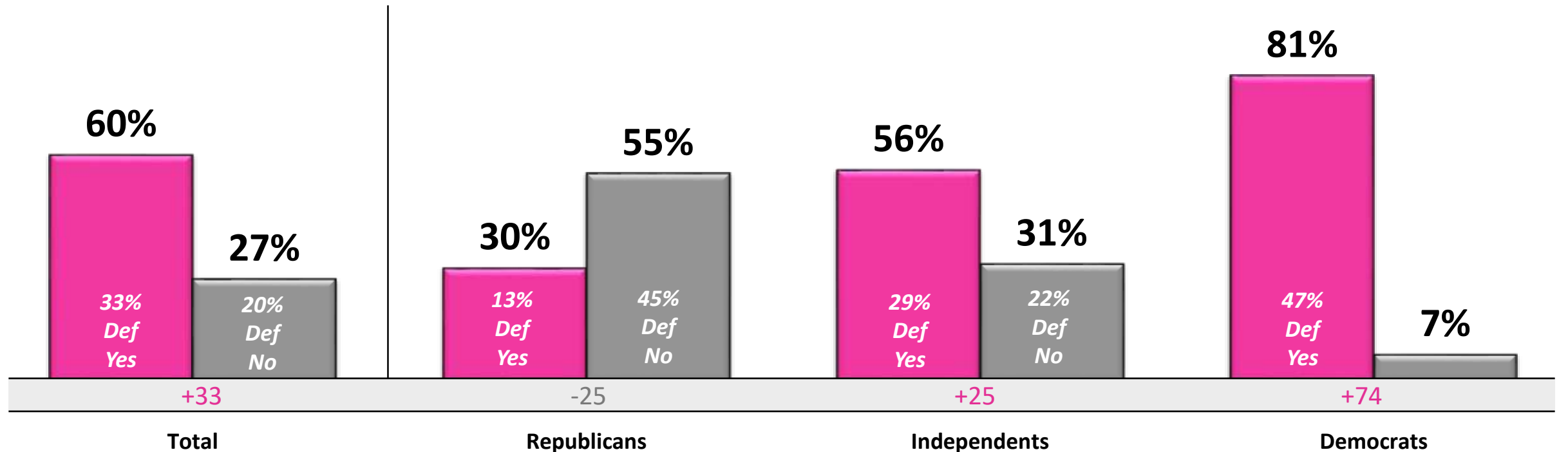


■ Total Yes ■ Total No

Initial Ballot

Support for the proposal falls along party lines, with a majority of Republicans saying they would vote no.

Section 11, Item B.



■ Total Yes ■ Total No

Initial Ballot



Communicating about the Ballot Measure

Maintaining water quality and the health of rivers and streams rise to top as the most important projects to fund.

Section 11, Item B.

Funding Proposals Ranked by Total Extremely/Very Important

	Extremely Important	Ext/Very Important
Maintaining drinking water quality	53%	86%
Maintaining the health of rivers and streams, such as the Eagle and Colorado rivers**	51%	83%
Maintaining the health of rivers and streams*	45%	81%
Ensuring adequate water supplies	44%	80%
Restoring and protecting forest and grassland health to reduce the risk of wildfires to communities and wildlife	43%	78%
Conserving populations of native birds, fish and wildlife such as bald eagles, elk, moose, and trout	44%	76%
Working with local ranchers and landowners to support more efficient water use**	30%	70%
Restoring habitat for pollinators such as bees and butterflies	36%	66%

Below is a list of benefits and projects that could be funded if voters approve this proposal. Please indicate how important it is to you personally that each project be funded: Is it extremely important, very important, somewhat important, or not important to you that funding is dedicated to that purpose?

**Sample A, N=126 **Sample B, N=144*

These projects are also viewed as important to fund, though intensity is lower than the items on the previous slide.

Section 11, ItemB.

