



Official Minutes Town Council Regular Meeting | 5:30 PM

Wednesday, January 21, 2026

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/84704759883>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 847 0475 9883

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 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 Bidez called the meeting to order at 5:30pm.

2. Roll Call and Pledge of Allegiance

Council present: Mayor Earle Bidez, and Town Council Members Eric Gotthelf, Gusty Kanakis, Brian Rodine, Lynn Feiger, Tom Priest, and Kate Schifani.

Staff Members Present: Town Manager Rob Gutierrez, Town Clerk Jay Brunvand, Deputy Clerk Cindy Krieg (Zoom), and Town Attorney Mike Sawyer.

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. 01-07-2026 Minutes
- B. 0112 Miles End Lane - New Single Family Residence
- C. 532 Taylor Street #A - Modification to Existing Unit

Motion by Gusty K., second by Tom P., to approve the consent agenda of January 21, 2026 as presented. Motion passed 7-0.

4. Approval of Regular Agenda

Opportunity for amendment or deletions to the agenda.

Motion by Eric G., second by Gusty K., to approve the regular agenda of January 21, 2026 as presented. Motion passed 7-0.

5. Declaration of Conflicts of Interest

6. Public Comment

Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five 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.

No Public Comment.

7. Council and Committee Reports

Gusty K. attended the recent Minturn Fitness Center board meeting. Brian Rooney is no longer with SSCV. Dan Weiland with SSCV is taking over as the new President of the MFC board.

Lynn F. noted that she heard January was the best month ever for MFC for revenue. Tom P. clarified that December was, but that January is trending that way also.

There was also an election reminder. The Town is still looking for a couple more candidates for Town Council. The deadline to submit nomination petitions is Monday 1/26.

Jay B. also noted that the Minturn Scholarships are currently open. The information is on the Town website, and the deadline to apply is March 2nd, 2026. It was also noted that Kate S., if willing to continue on the scholarship committee, needs to be reappointed. Kate accepted the committee appointment, and all approved.

8. Staff Reports

A. Manager's Report

Town Hall 2-Bedroom Apartment Reconstruction

Status:

All proposals were independently evaluated by three members of Town staff, with Coleman Custom Homes receiving the highest overall score. At the January 7, 2026, Town Council meeting, Council approved initiation of contract negotiations with Coleman Custom Homes for the project. Staff are currently working with Coleman Custom Homes to develop a contract, and an initial coordination meeting was held on January 13, 2026.

Next Steps:

Staff will continue contract negotiations with Coleman Custom Homes and, once terms are finalized, return to Town Council for consideration of contract approval and execution.

Taylor Street Repaving

Status:

Design is complete, and the project is pending a public bid process. Staff are continuing to evaluate potential grant opportunities that could supplement project funding.

US 24 Pedestrian Improvement Project Phase II

Status:

The project has been shut down for the season and construction will resume in the spring.

Next Steps:

Staff are continuing discussions with Xcel Energy and Phoenix Industries regarding the scope, schedule, and cost implications associated with a potential spring 2026 re-mobilization.

Main Street Streetlighting

Background:

Town Council approved the 2026 budget with funding allocated for streetlight replacement and expansion along Main Street.

Status:

Based on initial pricing and technical discussions, staff are pursuing Holophane as the preferred streetlight manufacturer. Proposed fixture and pole concepts have been submitted to the Colorado Department of Transportation (CDOT) for review of compliance with clear zone and roadside safety requirements applicable to Main Street, which is a CDOT-maintained roadway. Concurrently, staff continue to coordinate with Holophane regarding a potential demonstration fixture, subject to CDOT review outcomes.

Next Steps:

Upon completion of CDOT's review and confirmation of an approvable streetlight configuration, staff will return to the community engagement phase to gather public input on fixture appearance and lighting performance. Following community engagement, staff will refine fixture, pole, and base specifications and work with Town Engineer Jeff Spanel to outline the engineering and design process necessary to prepare bid-ready plans for 2026. Staff will also continue exploring potential grant opportunities to supplement the project budget.

Rob G: One of the key issues is breakaway transformer bases. As you know, those beloved orange street lights sit on transformer bases that are very attractive and very expensive. So, we're trying to get a more decorative streetlight that would not be on a transformer base, but would be on something like breakaway pins. And so far, the initial discussions are that they would allow for that.

We're going to work with Jeff to figure out what the preliminary locations would be, so we're just working through that at this point, and then hopefully we can get through that and not have to do transformer bases, that would be great. And then we'll come back to council with more details and next steps.

Earle B. noted that he liked the idea that there could be an interface for low voltage electronics. For instance, if the town decides they want to do be on the Town Wi-Fi, they could put in a Wireless access point, and, you know, wire that in. It would be good to at least get network cabling while they're doing it.

Rob G. agreed that if we are going to trench, we might as well just put conduit for fiber or anything else that may come along, and if somebody wants to put that in, or the town decides to put it in, it's ready to go.

Lynn F. noted that the cul de sac by her is completely dark, and it would be great if some streetlights could be relocated to light some darker areas.

Bellm Bridge Replacement

Status:

Staff are currently working with SEH Inc. on the bridge design. Staff applied to CDOT's Off-System Bridge Grant program on November 7th, 2025.

Next Steps:

Identify additional funding opportunities for the estimated \$6 million dollar construction cost.

Little Beach Park Improvements

Status:

Installation of the new retaining wall and asphalt access road is complete. An RFQ for playground design and installation has been posted. Staff held a pre-bid meeting with potential respondents on Tuesday, January 13, 2026, to review project objectives and answer initial questions.

