



AGENDA

Town Council Regular Meeting I 5:30 PM

Wednesday, February 19, 2025

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

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

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/86741250169>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 867 4125 0169

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. 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.](#) 02-05-2025 Minutes

[B.](#) I-70 Safety Compliance Letter

[C.](#) Constituent Letter to Congress on OMB Funding Issues

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

5. DECLARATION OF CONFLICTS OF INTEREST

6. PUBLIC COMMENT

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

7. COUNCIL COMMENTS & COMMITTEE REPORTS

8. STAFF REPORTS

[A.](#) Manager's Report

9. SPECIAL PRESENTATIONS

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

10. BUSINESS ITEMS

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

[A.](#) Ordinance 03 - Series 2025 (Second Reading) An Ordinance Amending Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code Amending Requirements for Approval of a Short-Term Rental License

[B.](#) Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply - Request for Continuance

11. DISCUSSION / DIRECTION ITEMS

[A.](#) Highlands Parcel Survey / Public Input from Open House - Hunn

12. FUTURE AGENDA ITEMS

[A.](#) Future Meeting Topics

13. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

-- March 5, 2025

-- March 19, 2025

Upcoming Events:

-- March 7, 2025 - First Friday at Gel Z Art



OFFICIAL MINUTES

Town Council Regular Meeting I 5:30PM

Wednesday, February 05, 2025

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

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

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/89391838702>

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

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:30 pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

3. APPROVAL OF CONSENT AGENDA

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

- A. 01-15-2025 Minutes
- B. Resolution 07 - Series 2025 a Resolution allocating the 2025 Holy Cross Energy Community Enhancement funds
- C. 146 North Main St – Minturn Saloon annual renewal of a Hotel and Restaurant Liquor License, Connie Mazza, owner/manager

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

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

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

5. DECLARATION OF CONFLICTS OF INTEREST

N/A

6. PUBLIC COMMENT

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

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

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

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

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

Terry & Jeff Armistead, 1632 Main St:

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

She expressed how well she has worked with staff and council, and expressed how much the Armisteads and the town as a whole will miss her.
Jeff Armistead also reiterated Terry’s comments.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K: High Five Media board report:
Mentioned the CO Gives donations (this is helpful, but more funding is needed)
CMC media course is being well received

Earle B:
Earle B. and Town Clerk Jay B. attended the CAST (Colorado Association of Ski Towns) meeting recently. There was discussion at the CAST meeting about the federal funding freeze. Although it’s been rescinded, it has delayed some things.
Congressionally directed spending still seems on track for Minturn, following discussions with state representatives.

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

8. STAFF REPORTS

A. Manager's Report

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

Council direction regarding the quiet titling process:
Council was generally in support of moving forward.

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

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

Main Street Phase II Sidewalks

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

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

Taylor Street Paving Project

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

Eagle River Quiet Title

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

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

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

Department of Local Affairs (EIAF Grant Award)

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

B. Planning Director Report

Scot H. recapped the recent Highlands Parcels public process:

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

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

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

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

Minturn Forward Code Update Project:

The Planning Department continues to work with Western Slope Consulting (Matt Farrar) and the Planning Commission to develop and review new articles and sections of Chapters 16 (Zoning) and 17 (Subdivision) of the Minturn Municipal Code as part of the Minturn Forward Code Update Project. The new Chapters 16 & 17 will replace the existing Chapters upon adoption. Priority has been placed on the creation of new administrative articles and sections that will have the most impact on improving processes and the implementation of the Town's policies. Each new article or section of code has been vetted internally (by the Planning department, the Town Attorney, and the Town Engineer) prior to presenting a draft document to the Planning Commission for review. Following Planning Commission review, the draft document is then revised and represented to the Planning Commission before moving on to additional articles and sections. Articles created and reviewed since June 2024 include:

- Article 5 – Land Use Application Requirements & Procedures
 - This article sets forth the purposes, application submittal requirements, review criteria, and processes for each land use application type (i.e. rezoning, PUDs, zoning variances, conditional use permits, DRB applications).
 - This is considered by staff as perhaps the most critical article in the new code. This article will correct contradictions and conflicts in the current code by standardizing language, processes, and terms while clarifying the intent of each different land use application review by the Town.
 - The clarity and standardization of certain elements of the code will create efficiency for the Town and predictability for applicants.
- Article 8 – Subdivision Application Requirements and Procedures
 - This article replaces previous Chapter 17 – Subdivisions, of the Town Code and adds clarity to the process and administrative aspects of applying for a subdivision.
 - Like Article 5, this new article will include elements (text, certain processes and/or requirements) of the existing code along with new language, new provisions, and layout/format to be more user-friendly.
 - Article 8 has been reviewed by the Planning Commission, has been updated based on Planning Commission feedback, and is now being reviewed by the Town's consultant team (Attorney and Engineer) before being presented again to the Planning Commission.
- Article 12 – Environmental Impact Report
 - This article replaces the previous environmental impact report section of the code and adds clarity to the process and administrative aspects.

- This article includes existing provisions (existing code) along with new provisions that allow the Town to evaluate potential development impacts on the natural environment.
- This article will also address potential development impacts on social, fiscal, or cultural environments of the Town.

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

Active Land Use Applications:

- Eagle County School District – Maloit Park Preliminary Subdivision Plat Review Staff has been reviewing the Eagle County School District Maloit Park Preliminary Plat for Subdivision application since late 2023. In fall 2024, the application was sent to referral agencies as well as the Town’s consultant team for review. The Applicant is currently working to address those comments and/or concerns and, in certain instances, to revise the application. Following the completion of the referral process, the subdivision application will be scheduled for a public hearing before the Planning Commission who will make a recommendation for the Council’s consideration.
- Design Review Board Administration & Building Activity
Staff continue to meet with property owners interested in new or remodel projects; to accept and review Design Review Board applications for new homes and remodel projects; and to work with our building official to coordinate and complete review of building permits and inspections in the field. Staff anticipate a busy spring, with more DRB applications for projects like Belden Place and Minturn North PUDs, as well as individual new home projects

Other Planning Department Activities:

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

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

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

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

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

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

- **Eagle County Regional Housing Action Plan Partnership**

The planning director has been participating alongside representatives from Eagle County, Avon, Eagle, Gypsum, Red Cliff, and Vail in a regional housing action plan task force spearheaded by Eagle County and the Town of Avon. The purpose of this effort is to create a regional housing action plan – looking at alignment between land use policies and community housing goals within and across jurisdictions, as well as identifying potential funding sources to implement priorities and projects - and is based on a housing needs assessment being finalized by Economic Planning Systems (EPS). The assessment is based on community survey work and an extensive process by EPS to work with each partner jurisdiction to compile data on existing land use and development, existing housing policies and housing units/supply in each jurisdiction, as well as demographics and market trends. The partnership presented the initial results of the assessment to each of the partner jurisdictions in October and November.

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

- **Eagle County Wildland Urban Interface (WUI) Code Working Group**

The planning director and the code enforcement officer have been participating in a regional effort spearheaded by the Eagle County Wildfire Collaborative group to understand and discuss alternatives, pros, and cons related to the potential adoption of Wildland Urban Interface (WUI) code requirements in member jurisdictions (towns, special districts, and fire districts). This group has been meeting since the start of 2024 and work completed to date includes sharing and analysis of each jurisdictions' existing land use, zoning, and building code regulations and policies to better understand where, if at all, there are commonalities across or among jurisdictions by way of fire or wildfire related terms, regulations, or design requirements for things like home construction, landscape design and materials, and access to private property.

9. SPECIAL PRESENTATIONS

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

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

10. BUSINESS ITEMS

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

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

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

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

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

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

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

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

No changes from first reading.
No council comments.

Public Hearing Opened
No Public Comment
Public Hearing Closed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Commission Recommendation and Suggested Conditions:

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

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

Applicant Comments:

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

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

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

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

Fire sprinklers will also be in place per building code.

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

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

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

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

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

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

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

Public Comment Opened:

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

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

Mr. Tim McMahon, Avon:

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

Mr. Robert Creasy, 453 Pine St.

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

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

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

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

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

Mr. Tom Sullivan, 116 Nelson Ave:

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

He also brought up traffic flow on Nelson.

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

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

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

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

Has the town looked into this?