Funding Proposals Ranked by Extremely/Very Important

	Extremely Important	Ext/Very Important
Working with local residents to improve water conservation	26%	59%
Helping local residents reduce water use and costs through rebates to replace turf with native and drought tolerant plants and invest in more efficient irrigation**	29%	59%
Supporting sustainable farming and ranching in Eagle County	22%	53%
Working with local residents to help them use more native and drought tolerant plants and grasses*	21%	52%
Providing financial incentives and working with local farmers and ranchers to modernize irrigation equipment to support more efficient water use.*	20%	51%
Working with local ranchers and landowners to improve soil health	21%	50%
Ensuring local food production	17%	43%

Below is a list of benefits and projects that could be funded if voters approve this proposal. Please indicate how important it is to you personally that each project be funded: Is it extremely important, very important, somewhat important, or not important to you that funding is dedicated to that purpose?

*Sample A, N=126 **Sample B, N=144

The statements about water are all very convincing to voters as reasons to vote yes potential proposal. The wildfire statement is still convincing, but intensity is not as high.

Section 11, Item B.

		% Total Convincing
The amount of water flowing through the Colorado River has declined 20% since 2000 and scientists believe this trend will only get worse due to a changing climate. We need to act now to invest in more efficient irrigation systems and help local residents reduce their water use.	% Very Convincing 37%	75%
Nothing is more important than having clean water to drink. By protecting the amount of water flowing in our rivers and creeks, we can ensure the quality of the water flowing into our water supplies.	35%	72%
Cities are aggressively buying up water rights and drying up valuable, productive farmland. Some of these farms have been in families for generations. The District works closely with local farmers and ranchers, and with these funds can help them modernize irrigation to help keep these farms and ranches producing food in our local area.	30%	69%
Our water supplies are like a bank account, and we are withdrawing more than is deposited. This proposal will allow the District to continue to help our residents, small businesses and farmers be good stewards of this vital resource so future generations can have enough water and enjoy our rivers and creeks like we do today.	30%	69%
By working closely with local landowners, the District provides information and financial incentives so that they can restore the health of beautiful forests and grasslands. That in turn can help reduce the risk of catastrophic wildfires and protect our communities.	25%	66%

The following are some statements that people have made IN FAVOR OF this funding measure. After each one, please indicate whether that statement is very convincing, somewhat convincing, not too convincing or not at all convincing as a reason to vote YES, IN FAVOR OF this proposal.

An opposition statement about property taxes is very convincing to vote NO, and other statements aren't as intensely compelling.

Section 11, Item B.

Property taxes just went up dramatically. Now is not the time to ask for a tax increase, especially with increasing cost of living and higher prices on everything from groceries to gas to rent.*

% Very Convincing

40%

% Total
Convincing

71%

This measure creates a forever tax that will never expire. We should not vote to tax our children and grandchildren decades into the future.**



26%

46%

We cannot trust the District to spend this money wisely. Government needs to tighten its belt and live within its means like most families.**



23%

51%

The District is already doing this work without any tax dollars. They should go out and get more grants to do this work – not increase taxes.*



17%

57%

We cannot afford to spend more of our tax dollars on open space and wildlife habitat when our community faces other higher priority problems, such as a lack of affordable housing.*