Next Steps:

Staff will host an optional site visit with potential respondents on Tuesday, January 20, 2026, at 1:00 p.m. at Little Beach Park. To allow additional coordination and questions from respondents, the RFQ timeline has been extended by two weeks. The RFQ will close on February 9, 2026, with final selection anticipated on February 18, 2026.

Other Projects

Highlands Parcels

Background:

As part of a settlement agreement with the former developer of the Battle Mountain Ski Resort, the Town obtained ownership of approximately 55 acres of land located west of U.S. 24 at the south end of town. The property was transferred to the Town after the developer failed to meet financial commitments related to the construction of a new water treatment plant.

On November 19, 2025, the Town Council approved a contract with Slifer Smith & Frampton to list the land for sale. The listing followed a recommendation from a Council-appointed committee tasked with identifying a broker and determining market value for the property.

Status:

Staff will facilitate a discussion with the Town Council and the public about the current status of the property at the January 21st Town Council meeting.

Minturn USFS Shooting Range

Background:

At the November 19, 2025, Town Council meeting, staff were directed to explore options for Town management of the Minturn Shooting Range in order to address long-standing community concerns regarding safety, noise, and environmental impacts. The shooting range is located on federal land south of the Minturn Bike Park.

Status:

Staff met with USFS District Ranger Leanne Veldhuis on January 8th, 2026, to discuss the process for seeking a Special Use Permit with USFS to operate the range. We will wait to hear back on answers to some of our questions.

Policy & Planning Initiatives

Minturn Forward Land Use Code Update

No updates for this report.

Comprehensive Impact Fee Study

Background:

Staff issued a Request for Proposals (RFP) in November 2025 to solicit qualified firms to conduct a comprehensive impact fee study. The purpose of the study is to ensure that the impacts of new developments appropriately contribute to the Town's future infrastructure costs.

Status:

At the January 7, 2026, Town Council meeting, Council approved the selection of BBC/FCS to conduct the comprehensive impact fee study. Staff are currently working with the Town Attorney to negotiate a professional services contract with the firm.

Rural Technical Assistance Program

Background:

The Town was selected to participate in the Rural Technical Assistance Program (RTAP) through the Colorado Office of Economic Development & International Trade (OEDIT). The program pairs Minturn with graduate students from the University of Colorado Boulder and Colorado State University to develop strategies for leveraging outdoor recreation to support the local economy.

Status:

Work is ongoing under the Rural Technical Assistance Program (RTAP). Staff are coordinating with graduate students from the University of Colorado Boulder to plan a community workshop in Minturn on **March 24–25, 2026**.

Housing Affordability and Neighborhood Stability

Staff are coordinating with the Avon–Eagle County Multijurisdictional Housing Authority study team. Additional information and potential discussion items are anticipated for Town Council at a February meeting.

Temporary & Mobile Business Pilot Program

Staff have prepared a proposed resolution for Town Council consideration to establish a one-year pilot program that would allow licensing of modular and mobile businesses on Town-owned property. The purpose of the pilot program is to evaluate the feasibility, operational considerations, and potential economic impacts of such a program prior to considering any permanent code changes.

Public Engagement:

Public comment on the proposed pilot program is being accepted through **February 3, 2026**. Written comments may be submitted to manager@minturn.org and will be provided to Town Council as part of the review process.

Public Works

Weekly Report (Jan 5-12, 2026)

Routine Operations & Winter Readiness

Public Works completed all scheduled operations, including utility locates, daily water

treatment plant operations, trash and dog waste station servicing, and equipment maintenance. Crews plowed streets and shoveled sidewalks throughout the week, applied cinders to address icy conditions, and managed slush during warmer periods followed by additional cindering as temperatures dropped. The department remains prepared to respond to additional snowfall and winter conditions.

Safety & Training

Staff held a weekly safety meeting led by Mike D. focused on fire hydrant safety, including proper operation, inspection, and maintaining emergency access. No safety incidents or injuries were reported during the reporting period.

Street, Sidewalk & Traffic Operations

Crews inspected "Engine Brake – Noise Ordinance" signage along Main Street for CDOT compliance, repaired a broken sidewalk grate on the 200 block, and completed asphalt patching of potholes on Pine Street and Boulder Street. Graffiti was removed from the pedestrian sign near Cemetery Bridge and from a concrete wall at The Bluffs.

Infrastructure, Utilities & Water System Work

Staff responded to multiple Colorado 811 locate requests, including locates at Main Street and Belden Place for upcoming utility work. During a Belden Place locate, damage to a fire hydrant guard valve box and a nearby curb stop was identified and reported to the contractor for corrective action. Staff investigated water meter inconsistencies at Minturn North and coordinated follow-up with the project superintendent and plumber. An open ditch inspection was completed at Minturn North, Lot 2, with documentation finalized.

Facilities, Events & Interagency Coordination

Public Works collected Christmas trees town-wide in preparation for the community tree burning event and coordinated staffing and equipment support with the Fire Department. Staff also supported interagency requests, including assisting the Eagle County Sheriff's Department with troubleshooting a license plate recognition camera and responding to a reported water issue at Steam Master, which was determined to be related to an internal fire suppression system rather than the Town's distribution system.

Equipment & Fleet Maintenance

Routine greasing was performed on loaders and skid steer equipment. Wing cutting edges on the 938-M snowplow were replaced, with additional parts on order. Staff transported the Mack dump truck to procure cinders, cleaned and organized the Public Works shop, reserved spring street sweeping equipment rentals, and ordered a replacement 12,000-pound vehicle lift after the existing lift failed inspection.

Brian R. brought up speeding during school bus pickups. He inquired if the Town had spoken with ECSO regard patrolling during these times, and possibly shadowing the school bus. Earle B. noted that Deputy Valdez does this when he can, but he's not here every day.