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

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

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

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

Email Comments submitted:

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

Public Hearing Closed

5 minute recess at 7:05pm.

Meeting resumed at 7:10pm.

Applicant given an opportunity to address public comments.

Spence Neubauer, Applicant

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

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

Council questions:

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

Staff Comments:

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

- 1) Formalize the ethanol monitoring systems

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

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

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

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

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

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

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

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

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

Public Hearing Opened

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

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

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

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

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

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

Ms. Jessica Sullivan, 116 Nelson Ave.

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

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

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

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

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

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

She pointed out that STR taxes just went up significantly.

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

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

Earle B:

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

Mr. Tom Sullivan, 116 Nelson Ave:

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

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

He feels this doesn't make sense.

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

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

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

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

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

Mr. Larry Stone, 152 & 156 Main St.

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

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

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

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

Mr. Stone recommends leaving the ordinance as is.

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

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

Public Hearing Closed

Council Comments:

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

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

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

Staff comments:

From a community / neighborhood impact perspective:

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

Scot H:

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

Michelle M:

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

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

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

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

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

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

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

Kate S. asked about continuing the topic.

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

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

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

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

11. DISCUSSION / DIRECTION ITEMS

A. Minturn Bike Park - Proposed Future Projects

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

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

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

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

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

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

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

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

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

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

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

Plans for community engagement:

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

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics:

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

13. ADJOURN

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

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Exhibit A:

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

Variance and Findings.

There was no reasonable argument to justify the Findings

APPENDIX B - MINTURN DESIGN STANDARDS AND GUIDELINES

B. - GOALS, OBJECTIVES, AND GUIDING PRINCIPLES

Building Compliance with code.

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

MINTURN COMMUNITY PLAN

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

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

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

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

Large monolithic buildings and are not allowed.

100 Block Commercial Zones

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

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

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

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

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

ARTICLE 2 - Definitions, Illustrations and Lot Standards

Sec. 16-2-20. - Definitions

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

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

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

Do distilleries produce toxic or noxious gases.

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

Key points about distillery gases:

- **Ethanol vapors:**

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

- **Carbon dioxide (CO₂):**

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

- **Potential for explosions:**

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

What are the fumes from distilling?

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

What are the odors from distilling?

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

Key points about distillery odors:

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

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

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

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

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

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

Explanation

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

Factors that contribute to whiskey mold growth

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

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

CLOSING REMARKS

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



302 Pine St.
PO Box 309
Minturn, CO 81645
<https://www.minturn.org>

February 7, 2025

Governor Jared Polis
State Capitol Building
200 E. Colfax Avenue
Room 136
Denver, Colorado 80203

Dear Governor Polis,

We are writing to express our deep concerns with continued non-compliance with safety laws on I-70 by commercial vehicle drivers. Since November, we have consistently seen closures and accidents on Vail Pass during heavy snows due to trucks losing traction and not using chains.

As you may know, these closures impact the entirety of Eagle County, and some of those impacts include:

- Blocked ambulance routes to the only ER facility in Eagle County,
- Safety concerns for those stuck in their vehicles in cold weather,
- Environmental impacts of spilled hazardous materials,
- Detrimental effects on the quality of life of Colorado residents, guests and workforce who are unable to get to or from home or work, and
- Negative experiences for our Front Range and destination guests who contribute tremendously to the state's economy.

While we appreciate the recent update to existing chain laws, the State of Colorado's current penalties are clearly still an inadequate deterrent for those who will ignore speed limits, lane restrictions and chain-up requirements and put others at risk for the sake of saving a few minutes on the road. In addition, the \$1,150 maximum fine for blocking a roadway is exceedingly low considering the state's own analysis indicating an economic cost of nearly \$2 million for every hour I-70 is closed. In 2024 alone, based on CDOT information, there were 99 full closures lasting a total of 161 hours with an estimated cumulative economic impact exceeding \$300 million dollars.

We urge enforcement and support of the following measures immediately:



302 Pine St.
PO Box 309
Minturn, CO 81645
<https://www.minturn.org>

Strict Enforcement of Traction Laws: All vehicles must comply with tire and traction requirements, especially during adverse weather conditions. Violations should be met with significant penalties to ensure compliance. The current penalties are not changing the behavior of the trucking industry. The penalty for a closure needs to be more commensurate with the financial impact it causes.

Strict Enforcement of Speed Limits: Aggressive and unsafe driving practices, including speeding, must be addressed through increased patrols and penalties. This behavior poses an unacceptable risk to public safety.

Mandatory Use of Right Lanes: As we understand, the state has approved regulations that would require trucks to stay in the right lane on Vail Pass, Dowd Junction, and Glenwood Canyon. This regulation has been implemented in Glenwood Canyon with signage and has proven to reduce accident rates. We would ask that this policy be implemented on Vail Pass and Dowd Junction. Officers responding to incidents on Vail Pass and Dowd Junction report that the most frequent cause of a commercial vehicle incident occurs when trucks passing slower trucks lose traction and cause an incident.

Chain Stop Improvement in East Vail: The Colorado Department of Transportation, as we have learned, is planning to improve the chain up areas for Vail Pass. This initiative could also include providing assistance for truckers in properly chaining up and photo enforcement upon leaving the chain up area. It's our understanding that the Town of Vail has offered to work with CDOT on the design and operation of the eastbound Vail Pass Chain-up area to both support truckers in chaining up and ensure truckers are chained up when required. If approved, Senate Bill 25-069 could also provide chain-up support for truckers.

The Town of Minturn has and will continue to support our neighbors in Vail and beyond, and to help communicate and educate our residents and visitors.

We trust that you will prioritize these concerns and act swiftly to address the pressing challenges on I-70 and Vail Pass. Thank you in advance for helping protect our mountain communities and the safety of the driving public.

Sincerely,

Earle Bidez
Mayor, Town of Minturn



Town of Minturn

Section 3, Item B.

302 Pine St.
PO Box 309
Minturn, CO 81645
<https://www.minturn.org>

Cc:

Congressman Joe Neguse
2503 Walnut Street
Suite 300
Boulder, CO 80302

Senator Dylan Roberts
200 E. Colfax Avenue
Room 346
Denver, Colorado 80203

Representative Meghan Lukens
200 E. Colfax Avenue
Room 307
Denver, Colorado 80203
Speaker Julie McCluskie
200 E. Colfax Avenue
Room 307
Denver, Colorado 80203

Ms. Shoshana Lew
Executive Director, Colorado Department of
Transportation 2829 W. Howard Pl.
Denver, CO 80204



To: Mayor and Council
From: Jay Brunvand
Date: February 5, 2025
Agenda Item: OMB Funding Issues

REQUEST:

Council is asked to approve authorization for the Mayor to sign the attached letter.

INTRODUCTION:

Over the past several years, Minturn has been awarded a total of \$3M in Congressionally Directed Spending. With the recent upheaval in Washington, this funding has been in somewhat of a state of flux. The attached letter to our US Senators and our US House Representative outlines our concerns should the funds be paused or even possibly rescindment of those funds.

ANALYSIS:

N/A

COMMUNITY INPUT:

N/A

BUDGET / STAFF IMPACT:

Delay or rescindment of these funds could significantly effect our future water plant funding scenario.

STRATEGIC PLAN ALIGNMENT:

The comprehensive review of the Town's Short Term Rental regulations and processes aligns with the following key values:

- Transparency
- Collaboration
- Resourcefulness

RECOMMENDED ACTION OR PROPOSED MOTION:

- This item is approved as part of the Consent Agenda, no further consideration is requested.

ATTACHMENTS:

- Proposed letter

Earle Bidez, Mayor
P.O. Box 309 ♦ 302 Pine St
Minturn, CO 81645
970-827-5645

www.minturn.org



TOWN COUNCIL Section 3, Item C.
Mayor – Earle Bidez
Mayor Pro Tem – Eric Gotthelf
Council Members
Lynn Feiger
Gusty Kanakis
Tom Priest
Kate Schifani
Brian Rodine

February 14, 2025

The Honorable Michael Bennet
United States Senator
Colorado

The Honorable John Hickenlooper
United States Senator
Colorado

The Honorable Joe Neguse
United States Representative
Colorado, District 2

Subject: Concern & Request for Support on Potential Delays or Issues with Federal Funding

Dear Senator Michael Bennet, Senator John Hickenlooper, Representative Joe Neguse:

I write on behalf of the Town of Minturn to request your guidance and support on the potential that the White House Office of Management and Budget (OMB) and federal agencies may delay, freeze, or even rescind federal funding for grants in a way that would have substantial impact on our organization's ability to serve Colorado citizens and families through projects that you have championed for federal award and through other support.