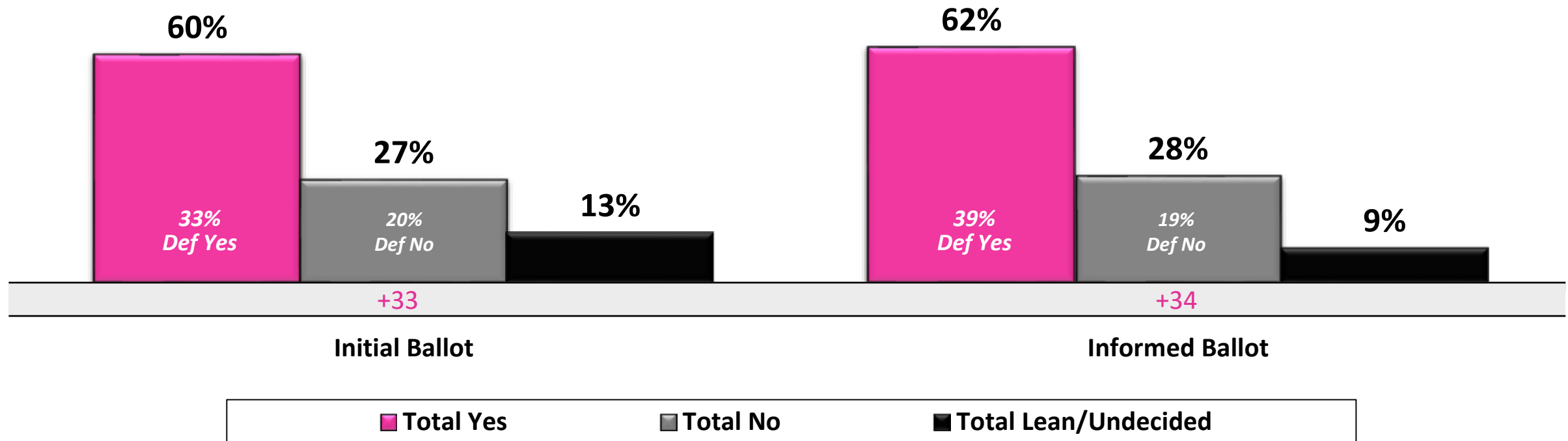
15%

45%

The following are some statements that people have made AGAINST this proposal. After each one, please indicate whether that statement is very convincing, somewhat convincing, not too convincing or not at all convincing as a reason to vote NO, AGAINST this proposal.

*Sample A (N=126) **Sample B (N=144)

After learning more, there is not much change in the number who say they would vote yes, however, there is a slight bump up outside of the margin of error of those who say they would definitely vote yes.



Having read all of this, please indicate if the election were being held today and this proposal was on the ballot, would you vote Yes or No on the following question...



The Bottom Line

The Bottom Line

Section 11, Item B.

- Most of these qualified voters know at least a little about the District. Very few say they know “a lot.” Of those who are familiar, almost three-in-four say they have a favorable impression of Conservation District.
- The potential measure starts off in a strong position with sixty percent of qualified voters in the District saying they would vote yes, with over half of those saying they would definitely vote yes. There are a myriad of reasons voters say they would vote yes, but water conservation/quality, preserving nature, wildlife mitigation, and the fact that the tax is not a large increase are the top reasons. Given that, it makes sense that funding items emphasizing water quality, conservation and reducing wildfire risk rise to the top as some of the most important items voters believe should be funded.
- When it comes to support statements, all of the statements tested are compelling to voters as reasons to support the measure. The statement about wildfire risk isn’t quite as convincing, but a majority still say it is compelling.
- Statements in opposition to the measure for the most part don’t land with these voters. One statement about property taxes increasing is compelling as a reason to oppose, but we have seen this statement resonate on various issues across the state so this sentiment is certainly not unique to just ECCD.
- After learning more, voter support remains solid for the potential measure and hovers in the low 60’s.

Suggested Ballot Language

Section 11, ItemB.

Shall Eagle County Conservation District taxes be increased \$650,000 annually commencing in tax payment year 2025, and by such amounts as may be collected thereafter, from a property tax of 0.15 mills (estimated to cost \$10.00 per year for every \$1 million in home value) for the following purposes:

- Maintaining drinking water quality and the health of rivers and streams such as the Eagle and Colorado rivers by working with local residents and ranchers to improve water conservation;*
- Restoring and protecting forest and grassland health to reduce the risk of wildfires to communities;*
- Conserving populations of native birds, fish and wildlife such as bald eagles, elk, moose, and trout;*

With all expenditures subject to applicable legal requirements regarding an annual independent audit, as required by law; and shall such tax revenues and the earnings from the investment of such tax revenues be collected, retained, and spent as a voter-approved revenue change under Article X, section 20 of the Colorado Constitution or any other law?