Rob G. did note that ECSO is short-staffed, so coverage is somewhat limited. But Deputy Valdez is patrolling when available.

Also, Kevin R. (Code Compliance) is working on data collection regarding speeding stats. Preliminary data will be provided to council once there is more data available.

Tom P. asked about USFS follow-up, specifically whether Leanne V. provided a timeline / deadline for responses due back regarding the shooting range.

Rob G. noted that there was not a specific deadline at this point, but regarding the special use permit it sounded like we could potentially hear something by this summer, but nothing is definitive at this time.

Lynn F. brought up wildfire mitigation. She asked about the recent meeting with Eagle Valley Wildland.

Rob G. noted that Hugh Fairfield-Smith is now back in the office, so hoping they can regroup soon. The meeting that did occur, the focus was on what the Town can do on Town-owned property, and maybe working with some private property owners for mitigation. The key thing would be lining up additional funding and identifying what types of projects we could collaborate on.

Rob G. also spoke with Jeff Schroll from Eagle County regarding possible increased enforcement from ECSO on federal land (specifically the shooting range).

There are concerns about federal government reimbursement if there is an emergency. The County has had challenges with reimbursement from last summer.

ERWSD has also offered to help with education and outreach regarding possible water restrictions.

Lynn F. also pointed out programs that are offered to locals for fire risk / fire mitigation of their properties. There could be more outreach regarding these opportunities.

Earle B. also brought up emergency evacuations and having clear direction from the County regarding what this would look like.

Rob also noted the emergency management training that Town staff will be taking. This will take place in the spring, so soon staff should be more equipped to assist with education and outreach.

Rob G. also noted that we are getting light bars for the Public Works trucks, so that should help both with events such as Halloween, but also in emergency situations if PW needs to assist with evacuations or other emergency response situations.

Earle – CORE Transit participation could be beneficial as well, to help keep excessive cars on the road in an emergency evacuation situation.

9. Special Presentations

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

A. Flavored Tobacco Products Ban Initiative (Eagle County Public Health and Environment)

Chelsea Venerdini Carnoali with Eagle County Public Health and Environment presented. The presentation slides will be included with the final minutes.

In Colorado, we have 40+ Counties and Municipalities with local tobacco retail licenses. So far, 14 Cities and Towns have implemented flavor policies. The Town of Eagle passed new regulation this past August.

Flavored tobacco products have become very popular with youth, and there widespread availability. Eliminating the sale of flavored tobacco is a key strategy in reducing tobacco use and initiation, especially in youth and young adults. (vapes, e-cigarettes, pouches, etc).

Action at the federal level has left several loopholes for the tobacco industry to exploit, including:

- Banning all flavored *cigarettes* except menthols
- Banning most flavors for pod-based vaping devices, but allowing disposable vapes to stay on the market

Lack of action at the state level:

- A bill two years ago that would have banned flavored tobacco failed in the Senate.

These smokeless products, for example Zyn nicotine pouches, are very easy to conceal, and are being widely used in Eagle and Lake Counties. The flavor masks the harshness of the products. The nicotine percentage is quite high, and can lead to intense addiction.

There is misinformation being shared from the tobacco industry, Ms. Venerdini Carnoali shared several examples.

Ms. Venerdini Carnoali brought up the potential economic concerns, and addressed them. There are other municipal examples to compare to. Municipalities that had a significant impact to retailer and tobacco tax revenue were specific to vape-only shops. Minturn has only two tobacco retailers (the liquor store and Shop & Hop), so there is not a lot of data to analyze for Minturn specifically. In comparable municipalities, roughly a 20 – 30% decrease in overall tax revenue has taken place.

Next Steps / Call to Action:

Minturn is being asked to consider a flavored tobacco ban. The public health team offered to support this initiative with education and materials, staff support, and ordinance drafting.

Earle B. inquired about a County-wide ban. Ms. Venerdini Carnoali noted that County-wide bans are legally tricky because of some specific language, but that Pitkin County is considering this, so they could be a good example to learn from.

There was continued discussion regarding the legal differences of County-wide vs. municipal jurisdiction.

Tom P. inquired about the legal language and why this would be difficult at the County level, but not the local level. Ms. Venerdini Carnoali was not able to answer to the legality of that, but she is hopeful that if it passes in Pitkin County that could set precedent. But at this time, Eagle County's legal team felt this was better approached from the local level. This seems to be mostly due to jurisdictional challenges.

Mike S. suggested that if Council wants to consider this, we should look at what Eagle did, and work with County staff on draft documents to be considered. It was agreed that Town Staff will work with County staff to start drafting some preliminary documents for review.

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. Eagle County School District (Maloit Park) Preliminary Subdivision Plat - Request for Continuance

The Eagle County School District, represented by Tom Braun, requested a continuance for the review of the Maloit Park Exemption Tract A Eagle County School District Preliminary Plat Subdivision to the Planning Commission's regular meeting of January 14, 2026. The

continuance was granted. So subsequently the public hearing at the Town Council was continued to January 21, 2026 to be in line with the public hearing at the Planning Commission. The Planning Commission had the first official hearing on January 14th but continued the hearing to February 11th in order to conduct a site visit and to allow the Applicant to respond to some comments made at the meeting. As such, the application has not been forwarded with a recommendation to the Town Council yet and so needs another continuance. Staff is requesting a continuance of the public hearing to February 18, 2026

Lynn F. requested that photographs be included to help show exactly where the development will take place.

Rob G. noted that the planning commission had been directed to visit the site prior to the hearing, individually. Only one of the commissioners did so, therefore a continuance was requested to allow more time to do this.