The January 20 Presidential Executive Order on "Unleashing American Energy" (and the subsequent January 22 memorandum on that EO), and the January 27 OMB Memorandum on the "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs" (and the subsequent January 29 OMB memorandum and White House Statement), propose potentially significant delays, funding freezes, and even cancellation of already obligated federal grants. While that OMB "temporary freeze" directive appears to be rescinded and there have been reassurances that the orders are narrowly targeted, the plain language of these White House directives is all-encompassing, our grant officers in the federal agencies are uncertain whether or when they can proceed with grant disbursements, and the entire situation is very unclear.

This will have real impact on our service and efforts to revitalize the economy of Colorado. Specifically, we are undertaking the following federally funded grant projects now:

- Congressionally Directed Spending in the amount of \$3M to assist in building a very much needed Water Treatment Plant for the citizens of Minturn.

While our projects can withstand a short, reasonable delay of federal funding, we want to make sure that you are apprised of the substantial, negative impacts on Minturn and our organization that could take place if these delays go well past February 10, 2025, or there is a grim result that our grant is canceled or otherwise ended after White House review:

- Currently we are in the process of developing 90% design drawings with a construction window of summer 2025.

We respectfully request that you help us determine whether and when these federally-backed projects can proceed, and provide us continuing support to implement these projects for the benefit of Town of Minturn residents. We would be grateful if you could help communicate to the federal agencies governing our grants listed above, and also the White House OMB, that these specific programs are consistent with the President's policy priorities, that our projects are solid and worthy to proceed, and that these program funds should be released from the current delay orders forthwith.

All of the projects that we are bringing to your attention are about local economic development, community revitalization, and our workers, and none of them concern woke, DEI, or green new deal projects.

Thank you for your continuing leadership and support.

Sincerely,

Earle Bidez, Mayor



To: Minturn Town Council
 From: Jay Brunvand
 Date: February 19, 2025
 RE: Town Manager Update

Interim Managers

With Michelle's departure, the town has completed our interim management transition. As discussed previously, I will be handling in-house and the general town issues and Katie will be handling the major capital projects.

MuniBilling Utility Billing System

On February 1 we moved off the ERWSD billing system and on to a new system provided by MuniBilling. This change came about through concerns ERWSD had continuing our previous arrangement and ever rising monthly costs.

July 2, 2025 Council Meeting

In an effort to be in front of the curve, the July 4, 2025 holiday is on Friday this year and as such will be a busy week and long weekend. Minturn will be holding our events on Wednesday July 2. As we will be having both day and evening events on Wednesday, 7/2, and that is a council meeting night, I will be planning on canceling that meeting. In the event we have a conflict we may schedule a special meeting but the hope is that we don't need that. By planning this in advance we can make sure we don't publish a public hearing or the like and can avoid any conflicts.

March 5 Council Meeting

Staff is looking at having a work session to start the 3/5/25 meeting. The session will cover the Taylor St Paving and the Railroad Ave. Pedestrian Improvements, and will be presented by Town Engineer Jeff Spanel. This will allow Jeff to give a more complete picture of the two projects for the council and citizens.

Minturn Education Fund

The Minturn Education Fund committee has been busy getting the 2025 Scholarship program ready. At the 2/12 meeting we approved the application, review process, and other related items. The application is available to any student for secondary education needs. This is not limited to traditional college and can be used for trade schools or the like. The

Community Dinners

There have been two community dinners so far and the last one is scheduled for March 10. Details are on the Town website.

Water Line Freezing

As a heads up, we have had several frozen service lines recently. Most have been minor where the meter freezes. A new meter is delivered and replaced. This has been a hard winter in that we have had snow but the traditional blanket of snow that helps insulate the ground is not as deep or in some cases is not present. This has only exacerbated the situation. Kudos to Public Works and John Volk for their assistance and efforts with these issues. Mary Beth



Interim Town Manager Katie Sickles
February 19, 2025 Meeting Update

Note: I have alerted Jay Brunvand that the CDOT-Bellm Bridge schedule of February 26 may exceed my February allowance. CDOT had Feb 26, 27, March 26 or June 3 for a kickoff in Minturn, to get this going we settled on Feb 26. Something I had not planned on.

The following are direct projects I was assigned by Town Manager Metteer as outlined in the job description.

- A. Water Treatment Plant (WTP) Design & Engineering: work with the contracted WTP Engineering firm, HDR, Inc. to ensure 90% WTP design and engineered drawings are completed for the State Revolving Fund application date of January 2026. This will include the application and administration process with the EPA for obtaining the approved \$3M in Congressionally Directed Spending Funds.
 1. HDR Proposed Fee to complete WTP Design was increased from \$1,112,599.40 to \$1,393,000.00. The amendment of \$280,400.60 was signed by Town Manager Metteer 2/7/25.
 2. Design currently at 30%, proposed 60% June and 90% September 2025.
 3. Grant Funds include \$3,000,000 Congressionally Directed Funds (#14318920).
 4. Design Budgeted in 2025.
- B. Bellm Bridge Design & Engineering – work with Minturn’s contracted civil engineering firm, Inter-Mountain Engineering, for the process to obtain engineered drawings to replace Bellm Bridge with a new truss bridge. Work with the CDOT Bridge Grant and the Special Highway Committee for the execution of Minturn’s Off-System Bridge Program grant award.
 1. SEH completed feasibility study October 2024 \$5,457,738 for truss. Council approved Full Truss Replacement October 2024 and then days later an available bridge from Dolores.
 2. Jeff Spanel provided a layout of the Dolores Bridge of which is 25’ too long. The Dolores bridge could still be a solution, however more to come. (Attached)
 3. Grant design estimate \$373,779, Off Bridge System Grant (#20-0067) \$297,823 and town match \$75,956. CDOT team has scheduled to kick off project Feb 26.
 4. Design cost \$373,779 will require a 2025 Budget Supplement.
- C. North Main Street Pedestrian Improvements (Railroad Ave) – work with Inter- Mountain Engineering for the execution of the Revitalizing Main Streets grant awarding the installation of a sidewalk along Railroad Ave along with other pedestrian safety improvements.

1. Grant timeline modified 01/03/24 to 11/30/25. PUC Commission Order authorized the installation of an asphalt pedestrian path at an existing at-grade crossing of Railroad Ave with the existing tracks owned by Union Pacific Railroad Company.
 2. Sidewalk elevation discussed along Taylor.
 3. Grant design estimate \$252,000 Revitalizing Main Street Grant (#411037494) \$226,800 and town match \$25,200. Minturn North \$80,000 was deposited to contribute to this project.
 4. \$252,000 budgeted in 2025, the remaining \$80,000 expenditure will require a budget supplement.
- D. Tank #2 / Steel Bolted Tank repairs – work with HDR Engineering and Minturn’s water treatment plant operator, John Volk, to execute the repairs necessary to rehabilitate Minturn’s water tank #2.
1. It appears that there are CDPHE obstacles in proceeding with repairs. John Volk estimated \$120,000, however there are unknowns.
 2. Repairs up to \$120,000 budgeted in 2025.
- E. Pressure Reducing Valve (PRV) Master Meter Housing upgrades – work with John Volk and HDR Engineering to implement improvements to the Master Meter housing allowing for both water tank #2 and tank #3 to operate at full capacity.
1. This appears to be moving forward with all staff and contractors coordinating.
 2. Repairs up to \$100,000 budgeted in 2025.
- F. Repaving (reconstruction) of Taylor Street – work with Inter-Mountain Engineering to execute the community planning process and subsequent RFP for the construction of the repaving of Taylor St.
1. Jeff Spanel, Tom Priest, Michael Gottino and I met Tuesday Feb 11 regarding Minturn Townhomes to discuss the driveways, drainage, etc. Council discussion will be scheduled.
 2. Repaving up to \$750,000 budgeted in 2025.
- G. Little Beach Park Retaining Wall repair/replacement – work with Inter-Mountain Engineering to prepare for the repair and replacement of the Little Beach Park retaining wall and interior access road.
1. Retaining wall repair and replacement will require that the playground be demolished. Public Input should be sought regarding the current playground structures. A public survey, open house and outreach is requested for playground amenities by Council. The playground amenities are not eligible within the grant requiring the town to pay this expense directly. Jeff Spanel has connections with Star Playgrounds.
 2. Interim Town Manager will assist town staff as needed to develop a survey.
 3. Grant project estimate \$294,000, DOLA EIAF \$147,000 (#9968) and town match \$153,097.
 4. The grant funded project is budgeted in 2025. The playground equipment expense is to be determined and approved by Council.