Lori Weigel
Principal

lori@newbridgestrategy.com

303.324.7655

Kathryn Hahne
Director

kathryn@newbridgestrategy.com

703.888.9295

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 47 – SERIES 2024**

**A RESOLUTION OF SUPPORT FOR EAGLE COUNTY CONSERVATION
DISTRICT BALLOT QUESTION**

WHEREAS, the Eagle County Conservation District (the “District”) is a Colorado special purpose district and a body corporate with those powers of a public corporation which are specifically authorized by, and in compliance with Title 35, Article 70 of the Colorado Revised Statutes created under the “Colorado Soil Conservation Act”; and

WHEREAS, the Eagle County Conservation District Board of Directors has decided to place a measure in the Nov. 5, 2024 ballot which follows;

Shall Eagle County Conservation District taxes be increased \$650,000 annually commencing in tax payment year 2025, and by such amounts as may be collected thereafter, from a property tax of 0.15 mills (estimated to cost \$10 per year for every \$1 million in home value) for the following purposes:

- *Maintaining drinking water quality and the health of rivers and streams such as the Eagle and Colorado rivers by working with local residents and ranchers to improve water conservation;*
- *Restoring and protecting forest and grassland health to reduce the risk of wildfires to communities;*
- *Conserving populations of native birds, fish and wildlife such as bald eagles, elk, moose, and trout;*

With all expenditures subject to applicable legal requirements regarding an annual independent audit, as required by law; and shall such tax revenues and the earnings from the investment of such tax revenues be collected, retained, and spent as a voter-approved revenue change under Article X, section 20 of the Colorado Constitution or any other law?

WHEREAS, the Colorado Fair Campaign Practices Act expressly authorizes local governments to adopt and distribute in normal fashion a Resolution regarding any ballot issue of import to that local government.

WHEREAS, Town of Minturn works cooperatively with private landowners and various local Colorado governments including Eagle County Conservation District toward the accomplishment of its mission; and

WHEREAS, Eagle County Conservation District provides many programs that align with and support the Town of Minturn’s values.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF
THE TOWN OF MINTURN, COLORADO:**

1. The Council does express its strongest possible support for the ballot question that will be placed before the Eagle County Conservation District voters.
2. The Council urges electors of Eagle County Conservation District to join in its support of the ballot measure by VOTING YES on the ballot issue at the Nov. 5, 2024 election.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this
21st day of JULY, 2024.**

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



www.mountainlawfirm.com

Glenwood Springs – Main Office

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P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen

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**Direct Mail to Glenwood Springs*

DATE: August 16, 2024
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain Closing Document

Staff will bring the Battle Mountain closing documents to Council for review and approval at August 21 Council Meeting. This will include documents imposing a restrictive covenant on the Restricted Parcels and creating the Town's option agreements to acquire additional parcels. Staff is still working with Battle Mountain on the form of the documents. We anticipate distributing an addition to the Council packet on Monday with a staff memo and copies of the closing documents.

Minturn Planning Department
 Minturn Town Center
 301 Boulder St. #309
 Minturn, CO 81645
 970-827-5645
planner1@minturn.org
www.minturn.org



Minturn Planning Commission
 Chair – Lynn Teach
 Jeff Armistead
 Michael Boyd
 Amanda Mire
 Eric Rippeth
 Darell Wegert

Memorandum

Date: August 16, 2024
 To: Minturn Town Council
 From: Scot Hunn, Consulting Planning Director
 Re: Ordinance No. 19, Series 2024 Exterior Lighting Regulations

Ordinance No. 19, Series 2024 is being presented to the Town Council as an amendment to the Town's existing exterior lighting regulations, Section 16-17-180 – *Exterior illumination standards*.

Section 16-17-180(f) includes “exemptions” from the Town’s exterior lighting standards (which otherwise prohibit uplighting) for things like illumination of the United States Flag; for holiday or ornamental lighting; and for lighting associated with Town of Minturn events.

The Town recently conducted a town survey wherein respondents expressed support for certain Town led initiatives such as seasonal, aesthetic lighting of the Minturn Water Tank, a historically designated and iconic structure within the Town.