Motion by Gusty K., second by Kate S., to approve the continuance request for Eagle County School District Preliminary Subdivision Plat, to the February 18th meeting. Motion Passed 7-0.

B. Resolution No. 04 - Series 2026, A Resolution / Letter of Intent to Appoint Bond Counsel

The Town’s Municipal Advisor, Troy Bernberg of Northland Capital Markets, has completed outreach to qualified bond counsel firms to support financing for the Minturn Water Treatment Plant Project. Mr. Bernberg has current or recent working experience with all firms contacted and provided the following fee estimates and observations:

Firm	Estimated Fee	Notes
Butler Snow (Kim Crawford)	\$65,000	First to respond; highest cost
Kutak Rock (Tom Peltz)	\$32,500	Most competitive fee
Taft (Dave Lucas)	\$40,000	Response received later due to holidays

Based on experience and overall value, Mr. Bernberg recommended **Kutak Rock** as bond counsel for the Project, noting the firm’s competitive fee and familiarity with comparable municipal water and infrastructure financings.

Rob G. and Mike S. had a call with Mr. Peltz, which was very productive. Staff recommends moving forward.

Motion by Tom P., second by Gusty K., to approve Resolution No. 04, Series 2026, A Resolution to Appoint Bond Counsel. Motion Passed 7-0.

C. Resolution No. 05 - Series 2026, A Resolution Expressing Formal Appreciation to the Town of Red Cliff for Public Works Staffing Assistance

Motion by Gusty K., second by Kate S., to approve Resolution No. 05, Series 2026, A Resolution Expressing Formal Appreciation to the Town of Red Cliff for Public Works Staffing Assistance. Motion Passed 7-0.

D. Resolution No. 06 - Series 2026, A Resolution Authorizing an Application for a DOLA EIAF Grant for the WTP

The Town is in the advanced stages of design for a new Water Treatment Plant, with design approximately 90 percent complete and regulatory review underway with the Colorado Department of Public Health and Environment (CDPHE). The project is necessary to address long-standing capacity and reliability limitations in the Town’s existing water treatment system and to support continued delivery of safe, reliable drinking water.

The total project cost is currently estimated at approximately \$11 million, with an updated estimate expected in the coming weeks. Staff continue to evaluate multiple financing pathways to deliver the project in a timely and fiscally responsible manner.

EIAF Grant Opportunity

The Energy and Impact Assistance Fund (EIAF) is a competitive state grant program administered by DOLA to support high-priority infrastructure projects that address community needs and mitigate the impacts of growth and development. If awarded, EIAF funding would materially reduce the Town's reliance on debt and help mitigate long-term impacts to water ratepayers.

Approval of the proposed resolution would authorize submission of an EIAF application only. Acceptance of any award, commitment of funds, or final financing decisions would require separate Town Council approval at a later date.

Motion by Lynn F., second by Tom P., to approve Resolution No. 06, Series 2026, A Resolution Authorizing an Application for a DOLA EIAF Grant for the WTP. Motion Passed 7-0.

11. Discussion / Direction Items

A. WTP Funding Discussion - CDS Funds Update

The Town has received approximately \$3 million in congressionally directed spending funds administered by the U.S. Environmental Protection Agency (EPA) in support of the Water Treatment Plant project. To date, EPA has approved reimbursement of engineering-related costs associated with project design. EPA has not approved use of CDS funds for construction-related costs.

As staff continue to evaluate overall financing options for the project, including state grants, State Revolving Fund (SRF) financing, and private financing, clarification regarding the implications of using CDS funds for construction has become necessary.

EPA Clarification

The EPA has advised staff that if the Town were to use CDS funds for construction of the Water Treatment Plant, the project would be treated as a federally funded construction project. This would trigger additional federal requirements, including, but not limited to:

- Federal environmental review requirements;
- EPA review of procurement and bidding documents;
- Build America, Buy America (BABA) domestic content requirements; and
- Davis-Bacon prevailing wage requirements.

These requirements are manageable but would add time, cost, and administrative complexity to the project and would influence procurement methods and construction sequencing.

Why This Matters Now

Whether and how the Town uses the remaining CDS funds has direct implications for:

- The overall project financing strategy;
- Coordination with SRF loan timelines and potential state grant opportunities (including EIAF);
- The ability to maintain a targeted summer construction start; and
- Procurement and contracting approaches.

Clarifying Council's comfort level with potential use of CDS funds for construction will help staff avoid structuring financing, bidding, or grant applications in a way that unintentionally limits future options.

Potential Paths Forward

At a high level, the Town has three general paths with respect to the remaining CDS funds:

1. **Use CDS funds for construction**, acknowledging the associated federal requirements and potential schedule impacts;
2. **Limit CDS funds to non-construction uses**, subject to EPA confirmation of eligible activities; or

3. **Elect not to use the remaining CDS funds**, simplifying project delivery while foregoing that funding source.

Staff are seeking additional clarification from EPA regarding allowable non-construction uses.

Next Steps

No immediate decision is required. Staff will:

- Continue coordination with EPA regarding eligible uses of CDS funds;
- Integrate this information into ongoing financing analysis; and
- Return to Town Council with options and recommendations as part of future project financing discussions.

Rob G. noted that since these funds need to be used for construction (not engineering), another possible use (with approval), could potentially be the replacement of Tank # 2. Gusty K. also noted maybe possibly something for the wells' capacity.

It was reiterated that the Town was pledged \$3M in congressionally directed spending, but has not yet received any of that funding.

The Town also has \$3M cash on hand in the enterprise fund (this is separate from the CDS). Town staff are working with Mr. Bernberg to determine how much of that could / should be used for this project, vs. how much needs to be retained in reserves.