- H. Main St / US HWY 24 Phase II Sidewalk construction – oversee the RFQ process for obtaining a construction management firm as well as the process for obtaining a construction firm for the installation of sidewalks, curb, gutter and drainage along the project area of Main Street. Execute the associated CDOT revitalizing Main Streets grant and the associated DOLA EIAF grant as both support this project financially.
 - 1. Cleared for construction. RFQ will be ready soon.
 - 2. Project will be advertised in several places in addition to Bidnet. Council will award contract.
 - 3. Grant project estimate \$1,752,500, Revitalizing Main Street \$1,402,000 (#M890-002 25362), DOLA EIAF \$220,000 (#9500) and town match \$130,500.
 - 4. Project funds budgeted in 2025.
- I. Prepare to update the Minturn Boneyard conservation easement management plan owned by the Town of Minturn, is the Town of Minturn's first permanently protected open space. The property is open to all for walking, picnicking, wildlife viewing, snowshoeing, and river access. Its meadows and woodlands are adjacent to national forest lands. A proposed stormwater installation project will also require Jeff Spanel's input.
 - 1. Adrian at Eagle Valley Land Trust is working on Town of Avon's plans and may be ready around April to start Minturn's update. The proposed stormwater system will require a project plan for construction, overburden and restoration. Seeding variety and plans should be attached to the restoration plan.
 - 2. Interim Town Manager will stay in communication with Eagle Valley Land Trust.
 - 3. Budgeted in 2025 under Interim contract.
- J. Main Street-US Hwy 24/Cemetery Road Pedestrian Crossing
 - 1. Pedestrian Crossing Approved by CDOT
 - 2. Interim will coordinate with Jeff Spanel regarding element purchase and installation.
 - 3. Budgeted 2025 in Public Works Street Sidewalk Expense 01-06-5352
- K. Nelson Street Improvement plus potential Heat Exchange
 - 1. Meeting Feb 12 with applicant and Jeff Spanel. Estimates should be available in February. Nelson Street will be a Town Council discussion April 2.
 - 2. This project is not budgeted in 2025.
- L. Safe Streets For All
 - 1. Develop a comprehensive safety action plan for the Town of Minturn.
 - 2. Town Council March 19. February First Friday on Feb 7 was a great success. Cindy is working with Stolfus on survey results.
 - 3. Grant estimate \$100,000, US Dept of Transportation \$80,000 (#693JJ32440637) and \$20,000 town match.
 - 4. Budgeted in 2025.
- M. Norman Street Repaving
 - 1. Repave Norman Street with available funds. There is interest in sidewalks, however adjacent improvements are lower than street.
 - 2. Budgeted \$55,491 in 2025.



PROPOSED
BRIDGE



SCALE: 1" = 30'



NOTES:

1. THE CLEAR ROADWAY WIDTH IS 24.0'.
2. DIMENSIONS ARE OUTSIDE TO OUTSIDE OF STEEL STRUCTURE.



30 BENCHMARK RD. STE. 216 P.O. BOX 978
AVON, CO 81620 PH: (970)949-5072

INFO@INTER-MTN.NET

This document was prepared for the exclusive use of the Client specified hereon. The use of this document or the information contained herein by any other person or entity is not authorized. In the event that any other person or entity desires to use this document or the information contained herein for any purpose they must first obtain written authorization from Inter-Mountain Engineering. This document and any information contained herein is intended to be used within one year of the date hereof. Use after that period is not authorized.

CLIENT:

TOWN OF MINTURN

BRIDGE EXHIBIT

BELLM BRIDGE PROPOSED REPLACEMENT

TOWN OF MINTURN

COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY:	SPF
CHECKED BY:	JS
DATE ISSUED:	12-18-24
PROJECT NO.	20-0067
EXHIBIT	1 OF 35



To: Town Council
From: Madison Harris
Date: February 14, 2025
Agenda Item: Ordinance 03 - Series 2025 (Second Reading) An Ordinance Amending Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code Amending Requirements for Approval of a Short-Term Rental License.

REQUEST:

Council to approve on second reading Ordinance 03 - Series 2025 An Ordinance Amending Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code Amending Requirements for Approval of a Short-Term Rental License.

UPDATE:

Council reviewed and approved this ordinance on first reading at their regular meeting of February 5, 2025. As part of that approval Council directed staff to remove everything proposed concerning occupancy requirements, leaving only the ability to immediately short term rent a portion of your house not to exceed thirty-three percent (33%). Staff requests that the Council approve the updated ordinance on second reading.

INTRODUCTION:

At the June 19, 2024 Council meeting, there was a discussion spurred by input received on the Community Survey in regards to Short Term Rentals and recommendations from Council members. Due to the breadth of that discussion, it was recommended that there be a separate discussion regarding 2-year residency requirements.

That discussion was had at the January 15, 2025 Council meeting.

ANALYSIS:

Since the introduction in 2017 of Minturn's Short Term Rental policy, little has changed. It has been observed that in the last couple of years, there have been a couple of instances where property owners will use the current 2-year ownership requirement as the time to go through the Design Review and Building Permit process, and, once they've received their Certificate of Occupancy, the two years have passed and the property immediately becomes a Short Term Rental.

At the January 15, 2025 Council meeting direction was given to draft an ordinance addressing two paths for short term rentals. 1. If the whole property is to be given a STR License then it must have functioned as a primary residence for the initial two year ownership, and 2. if only a portion of the property is to operate a STR License then as long as the rest of it functions as a primary residence then the two year ownership requirement is waived.

COMMUNITY INPUT:

In the Community Survey completed in April 2024 and presented to Council, many residents expressed worries about the impacts of short term rentals on the availability of locals housing. There were some suggestions for further tightening regulations on STRs and some residents felt the need for stronger enforcement.

BUDGET / STAFF IMPACT: TBD**STRATEGIC PLAN ALIGNMENT:**

The comprehensive review of the Town's Short Term Rental regulations and processes aligns with the following key values:

- Transparency
- Collaboration
- Resourcefulness

Within the Council's priorities in the 2025-2027 Strategic Plan, under Affordability: Update STR regulations to require 2-year owner/local occupancy from time of C-O, not purchase date.

ORDINANCE 03 – SERIES 2025

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, AMENDING SECTIONS 6-7-20 AND 6-7-40 OF THE MINTURN MUNICIPAL CODE AMENDING REQUIREMENTS FOR APPROVAL OF A SHORT-TERM RENTAL LICENSE.

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, Section 6-7-20 of the Minturn Municipal Code (the "MMC") sets forth the definitions for Chapter 6, Article 7 – Short-Term Rentals; and

WHEREAS, Subsection (d) of Section 6-7-40 of the Code requires that the owner of a short-term rental (STR) own the property for at least two years before filing a STR permit; and

WHEREAS, the Town wishes to amend the language of the MMC to exempt property owners who use thirty-three percent (33%) or less of their property as a STR from the two-year ownership requirement; and

WHEREAS, the Council finds and declares that the amendments of Sections 6-7-20 and 6-7-40 of the MMC set forth in **Exhibit A** and incorporated herein by this reference, to amend the ownership requirement for properties to be eligible for STR licenses, are in the best interests of the Town.

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

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

Section 2. Amendment of Sections 6-7-20 and 6-7-40. Sections 6-7-20 and 6-7-40 of the MMC are amended as shown in **Exhibit A**.

Section 3. Effective Date. Upon passage of this Ordinance, the provisions hereof shall become effective on February 26, 2025.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 5. Repeal of Inconsistent Laws. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

**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 5th DAY OF FEBRUARY 2025. 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 19th DAY OF FEBRUARY, 2025 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 19th DAY OF FEBRUARY, 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

EXHIBIT A

Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code are amended as follows with double underlined text added and ~~strike through text~~ deleted.