For these reasons, the Town desires to provide professionally designed lighting of the water tank for seasonal celebrations and events.

Therefore, the proposed amendments to the lighting standards aim to clarify that, in addition to Town events, exemptions that may be granted to the Town of Minturn include lighting for “displays.” Such exemptions would be allowable or granted on a “seasonal” or “periodic” basis.

The proposed expansion of the exemption provisions will allow the Town the flexibility to illuminate the water tank on a seasonal, periodic basis for public purposes related to and in conformance with the tank’s historic designation; to enhance community character and celebrate those things that “keep Minturn, Minturn;” for economic development; and to promote the general health, safety, and welfare of the Town.

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 19 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16, ARTICLE 17 OF THE
MINTURN MUNICIPAL CODE

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning; and

WHEREAS, in 2023, the Town completed a comprehensive update to the 2009 Community Plan (hereinafter “the 2023 Town of Minturn Community Plan”); and

WHEREAS, a key objective of the 2023 Town of Minturn Community Plan is to review and update the Town’s zoning, land use, development and design regulations and standards; and

WHEREAS, Chapter 2, A Thriving 100 Block, of the Community Plan sets forth recommendations to “Celebrate...the Minturn Water Tank...” as a community amenity; and

WHEREAS, the Town seeks to install lighting to illuminate the Water Tank in a manner that is consistent with the purposes of the Town of Minturn Exterior Illumination Standards for seasonal, periodic, and/or temporary periods; and

WHEREAS, the Town Council has directed staff to draft text amendments to Chapter 16 of the Minturn Municipal Code, the Town Land Use Regulations, from time to time, in accordance with the Town’s Strategic Plan and Community Plan; and

WHEREAS, on August 14, 2024, the Minturn Planning Commission considered this ordinance and recommended approval; and

WHEREAS, on August 21, 2024, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the Minturn Planning Commission and Town Council have determined that the text amendments to Chapter 16 of the Minturn Municipal Code as provided herein are necessary and proper.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 17 – Supplemental Regulations and Standards

* * *

Sec. 16-17-180. – Exterior Illumination Standards.

(f) Exemptions. The following exterior light fixtures shall be exempt from the regulations contained in this Article:

- (1) Illumination of the United States flag, provided that such lighting does not interfere with the vision of drivers or pedestrians or otherwise create an unsafe condition for the public. No more than two (2) lights per pole are permitted.
- (2) Lights and lighting devices which are part of a Town event, Town display, or public gathering, so long as the event, display, or gathering is of a temporary, seasonal, or periodic nature.
- (3) Holiday/ornamental lighting.
- (4) Construction lighting used for the purpose of illuminating construction work activities, provided that the illumination source is directed internally towards the project site and is turned off each night when work is halted.
- (5) Any light source that is used by an emergency service provider.

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 21st DAY OF AUGUST 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN

OF MINTURN, COLORADO ON THE 3rd DAY OF SEPTEMBER 2024 AT 5:30 p.m. AT THE
MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON
SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN
FULL ON THE OFFICIAL TOWN WEBSITE THIS 3rd DAY OF SEPTEMBER 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 49 - SERIES 2024**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE
TOWN OF MINTURN TO SIGN A FIFTH AMENDMENT TO
A SETTLEMENT AGREEMENT BETWEEN THE BATTLE
MOUNTAIN ENTITIES AND THE TOWN OF MINTURN
EXTENDING THE APPROVALS PERIOD AND
SETTLEMENT AGREEMENT TERM.**

WHEREAS, on March 4, 2022, the Town of Minturn (“Town”) commenced litigation against the Battle Mountain Entities in a case known as *Town of Minturn v. Battle One Developer, LLLP et al.*, Eagle County District Court Case No. 2022CV30050 (the “Litigation”). In the Litigation, the Town alleges that Battle Mountain Entities have breached various agreements, and the Battle Mountain Entities have asserted counterclaims against the Town.