B. Highlands Parcels Continued Discussion

At the March 19, 2025, Town Council meeting, representatives from Eagle County Open Space (ECOS) and Eagle Valley Land Trust (EVLTL) presented information to Council regarding the potential acquisition of the Town-owned Highlands parcels for conservation purposes.

During the presentation, ECOS representatives stated that, based on their experience with conservation acquisitions, their general comfort range for valuing conservation land is approximately \$10,000 to \$15,000 per acre, depending on site-specific factors and conservation values. Applied to the Highlands parcels, which total approximately 55 acres, this range would equate to a potential conservation-based valuation of approximately \$550,000 to \$825,000. As a point of comparison, ECOS referenced the *Three Meadows* project, a recent conservation acquisition of approximately 4,000 acres at an average cost of roughly \$6,800 per acre.

ECOS further explained that the existing appraisal for the Highlands parcels includes a hypothetical residential upzoning assumption. Representatives indicated that if the Town's goal were conservation, a new appraisal would likely be required based on current zoning and conservation use, without reliance on a hypothetical upzoning scenario, which could significantly affect valuation.

In response to a Council question regarding higher-value conservation projects, ECOS referenced a separate conservation project involving approximately 4,200 acres with a total project cost in the \$12 million range, noting that conservation values and funding structures can vary widely depending on circumstances.

During the EVLTL presentation, information was also provided regarding the *Minturn Boneyard Conservation Project*, which involved a total purchase price of \$2,300,000 for approximately 4.39 acres, equating to an implied value of approximately \$524,000 per acre. EVLTL emphasized that per-acre values can vary substantially based on factors such as location, development pressure, conservation attributes, and project structure.

The March 19 discussion was informational in nature and intended to provide Council with context on conservation processes, valuation considerations, and potential pathways. No formal action was taken.

June 4 2025, Town Council Meeting

At the June 4, 2025, meeting, during a presentation by Eagle River Water & Sanitation District regarding the Bolts Lake project, Council discussed potential impacts to the Highlands parcels, including whether proposed infrastructure alignments could affect parcel configuration, conservation values, or marketability. Council emphasized the importance of coordination with Town planning staff given the Town's ongoing evaluation of options for the Highlands. No formal discussion or direction regarding the Highlands parcels was taken at that meeting.

June 18, 2025, Town Council Meeting

At the June 18, 2025, meeting, Town Council discussed the Highlands parcels in the context of the Town's Water Treatment Plant financing strategy. Council emphasized that the timing, configuration, and potential disposition of the Highlands parcels would materially affect available funding options and overall project risk.

Council discussed conceptual options for the parcels, including potential subdivision or partial conservation outcomes, but noted that additional valuation and financial analysis was needed. As part of this discussion, Council directed staff to proceed with soliciting proposals from municipal advisors and scheduled a special meeting for July 8, 2025, to further discuss WTP financing and Highlands parcel next steps.

July 8th, 2025, Town Council Meeting

At the July 8, 2025, meeting, Town Council convened an executive session pursuant to C.R.S. § 24-6-402(4)(e) to discuss valuation considerations and negotiation strategy related to the Highlands parcels. No formal action was taken following the executive session.

During the regular meeting, Council held a discussion and direction item regarding a potential Request for Proposals (RFP) process for the Highlands parcels. Staff outlined an approach that would involve issuing an RFP to identify potential conservation or conservation-style development concepts and engaging brokerage firms to assist with valuation and marketability. Council provided direction to proceed with the RFP process and appointed Council Members Lynn Feiger and Tom Priest to serve on a subcommittee with staff to further evaluate options and return with recommendations.

August 20th, 2025, Town Council Meeting

At the August 20, 2025, meeting, Town Council discussed the Highlands parcels as part of a discussion and direction item titled "Possible Use of a Broker for an Opinion of Value on the Highlands Parcels." The Town Manager provided an update on the status of the property and the Council subcommittee's efforts to engage brokerage firms for valuation and marketability input.

During the discussion, staff noted that evaluating the property was a complex process and that potential sale proceeds should not be viewed as a simple or immediate funding solution. Council discussed the need for additional investigation of options and market considerations. No formal action was taken, and Council provided general direction for staff to continue exploring broker engagement and valuation information.

October 15th, 2025, Town Council Meeting

At the October 15, 2025, meeting, Town Council held an executive session to meet with multiple brokerage firms to receive confidential information regarding potential market considerations and valuation ranges for the Highlands parcels, in the event the Town elected to pursue a sale to a private party. No formal action was taken following the executive session.

November 5th, 2025, Town Council Meeting

At the November 5, 2025, Town Council meeting, Council held a discussion item regarding the Highlands parcels focused on broker selection and related pre-marketing considerations. Representatives from Slifer, Smith & Frampton were present for the discussion.

Council discussed several procedural and substantive issues related to a potential sale of the property, including access road improvements, the need for updated survey and topographic information, corner monumentation, U.S. Forest Service access considerations, zoning status, and general market readiness.

Council members expressed differing views regarding the extent of additional public engagement needed prior to listing the property. Some Council members indicated that

sufficient public input had already occurred and emphasized the importance of moving forward with marketing the property to help fund the Water Treatment Plant. Other Council members expressed interest in conducting additional public outreach or a work session to further discuss potential outcomes for the property and the implications of a sale. The Town Attorney noted that the property is currently within a holding zone and that any rezoning requested by a future purchaser would require a separate public process. It was also discussed that rezoning the property in advance of a sale could limit flexibility and may require future amendment.

Brokers discussed general market considerations, including the importance of establishing clear “guardrails” for potential buyers, the role of access and survey information, and the fact that soil testing and water well testing would typically occur later in the development process once a potential building area is identified.