Sec. 6-7-20. Definitions.

When not clearly otherwise indicated by the context, the following terms, words, and phrases as used in this Article have the following meanings:

Property means any building, house, structure, or unit entirely consisting of residential “square-foot floor area” as that term is defined in Section 13-1-10.

Sec. 6-7-40. License restrictions.

(d) Two-year ownership. No property shall be licensed as a short-term rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two (2) years of ownership. The short-term rental license is nontransferable with the sale of the property.

- (1) The 100-Block Zones are exempt from the two-year ownership restriction and can be licensed as a short-term rental immediately only on second floors and above and only if there is an active, licensed sales tax revenue generating commercial use on the ground floor of the structure.
- (2) Partial short-term occupancy. If the property owner wishes to use thirty-three percent (33%) or less of the “square-foot floor area” of the property, as that term is defined in Section 13-1-10, for short-term rental purposes, the owner may, upon compliance with the provisions of this Article, obtain a short-term rental license for up to thirty-three (33%) of the “square-foot floor area” without prior ownership limitations.



To: Town Council
From: Madison Harris
Date: February 14, 2025
Agenda Item: Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply - Request for Continuance

REQUEST:

Continue Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply to March 5, 2025.

ANALYSIS:

The Town Attorney is currently drafting an ordinance amending Chapters 13, 16, and 17 in order to incorporate restrictions on connection to the Town's water system based on limitations of available legal and physical water supply. That ordinance was initially slated to be at the February 19, 2025 meeting, but was unable to be finalized in time for the packet. Staff requests that the ordinance be continued to the March 5, 2025 meeting.

COMMUNITY INPUT:

Ongoing.

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

The comprehensive review of the Town's regulations and processes aligns with the following key values:

- Transparency
- Collaboration
- Resourcefulness

ATTACHMENTS:

- None



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: February 14, 2025
Agenda Item: Highlands Parcels Planning and Public Engagement – Update and Direction

Background:

The Highlands Parcels Nos. 1 & 2 have been acquired by the Town as part of the Settlement Agreement executed in 2024 between the Town and Battle North. Parcels 1 & 2 present a unique opportunity for the Town to achieve certain strategic and community plan policy goals while generating revenue specifically earmarked for the water enterprise fund which may be used to offset the design and construction of a new water treatment plant and/or offset water rates for the Town's citizens. To this end, Town Council has directed staff to facilitate a public review and engagement process to assist in determining the most appropriate, beneficial use of the Parcels.

Process:

As a first step in the process to inform Council's decision on how to best use the Parcels, staff completed the following tasks in January 2025:

- A [webpage](#) providing background information on the Bolts Lake area – specifically the Settlement Agreement and Highlands Parcels 1 & 2 – has been created.
- A short survey was conducted between January 13th and January 31st.
- An open house was held Wednesday, January 29th, from 4:30pm-7:30pm at Town Hall.

The goal of this public engagement process – specifically the survey and open house – has been to gather public input regarding community preferences, ideas, and concerns related to the future use of the Parcels, including the potential disposition (sale) of the Parcels to be considered by the Council.

The results of the survey and open house are summarized in more detail below and the next steps in this process include discussion and direction by Council on alternative scenarios. Based on Council's direction, staff, including the Town Attorney and Town Engineer, will further analyze preferred scenarios and come back to Council with recommendations, stakeholder considerations, and critical path timelines/scopes of work for each scenario.

Survey and Open House Results

248 participants, including residents and non-residents, took the survey which asked two (2) questions about respondents' preferences for the Highlands Parcels. The open house was also a success, with over 40 residents and non-residents, including key stakeholder representatives from Eagle County Open Space, Colorado Parks & Wildlife, and the U.S. Forest Service in attendance.

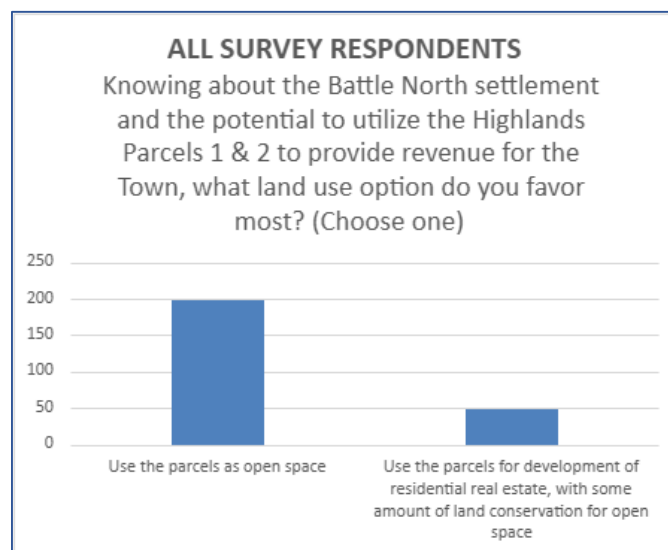
As a reminder, the questions in the January 2025 survey were based on a similar question asked in the 2024 Minturn Community Survey and were crafted to confirm community's preferences. The open house used poster boards with identical questions/wording as were asked in the January 2025 survey. The one exception was that the open house participants were not asked to indicate if they were residents or non-residents.

By the Numbers

The following summary of the survey and open house responses provide a clear picture of the sentiments and preferences for the future use of the Highlands Parcels Nos. 1 & 2 by those who participated. (A summary of written responses obtained during the open house is attached to this memo).

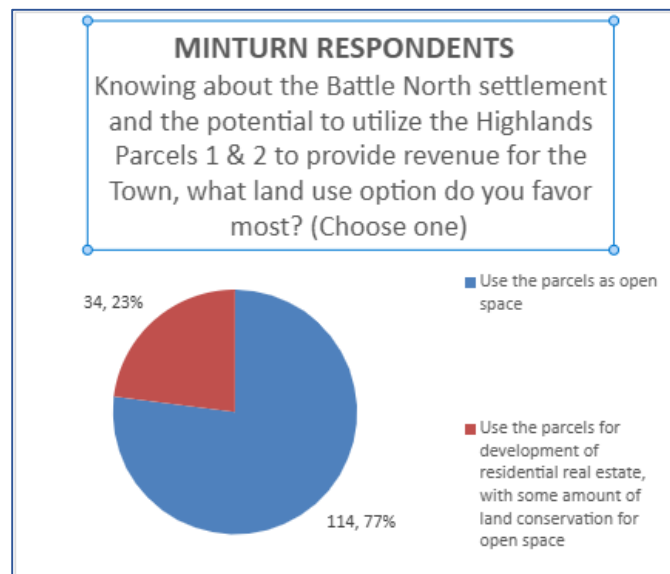
Survey Results:

- 248 individuals completed the survey, with 148 (60%) responding as Minturn residents, and 40% (100) identifying as non-residents. The survey was anonymous and was offered online, and by hard copy.
- Overall, survey participants expressed a strong preference to see the Highlands Parcels remain or be protected as open space rather than to see the Parcels developed for some combination of real estate development and open space. (This January 2025 survey result mirrors and reinforces the responses given in the Town of Minturn 2024 Community Survey in spring 2024 to a similar question).