WHEREAS, pursuant to Resolution 25 – Series 2023, on September 6, 2023, the Minturn Town Council (“Town Council”) approved and authorized execution of that certain Settlement Agreement having an effective date of September 6, 2023 (the “Original Settlement Agreement”) by and among the Town and Battle Mountain Entities for the purposes of, among other things, providing a potential path to resolve the Litigation and providing a path forward for the Battle Mountain Entities to undertake a reduced amount of development on their property.

WHEREAS, Pursuant to Resolution 11 – Series 2024, on March 6, 2024, Town Council approved and authorized execution of that certain First Amendment to Settlement Agreement having an effective date of March 6, 2024. Pursuant to Resolution 30 – Series 2024, on June 19, 2024, Town Council approved and authorized execution of that certain Second Amendment to Settlement Agreement having an effective date of June 19, 2024 (the “**Second Amendment**,”). On July 17, 2024, Town Council approved and authorized execution of that certain Third Amendment to Settlement Agreement having an effective date of July 17, 2024 (the “**Third Amendment**,”). On August 7, 2024, Town Council approved and authorized execution of that certain Fourth Amendment to Settlement Agreement having an effective date of August 7, 2024 (the “**Fourth Amendment**,” and together with the Original Settlement Agreement, First Amendment, Second Amendment, and Third Amendment the “**Settlement Agreement**”) by and among the Parties.

WHEREAS, the Settlement Agreement’s Approvals Period expires on August 21, 2024 and the outside expiration date for the term set forth in Section 9 of the Settlement Agreement is August 30, 2024.

WHEREAS, the Town and Battle Mountain Entities seek to extend the Settlement Agreement’s Approvals Period and term to provide additional time to implement the Settlement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COLORADO:**

1. The Town Council approves the Fifth Amendment to Settlement Agreement attached as Exhibit A and authorizes the Mayor or his designee to sign on behalf of the Town any and all documents required to reasonably ensure completion.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21st day of August, 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A
Fifth Amendment to Settlement Agreement
[to be inserted]

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
0133 Prospector Rd.
Suite 4102J
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261
Fax: 970.945.7336
[*Direct Mail to Glenwood Springs](#)

DATE: August 20, 2024
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain Fifth Amendment of Settlement Agreement

Unfortunately, we are going to need a Fifth Amendment to the Settlement Agreement. Staff has been working with our outside environmental attorney Polly Jessen to get closing documents in final order. In order to protect the Town from environmental liability requires careful drafting. The process of getting to the point where both sides agree to language in the closing document has proven longer than expected.

I am recommending that the Approvals Period be extended to September 18 (Second Council meeting). At either the September 2 or September 18 Council meetings the restrictive covenant and other closing documents will be placed on the Agenda for review and approval. The outside expiration date (Closing) will be extended to September 27 to give the parties time to mobilize for the Closing.

To: Mayor and Town Council
 From: Michelle Metteer
 Date: August 21, 2024
 Agenda Item: Strategic Plan



REQUEST:

Council to review and provide direction on the draft Strategic Plan including the vision, mission and value statements.

INTRODUCTION:

During the Spring of 2024 the Town Council participated in a retreat to update /create the 2025-27 Strategic Plan. Much was covered in this retreat, and everyone left having accomplished so much, but still needing to “fine tune” certain aspects of the Strategic Plan, primarily the vision statement.

ANALYSIS:

The Strategic Plan is a document used by staff and Council to identify short term (2-year) goals that support the execution of Minturn’s Master Plan, Imagine Minturn, in alignment with the 2024 Community Survey. Once direction is provided on the final touches of the Plan, staff will create a general work plan for executing the Council’s goals. This work plan, in conjunction with the Strategic Plan will be brought forward in Resolution format at an upcoming Council meeting for the Council to approve and will be the basis for both staffing and budget decisions moving forward.