Following discussion, Council reached consensus direction for staff to proceed with Slifer, Smith & Frampton as the Town’s broker and to continue addressing access, survey, and related technical issues in preparation for listing.

November 19th, 2025, Town Council Meeting

At the November 19, 2025, Town Council meeting, Council considered a staff and Town Attorney memorandum regarding approval of an Exclusive Right-to-Sell Listing Contract for the Highlands parcels with Slifer, Smith & Frampton. The memorandum summarized Council’s prior direction to pursue a public listing of the property and outlined key terms of the proposed listing agreement.

The Town Attorney highlighted several provisions of the contract, including that the agreement established a seller-agency relationship, requiring the broker to act in the Town’s best interests unless expressly converted to a transactional brokerage by Council consent. The proposed listing term was for two years, through October 31, 2027, reflecting the undeveloped nature of the property and the anticipated time required to identify an appropriate buyer.

The contract provided for a total sales commission of 6% of the gross purchase price, with 2.75% allocated to a buyer’s broker. A reduced commission of 2% was proposed in the event of a sale to Eagle County, Colorado Parks and Wildlife, or Eagle Valley Land Trust, recognizing the Town’s prior discussions with those entities regarding potential conservation acquisition. The memorandum also identified several recommended conditions to be included in the listing agreement and resolution, including:

- Recording of a covenant at closing restricting fencing to limited residential and access-related areas and requiring wildlife-friendly fencing standards and dog control measures enforceable by the Town; and
- Execution of an access and utilities easement across Parcel 2 for the benefit of Parcel 1.

Council also discussed that the listing price for the property would be established by Council and confirmed as part of the approval process.

Following discussion, Town Council approved Resolution No. 48-2025, authorizing execution of the listing agreement with Slifer, Smith & Frampton subject to the conditions outlined above.

December 3rd, 2025, Town Council Meeting

At the December 3, 2025, Town Council meeting, Council continued discussion related to the Highlands parcels following approval of the listing agreement at the November 19 meeting.

The Town Manager reported that a Minturn resident had raised concerns regarding an existing foot trail that crosses the extreme western corner of one of the Highlands parcels and provides access to adjacent U.S. Forest Service land. In response to this concern, the Town Attorney reviewed the issue and modified the listing agreement to include a provision requiring that, at closing, the Town retain or reserve an easement to preserve public trail access across the affected portion of the property.

The Town Attorney advised Council that this approach was preferable to attempting to retain a small remnant parcel, as the Town would lack legal access to such a parcel due to

surrounding U.S. Forest Service ownership. Council discussed this clarification and did not provide additional direction to modify the approach.

The Town Attorney also noted that, consistent with the prior resolution, the listing agreement could be executed once final language was approved by legal counsel. Council was informed that staff would work with the broker team to assemble a due diligence information file for prospective buyers and that physical access for property showings would be limited during winter conditions, with access coordinated as needed.

Council did not take additional action but acknowledged the updates and confirmed the approach outlined by staff and legal counsel.

December 17th, 2025, Town Council Meeting

Although the Highlands parcels were not a standalone agenda item, Council members discussed the Town's recent decision to list the Highlands parcels during Council and Committee Reports and the extent of public engagement conducted to date. Council members expressed differing views regarding whether additional public outreach should occur prior to receiving offers.

The Mayor and Town Attorney reiterated that any future development of the property would require rezoning and multiple public hearings, and that the Town's approach to listing the property without pre-zoning was intended to preserve flexibility and value. Council discussed the possibility of future agenda items to update and educate the public once additional information, including offers and financing impacts, becomes available.

Summary of Review of Meeting Minutes Related to Public Comment

As part of preparing this discussion item, staff conducted a review of Town Council meeting minutes from April 2025 through December 2025 to identify references to public comment or testimony related to the Highlands parcels. This review was undertaken by staff to provide general context for discussion and was not intended to be a comprehensive or formal audit of the record.

Based on this review, public comment specifically related to the Highlands parcels appears to have been limited and infrequent. The primary public comment identified occurred at the December 3, 2025, Town Council meeting, where a resident raised concerns regarding an informal trail crossing a portion of the property and access to adjacent U.S. Forest Service land. That comment resulted in follow-up legal review and revisions to the listing agreement to preserve public access. Aside from that instance, staff did not identify recurring public comment related to the Highlands parcels in the meeting record prior to or following the decision to list the property.

While it is possible that minor references or informal comments may not be fully reflected in the meeting minutes, staff's review did not reveal a pattern of public testimony raising concerns regarding transparency or process related to the Highlands parcels prior to the listing of the property.

Process to Date and Clarification of Council Actions

The Town's consideration of the Highlands parcels has unfolded over time, beginning with Council discussions focused on gathering information, understanding valuation context, and identifying possible process options, and later shifting to discussion about whether and how the property should be marketed. During this period, Council consideration has taken place through publicly noticed meetings, discussion and direction items, and executive sessions permitted under Colorado law.

It is helpful to be clear about the difference between Council discussion and direction, and formal policy or land use decisions. To date, Council actions related to the Highlands parcels have primarily involved procedural steps, including exploring valuation assumptions, engaging professional advisors, and authorizing the public marketing of the property. Council has not taken action to approve the sale of the property, select a buyer, rezone the property, approve a subdivision, or approve any development proposal. Certain discussions related to the Highlands parcels have occurred in executive session, consistent with Colorado law, for the purpose of receiving confidential information related to property valuation, negotiation strategy, and market considerations. Executive sessions were used to protect the Town's financial interests and did not result in final decisions regarding the future use, disposition, or development of the property.