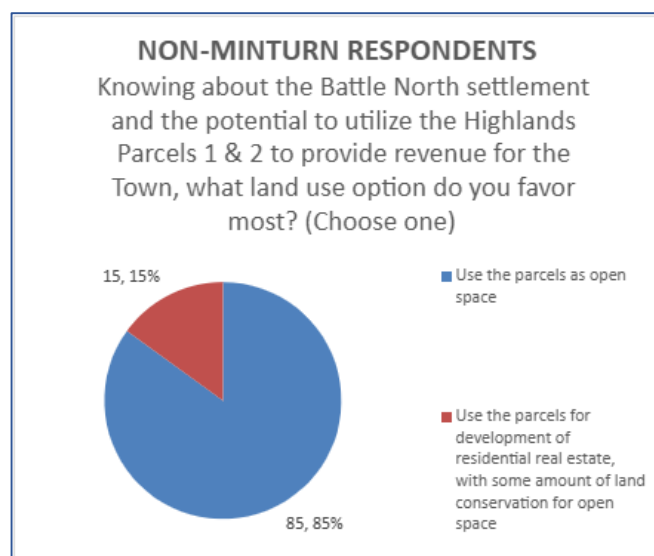


- Considering all respondents (residents and non-residents), nearly 81% (199 responses) indicated a preference to use the Parcels as open space (survey question No. 1). When split out as residents or non-residents, 114 Minturn residents (77%) preferred open

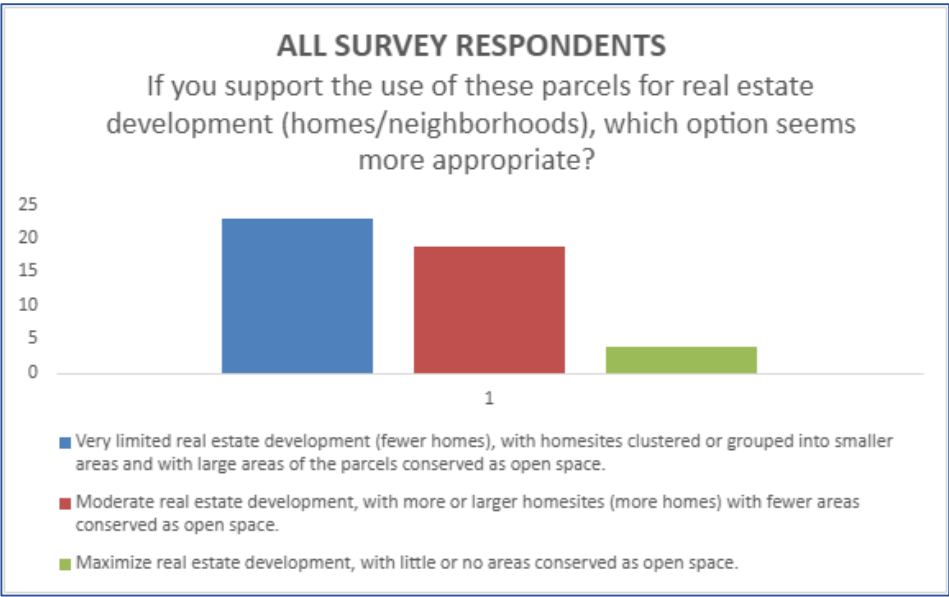
space as an option, while 23% preferred to use the Parcels for some type of real estate development combined with open space.



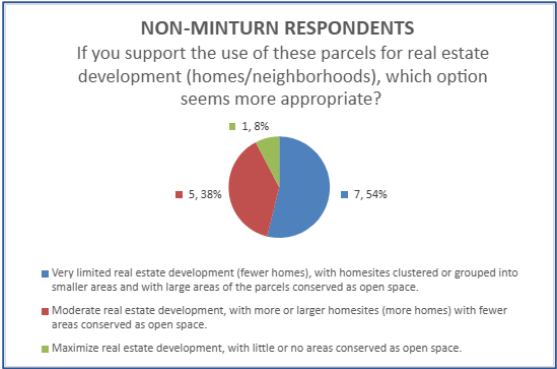
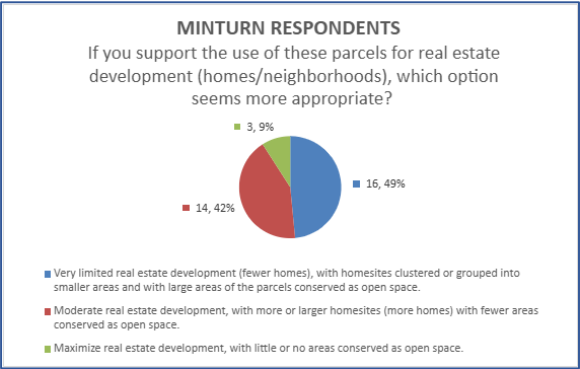
- Interestingly, the percentage of non-residents preferring open space to real estate development was even higher (85%) than Minturn residents.



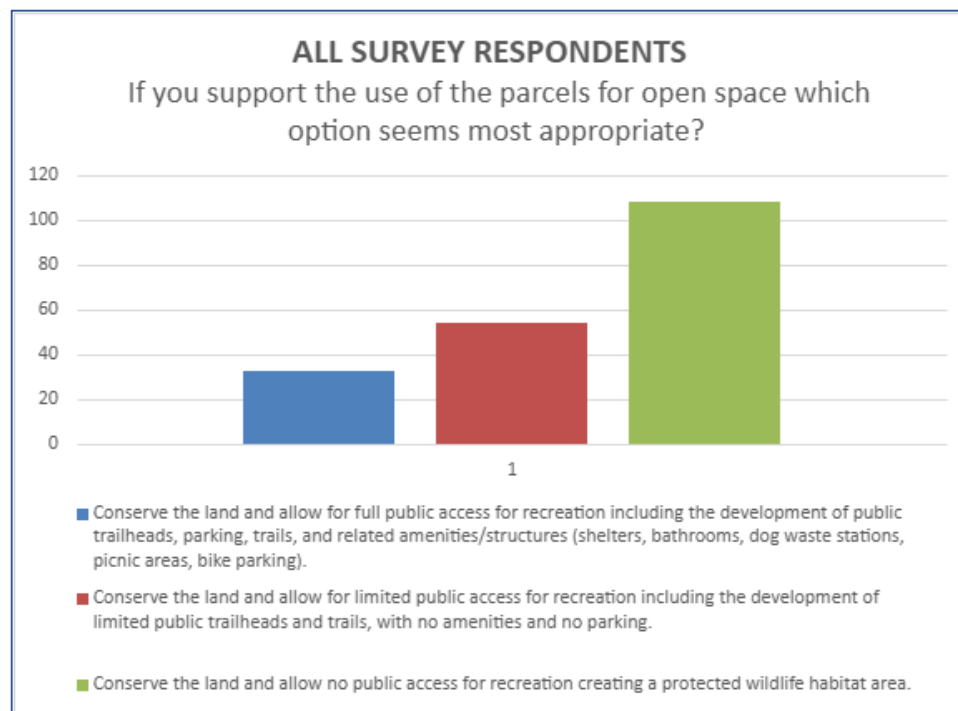
- For all respondents (residents and non-residents) who preferred real estate development of some kind (49 responses out of 248 total responses, or 19%), just over 90% (42 responses) indicated support for either “Very limited” real estate development with larger areas of open space or “Moderate” real estate development with more or larger homesites and fewer areas of open space. Only 4 respondents supported the option to maximize real estate development and minimize open space.



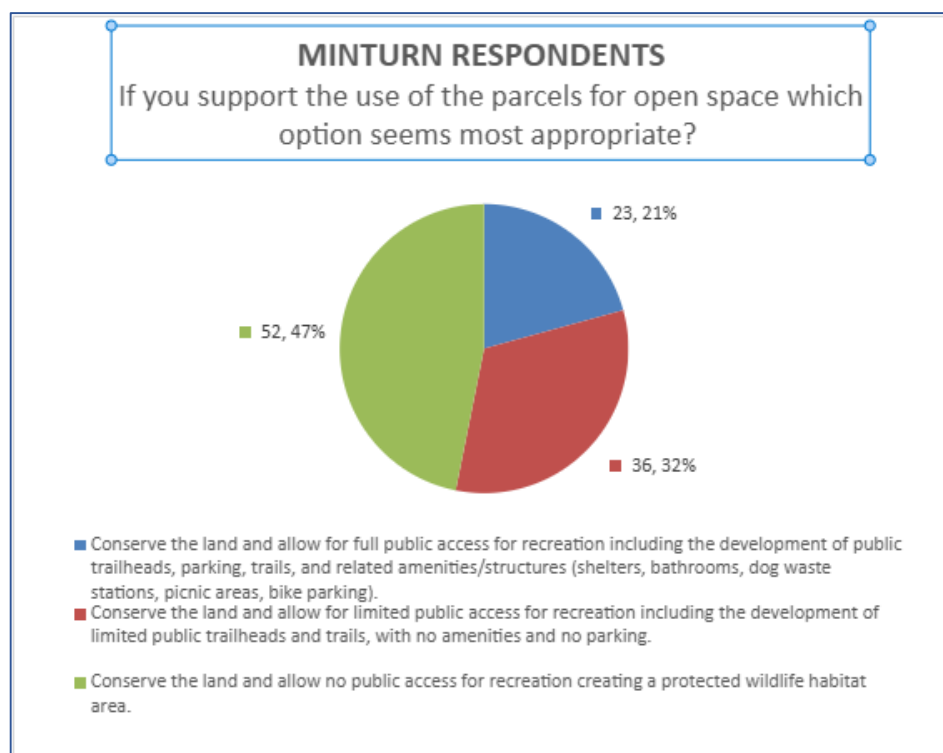
- When splitting out Minturn residents who prefer real estate development from non-residents who feel the same way, the numbers were identical for both groups, with 91-92% of respondents preferring either limited or moderate real estate development, while only 8-9% (four respondents across residents and non-residents) indicated support for maximizing real estate development on the Parcels.