The primary discussion pertaining to the draft Strategic Plan is the vision statement. Several Council members expressed a need to redraft the statement to better reflect the true vision of the Council. Two options for the vision statement are currently provided on the draft Strategic Plan, additionally, a third option has been proposed as follows:

Minturn takes pride in being a neighborly mountain community; we understand the history that shaped our town and strive towards a fulfilling future for residents, businesses, and visitors alike.

Mission Statement rewording includes:

Minturn's Town Council aims to guide and shape growth, provide quality services and infrastructure in a fiscally responsible manner, encourage a spectrum of housing opportunities, and work towards environmental and fiscal sustainability.

Additional tweaking of the Plan identifies reworking the *Manage Growth* priority and rewording the Water Infrastructure priority to better align with infrastructure and services.

A thanks goes out to Brian Rodine for providing much of the above insight toward the improvement of the draft Plan.

COMMUNITY INPUT: Requested.

BUDGET / STAFF IMPACT:

TbD

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION: Provide directions to the staff on a final version of the Strategic Plan.

Attachments:

- Draft Strategic Plan



Vision

Ensure our long-term future as a viable, neighborly community that is Minturn OR Ensure our long-term future as viable, neighborly, Minturn



Mission

Manage Minturn's growth, including water infrastructure and affordable housing for locals while remaining environmentally & fiscally sustainable



Values

Integrity | Transparency | Collaboration | Resourcefulness

Priorities

Water Infrastructure

- ☐ Repair tank #2 & PRV work
- ☐ Analyze & prepare for well 4 replacement
- ☐ Develop tiered water rate structure
- ☐ Aug 2024: Have 30% membrane WTP design drawings & cost estimate
- ☐ Analyze grant funding & bond options for WTP
- ☐ Provide staff direction regarding membrane WTP
- ☐ Schedule community meetings

Manage Growth

- ☐ By end of 2024, approve updates to MMC Chapter 16, allow organic, eclectic infill with a variety of heights, density and eliminate single family only

Housing for Locals

- ☐ By Summer 2025 complete housing standards and guidelines, MMC Ch. 16, Article 26 with deed restrictions, resident clauses, AMI and cost to offset programs
- ☐ Update STR regulations to require 2-years owner occupied from time of C-O, not purchase date
- ☐ Explore local solutions to occupancy and incentivize long-term residency for locals

Fiscally Sustainable

- ☐ Refine HPC process
- ☐ DDA in 100-block

Environmentally Sustainable

- ☐ Create a Trails and Mobility Plan
- ☐ Solar field on CTP
- ☐ Explore NetZero



FUTURE MEETING AGENDA ITEMS

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

September 3, 2024

- Ordinance __ - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street
- Ordinance __ - Series 2024 (First Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street
- Ord __ - Series 2024 (First Reading) An Ordinance Amending Chapter 16 – Zoning and Chapter 19 – Historic Preservation
- Ord __ - Series 2024 (Second Reading) An Ordinance to Amend the Lighting Code
- Resolution __ - Series 2024 A Request for a Variance from the Rear Setback at 161 Main Street
- Discussion/Direction – Membrane Water Treatment Plant

September 18, 2024

- Ordinance __ - Series 2024 (Second Reading) An Ordinance Amending the Town's Historic Register to Add 151 Main Street
- Ordinance __ - Series 2024 (Second Reading) An Ordinance Amending the Town's Historic Register to Add 155 Main Street
- Ord __ - Series 2024 (Second Reading) An Ordinance Amending Chapter 16 – Zoning and Chapter 19 – Historic Preservation
- Discussion/Direction – Taylor St Paving and Right of Way
- Discussion/Direction – Minturn North Parcel C (Town Parcel) Future Uses (Outreach Overview Only)
- 2025 Preliminary Budget Review
- Resolution __ - A Resolution Approving the Updated Town of Minturn Employee Handbook
- Special Presentation – Eagle County Sheriff's Office National Night Out

Dates to be Determined:

- Discussion/Direction – Wildlife Migration Corridor/Winter Habitat Area and Approved Windows for Construction
- Minturn Forward/Code Rewrite
- 3-Year Railyard Conditional Use Permit Reviews