Any future decisions regarding the Highlands parcels, such as acceptance of an offer, changes to zoning, subdivision of the property, or approval of development, would require additional public process, including public hearings before the Planning Commission and multiple public hearings before Town Council.

The purpose of this discussion item is to clarify the process to date and to invite Council discussion about whether additional public engagement, process clarification, or information sharing would be helpful going forward.

Public Comment:

Terry Armistead, 1632 Main St.

Ms. Armistead commented that she felt the public should be re-engaged, and there should be more discussion with residents prior to selling the parcels.

Rob G. noted that the listing of the parcel doesn't tie Council to any specific action at all. It is a step forward to see what the private market thinks. Other options are still on the table, and local conservation groups were engaged throughout this process, including Eagle Valley Land Trust, Eagle County Open Space, CPW, and others.

Having options to come back to Council and the public with, can be much more informative and allow for a more informed decision in the end.

Tom P. reiterated that there is not enough information yet. Once we have interest or offers, then all of that would go through the public process (zoning, use, the sale, etc). Nothing is definite at this point.

Lynn Teach, 253 Pine St.

Inquired whether the Town had heard back from CPW, Eagle Valley Land Trust, Eagle County Open Space, or other conservation groups.

Rob G. clarified that he met with those organizations over the summer. It's difficult because the Town does not know what a fair ask would be for conservation, compared to what a private buyer might offer. So the Town would be looking for these organizations to come forward with what they are willing to offer. And all offers would need to go through the public process. This door is still open, and Town staff have expressed that the Town is willing to continue having that conversation. Council could provide direction on a dollar amount that they would be willing to accept for a conservation purchase.

Mike S. expressed that these organizations are aware that the Town is open to negotiations for some type of conservation easement, and that they would need to come to the Town with an offer. The Town can't elaborate on what type of offer would make sense for them. Mike specifically also spoke with CPW, and was told that CPW would be circling back with ECOS. The Town has not heard back from them.

Tom P. noted that the residents need to understand the financial impact in order to provide public input. They need to have all the facts, and know all the options. Which will happen through the required public process when any offers are received. It's too preliminary right now. The public will have ample opportunity to provide public input when we have all the facts and all the information to consider.

Lynn F. brought up offer deadlines and how would that be handled, with consideration to public hearing / public input. She mentioned that offers typically have a short turnaround / deadline.

Kate S. noted that because this is a Town property sale, there are conditions. This would be an extended closing period, not typical like a standard residential purchase. It would be more like a 6 months closing.

Mike S. reiterated the process.

The Town signed a listing agreement (with 2 restrictive conditions), which is valid for one year. The way the contract will be drafted, is that the buyer will want / need a period of time to do due diligence. They will also need time to get zoning on the property and so a site plan review. Those are public processes. The Town will approve the contract, which will likely give the buyer at least six months, and then the Town would go through the land use public process to evaluate it based on the standards in the Town code. The property has no current uses by right. There would be pre-application meetings, zoning process, it will need to go through P&Z and council, there will be several public meetings / public hearings, and additional steps (such as a charette, survey, etc) could also be implemented.

The listing initiates marketing the property, but this does not rule out a conservation sale. There is a long process though still ahead.

12. Future Agenda Items

A. Future Meeting Topics

The golf cart discussion has been on the long-range list for awhile. This will be added to a February or March agenda.

13. Adjourn

Motion by Tom P., second by Kate S., to adjourn the meeting at 6:53pm.



Earle Bidez, Mayor

ATTEST:



Jay Brunvand, Town Clerk



Strengthening Tobacco Retail Licensing to Further Protect the Minturn Community

CHELSEA VENERDINI
CARNOALI, MPA

PARTNERSHIPS STRATEGIST

MANDY MILLER, MPH

POLICY AND PARTNERSHIPS
MANAGER



Tobacco Retail Licensing in Colorado

Counties, Cities and Towns with local Tobacco Retail Licenses (TRL) = 40 and counting

Cities and Towns with Flavor Policies = 14+

→ Town of Eagle passage- August 26th, 2025



Goals of Flavor Policies

Eliminating the sale of flavored tobacco is a key strategy in reducing tobacco use and initiation.

- **Prevent youth from ever starting**
 - Make tobacco products less attractive to youth.
 - Make it harder to access flavored tobacco products.
- **Help those who want to quit**
 - Eliminating flavored tobacco will help people who currently use tobacco quit.



FLAVORS

“

Cherry Skoal is for somebody who likes the taste of candy, if you know what I'm saying.

- Former UST sales representative

”

It's a well-known fact that teenagers like sweet products. Honey might be considered.

- September 1972 memo to Brown & Williamson

What the Tobacco Industry Says

“

Make a cigarette which is obviously youth oriented. This could involve cigarette name, blend, flavor and marketing technique...for example, a flavor which would be candy-like but give the satisfaction of a cigarette.

– R.J. Reynolds Memo, 1974

”

We don't smoke that s_ _ _ . We just sell it. We reserve the right to smoke for the young, the poor, the black and the stupid.

- R.J. Reynolds executive when asked why he didn't smoke

New Products – Same Industry



=



or



average daily Zyn use of 8-12 pouches is the amount of nicotine equal to:

- approximately 3 **packs** of cigarettes
- 1 ½ e-cigarette pods of 2% vape juice

Flavored Tobacco & Youth Use

- Flavors mask the harshness of tobacco, making it **easier to get addicted** and **harder to quit**.
- **81%** of youth who have ever used tobacco products **started with a flavored product**.
- **93.2%** of youth (ages 12-17) who have ever used e-cigarettes reported their **first product was flavored**.