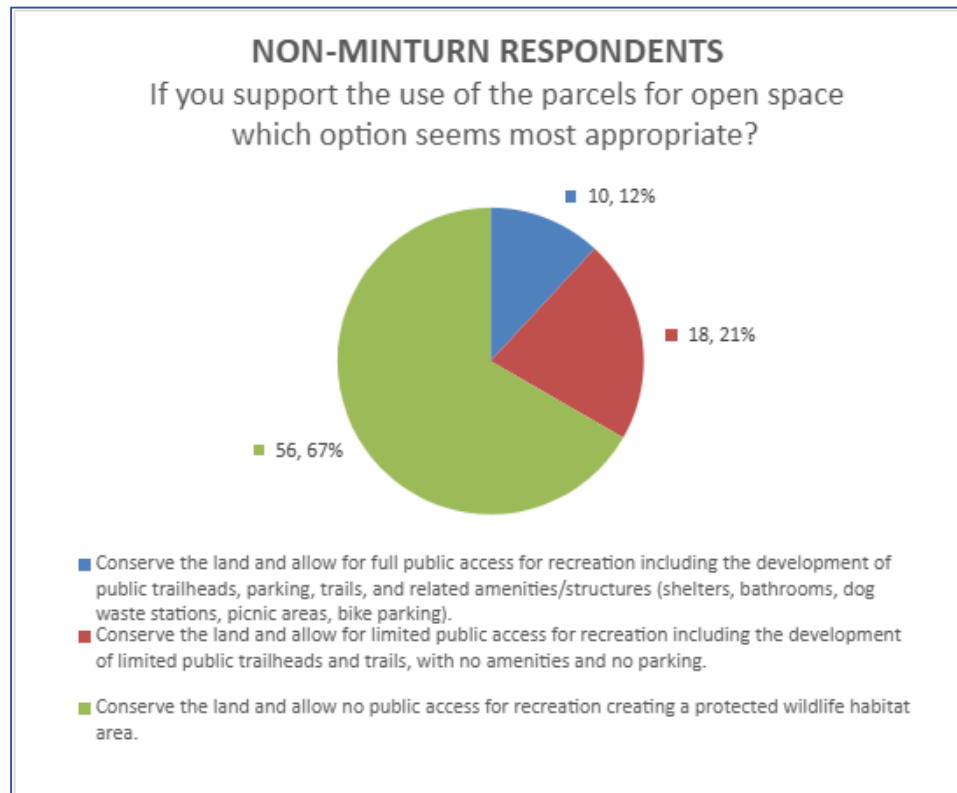
- When resident and non-resident survey (all) participants who preferred to see the Parcels preserved as open space were asked to choose between three potential open space scenarios, 55% supported the option to “Conserve” the land with no public access for recreation, 27% were open to conservation while allowing for “limited” public access, and just 17% supported conservation with full public access for recreational purposes.



- Minturn residents who supported an open space option leaned heavily toward conservation with no public access and/or wildlife habitat preservation (47%, or 52 individuals) or conservation with limited access (another 36 individuals, or 32%), or nearly 80% for the most restrictive open space scenarios.

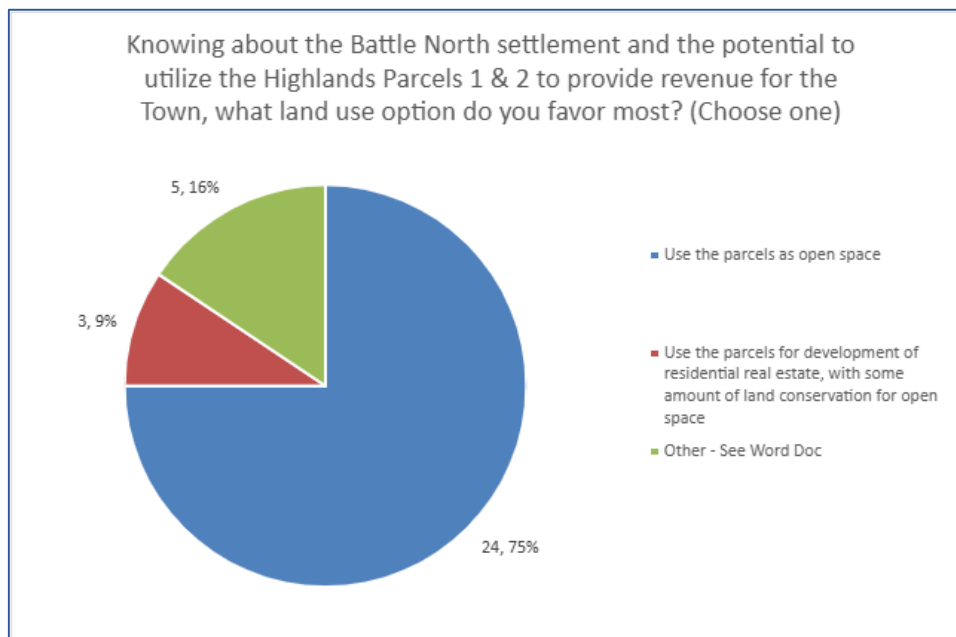


- Finally, when non-residents were asked the same question, the percentage of respondents who preferred open space conservation with no public access was even higher at 67% (56 respondents) than residents. Another 21% of non-residents supported conservation/open space options that allowed for some or limited public access, while an even lower percentage (10 individuals, or 12%) supported an option allowing full public access and the development of trails and amenities.

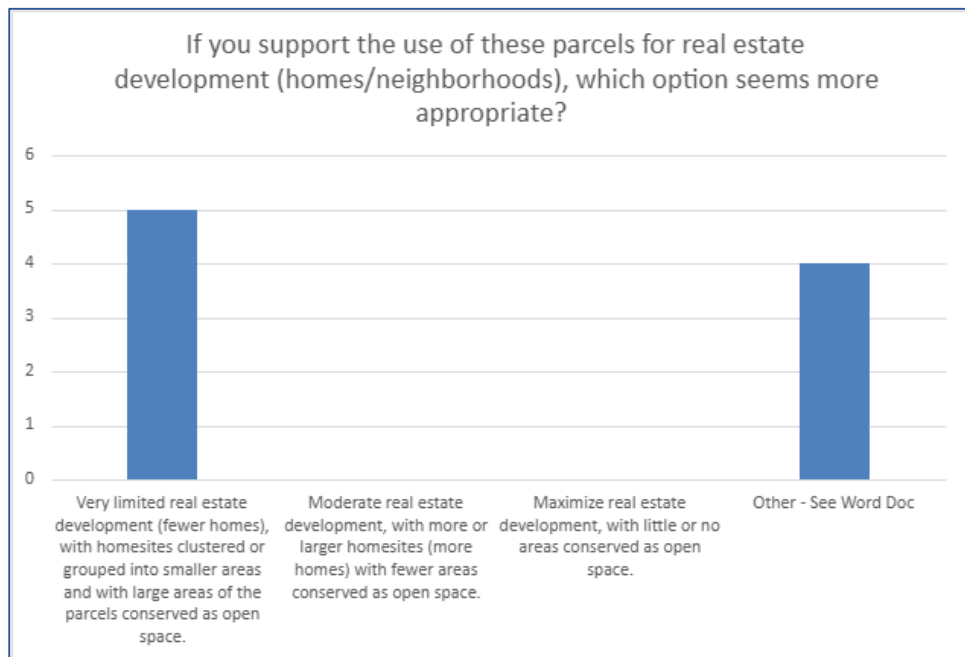


Open House Results:

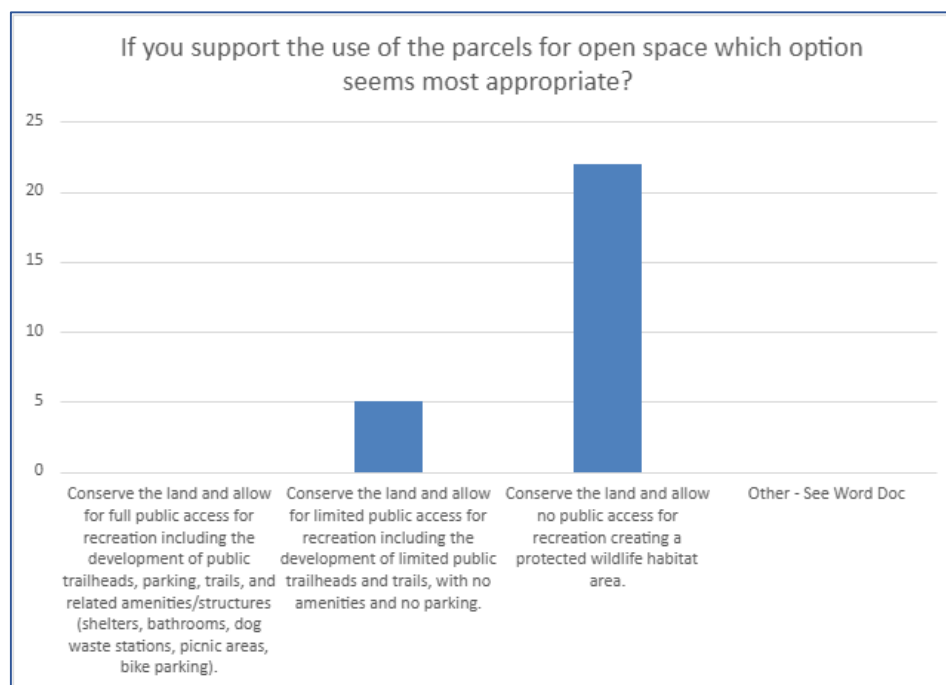
- Approximately 40 people attended the open house on January 29th, 2025.
- Similar to the survey results, the majority (24 individuals, or 75%) of participants at the open house expressed a strong preference for using/selling the Highlands Parcels for open space purposes.



- For those attendees who preferred options that include some amount of real estate development, most (5 individuals) support limited development of clustered homesites, with large areas of open space conservation.



- Another four people provided written comments/ideas that were more specific (Summary of Open House write-in comments attached), including the creation of a tiny home village, or the creation and sale of one or two “estate” lots – larger acreage residential lots – where homesites could be created and the rest of the Parcels would be preserved as open space.
- Of those attendees who supported an open space option, 22 (91%) preferred to see the Parcels conserved/protected for wildlife habitat (no public access for recreation), while another 5 individuals would be amenable to allowing some or limited public access for recreation purposes.



Next Steps:

Staff observes that the results from the 2024 Community Survey and this more recent community engagement effort resulted in an overwhelming preference to see the Highlands Parcels Nos. 1 & 2 preserved in some manner as open space – either as fully protected wildlife habitat, or as open space allowing some amount of recreational access or activities. However, the survey and open house also revealed some support for limited real estate development on the parcels.

Additionally, there have been specific ideas put forth wherein the Town would permit very limited, large estate lot residential uses - perhaps allowing for the creation of one or two large (20+ acre) parcels with small building envelopes and the remainder of the parcels conserved as open space – to achieve a balance between real estate development and land conservation/protection.

Of critical importance to the Town is the use of the Parcels to generate income for the Town's water enterprise fund. Based on the results from the Town's public engagement on this topic, the two preferred general options – conservation/open space primarily for the protection of habitat or allowance for very limited real estate development combined with open space conservation – likely allow for several variations that should be studied further to determine:

1. Feasibility.
2. Potential revenue generation.
3. Sources of funding (i.e., sale to private buyers, sale to public entities, public-private partnerships, or public-private-nonprofit partnerships).
4. Timing and logistics (i.e., additional land use approvals such as zoning, subdivision, surveying and/or land planning; additional stakeholder outreach; investigating partnerships).
5. Impact on staff capacity and budget considerations; need for additional third-party consultants.

Staff request direction from Council on which alternatives to pursue further before proceeding with any additional work. Once staff have direction, the Planning Director will work with the In-House Interim Town Administrator, Jay Brunvand, Town Attorney, and Town Engineer to establish goals for the project, a scope of work, estimated timelines, and a proposed budget for Council's consideration.

Highlands Parcels Open House

January 29, 2025

Written Comments (“Other Ideas”)

The following comments have been translated verbatim from poster boards at the open house held on Wednesday, January 29, 2025, at Town Hall. The headings correlate to the individual poster boards that were positioned around the meeting room. Each board included a section titled “Other Ideas” where open house participants could write their comments on the board or on a sticky note.

Action Alternatives Board (Open Space or Development Question) – “Other Ideas”

- 2023 Eagle County Open Space Committee recommended \$5 million to Town of Vail to preserve 23 acres in East Vail. January 3, 2025, Aspen Valley Land Trust, Eagle Valley Land Trust, and Pitkin County spent \$27 million to conserve 4,000 acres in Missouri Heights.
- A couple large parcels with restricted designated homesites if the open space purchase doesn’t provide enough funds for water plant.
- Single owner “ranch” w/ zoning/use restrictions.
- The Highlands is a major migration corridor; for that reason alone it needs to be protected. No trails.
- Sell to one or two wealthy conservationists with a conservation easement to protect the parcels as wildlife habitat.

Real Estate Development Options Board (Low, Medium, or High Development) – Other Ideas:

- Small (development) – Tiny Home Village
- No real estate here
- Limit to 1-2 homesites/ranches so that most of the parcel is effectively open space and Town gets maximum funding needed to build water plant.
- No development. No trails. No human disturbance. It is a major migration that needs to be protected.

Other Ideas and Concerns Board:

- No development, particularly because of migration. No selling of parcels. Make it be a conservation easement.
- A major migration corridor exists there; for that reason alone no development. No trails. No human contact. Protect that ancient migration corridor.
- Keep for open space only. Keep our wildlife.

- Explore every option to conserve this land for wildlife only. There is nowhere else to go. No recreation! No private ownership.
- I want the land preserved for migration, etc. There was a chance for more funds with Minturn North that wasn't capitalized on and this piece shouldn't be sacrificed to make up for that. Will someone be willing to pay to conserve it?
- Sell land to open space. No recreation in area. Seasonal closures for wildlife.
- Reservoir parcel. Sell parcel next to (Bolts) reservoir to ERWSD for their recreational facilities and stipulate some uses so it's not overblown development.
- Wildlife refuge.
- No more development in areas with high density of wildlife. Find alternative area for funding.
- If the Town needs to raise money let's not look at the expense of the natural landscape. Protect the habitat and wildlife that needs it.
- No development. No parking. No trails. Protect migration corridor there. No parking.



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.

March 5, 2025

- Resolution __ - Series 2025 A Resolution Appointing DDA Board Members – Krieg
- Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply
- Discussion/Direction – 30' River Setback Education, Remediation & Enforcement – Hunn/Rindy
- Discussion / Direction – Taylor St. Paving and Railroad Ave. Safety / Pedestrian Improvements – Spanel (This meeting will include a work session on this topic, prior to the regular meeting)

March 19, 2025

- SS4A Update - Stolfus Engineering
- Resolution __ - Series 2025 A Resolution Appointing Planning Commission Members – Harris
- Eagle County Housing Update & Minturn Local's Housing Policy Discussion - Hunn

April 2, 2025

- Nelson St/Williams Ave Traffic flow, heat exchange project & paving discussion
- Resolution __ - Series 2025 A Resolution Renewing the Xcel Energy Franchise Agreement – Brunvand

April 16, 2025

- Resolution __ - A Resolution Approving the Updated Town of Minturn Employee Handbook – Brunvand

Dates to be Determined:

- Ordinance __ - An Ordinance Adoption of the 2024 Model Traffic Code – Legal/Krieg
- Ordinance __ - An Ordinance to add new Colorado Traffic Violation (Prohibits drivers from holding or handling their phones while driving, including at stoplights). – Legal/Krieg
- Discussion/Direction – Wildlife Migration Corridor/Winter Habitat Area and Approved Windows for Construction – Hunn/Harris