Local Youth Tobacco Use

- **27%** of high school youth buy tobacco products from brick-and-mortar stores
- **23%** of high school youth who smoke cigarettes smoke menthol cigarettes
- **Across the state, 83% of those who tried to buy tobacco or vaping products in a store were successful.**



The Need for Local Action

- Action at the federal level has left **several loopholes** for the tobacco industry to exploit, including:
 - Banning all flavored *cigarettes* except menthols
 - Banning most flavors for pod-based vaping devices, but allowing disposable vapes to stay on the market
- Lack of action at the state level:
 - A bill two years ago that would have banned flavored tobacco failed in the Senate.

“

*“As a general philosophy, the **governor prefers local control** because our local governments are closest to the people they represent and can weigh the pros and cons and determine how to best address these kinds of issues in their area,”*

- Spokesperson for Governor Jared Polis on opposition of statewide flavor policy

”

Prohibit Sale of Flavored Nicotine Products

Colorado municipalities have already passed flavored tobacco policies:

Glenwood Springs, Aspen, Carbondale, Edgewater, Snowmass Village, Golden, Denver, Dillon, Silverthorne, Breckenridge, Boulder, Denver, Frisco, Keystone, and Eagle.

Comprehensive policy includes all:

Products, flavors, hours of operation, and locations



Tobacco Industry Tactics

Deception #1: Harm Reduction and Public Health Alignment

- **The new tobacco industry paradigm:** *“We are tobacco and harm reduction companies leading a public health movement”*
- These are “FDA authorized cessation products” and “evidence based”
- Their "smoke-free" products offer a safer solution for nicotine use--> oral nicotine pouches, heat not burn products

Tobacco Industry Tactics



Deception #1: Harm Reduction and Public Health Alignment

- This is a simple rebranding- the tobacco industry has an extensive history in making misleading health claims
 - “U.S District Judge Gladys Kessler found that **U.S tobacco companies had violated civil racketeering laws (RICO)** when they engaged in a decades long conspiracy to deceive the American public about the negative health impacts of smoking. “
- “FDA authorization” is bare minimum for production, & does not equal FDA APPROVED

Tobacco Industry Tactics

Deception #2: Economic Loss & Funding Impact

- Banning the sale of flavored tobacco products will shutter current tobacco retailers
- The lost revenue of selling flavored tobacco products will diminish the municipality's tobacco tax revenue, which fund valuable projects within the town

Tobacco Industry Tactics



Deception #2: Economic Loss & Funding Impact

- Many factors, including type of business & how much of their retail sales rely on flavored tobacco products
 - only small businesses being 'closed down' are smoke and vape specific shops
 - Minturn has *one* retailer- Shop & Hop
- In comparable municipalities, roughly a 20-30% decrease in over-all tax revenue has taken place
- The long-term healthcare costs associated with tobacco use far outweigh the dip in tax revenue

Recent Industry Activity at Home



PMI US CORPORATE SERVICES

1399 NEW YORK AVENUE, NW, SUITE 400, WASHINGTON, DC 20005 TELEPHONE (202) 495-2661

MEMORANDUM

Date: August 21, 2025
To: Mayor and Members of the Town Council, Town of Eagle
From: PMI, Amanda Wheeler, Director of External Affairs & Head of Southwest Region
Re: Request for Work Session on Proposed Flavor Ban on Nicotine Products,
Submission of Presentation for Aug 26 Council Meeting; Request for Packet
Inclusion and Work Session



Dear Mayor and Councilmembers,

On behalf of the retailers and distributors represented by CWPMA in Eagle, I am writing to respectfully express concerns regarding the proposed ordinance to enact a broad flavor ban. While we recognize and share your commitment to protecting youth from accessing age-restricted products, we believe the current approach will carry significant unintended consequences for local businesses and does not reflect the full range of policy options available to the Town.

Additional Strengthening Strategies

- Update and add new definitions
- Prohibit Nicotine Product Discounts
- Expand the distance of tobacco retailers from youth-serving facilities
- Cap the number of tobacco retailers
-



Update and Add New Definitions

New provisions require additional definitions

Must pivot with the tobacco industry

Flavored Tobacco Product means:

1. any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice;
2. a cooling or numbing sensation distinguishable by an ordinary consumer either prior to during the consumption of such tobacco product;
3. a public statement or claim, whether express or implied, made or disseminated by the manufacturer or retailer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco or a cooling or numbing sensation will constitute presumptive evidence that the product is a flavored product. Presumptive evidence may include but is not limited to the use of terms such as, “cool,” “chill,” “ice,” “fresh,” “artic”, or “frost” to describe the product.



Prohibit Nicotine Price Discounting

Youth are very price sensitive.

Deals are hard to resist for those trying to stay quit.

Price discounts are among the largest of the tobacco industry's marketing expenditures.

Examples:

Coupons

Buy one, get one

Multi-pack deals



Further Limits on Tobacco Retailer Density

Expand the distance of tobacco retailers from youth-serving facilities

Include marijuana retailers

Cap the number of tobacco retailers



Prohibit Nicotine Sales in Pharmacies

Target stopped selling tobacco products in 1996.

CVS went tobacco free in 2014.

Walgreens was named by the FDA in 2019 as being the #1 violator when it came to selling to underage buyers.

Supermarket pharmacies now account for more than 12% of retail pharmacy prescriptions.

Nearly 200 US cities and Massachusetts now have laws requiring pharmacies to be tobacco-free.

Summary – Next Steps

Call to Action: consider updating the existing Town of Minturn tobacco retail license to include a comprehensive flavor ban and other provisions

(proximity restrictions, retail license approval capping, discount and marketing material restrictions, definition updates)

for questions or comments, please contact Chelsea Venerdini Carnoali
CHELSEA.CARNOALI@EAGLECOUNTY.US

