



**MINUTES**  
**Meeting of the Board of Trustees**  
**Town of Red Cliff Chambers, 400 Pine Street, Red Cliff**  
**TUESDAY, OCTOBER 1, 2024**

**CALL TO ORDER at 7:12pm**

**ROLL CALL**

Mayor Duke Gerber	Mayor Pro-Tem Art Fox	Trustee Garrett Alexander
Trustee Ondrej Mertlik	Deputy Clerk Chris Brown	Trustee Ben Kleimer
Trustee Bob Oppenheimer	OPEN SEAT	Administrator/Clerk Melissa Matthews
Planner Scot Hunn	Accountant Linda Overcash	

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** - *Items to be added or pulled from the agenda*

Motion by Garrett Alexander to approve the agenda, seconded by Art Fox, unanimously approved.

**APPROVAL OF MINUTES**

1. September 17, 2024

Motion by Duke Gerber to approve the minutes, seconded by Art Fox, unanimously approved.

**PUBLIC COMMENTS** - *For items not on the agenda, please keep comments to five minutes or less.*

None.

**BUDGET PRESENTATION**

Initial presentation of the Town of Red Cliff 2025 Budget by Linda Overcash.

**DISCUSSION AND ACTION ITEMS**

1. 178 Water St - Remodel of Garage

Planner Scot Hunn reviewed plans submitted by Justin and Stacy Carter to renovate the building at 178 Water Street. The Carters aim to relocate their business, Brand On, from Minturn to this site, where they plan to establish a headquarters that includes production, retail, and employee housing.

The proposal includes:

- A. Reconfiguring the first floor for office, showroom, and production space.
- B. Converting the second floor into one employee housing unit.
- C. Renovating the exterior with new doors, windows, and a wrap-around covered porch.

Staff recommends approval with conditions, noting that the Mixed Use/Town Center (MU/TC) Zone permits the proposed uses. However, the accessory apartment requires a special use permit due to the Town Code's stipulations. Key conditions for approval include obtaining the special use review for the apartment before building permits are issued and providing final lighting details to ensure compliance with dark sky regulations.

The Applicant, Justin Carter, presented his project and explained aspects of the business he is moving to Red Cliff.

Public input was opened: No public input

Additional discussion included storage existing and new, as mixed use town center does not allow for storage screened or unscreened as a use by right or a special review use. Including no contractor storage or long term vehicle storage.

After closing the public hearing, discussion by the Board included this is exactly what the mixed use was intended for and asked about signage for the business.

Motion by Garrett Alexander to approve the application with the conditions that he obtains a SRU and provides final lighting details, the interior and exterior remodel proposal at 178 Water St because the proposal complies with the requirements of Chapter 16 Red Cliff Town Code, seconded by Duke Gerber, unanimously approved.

## 2. Code Updates - Direction to staff based on the outcome of the Joint Work Session

During the Joint Work Session this evening, staff summarized previously discussed proposed initial zoning code updates to align with the future comprehensive plan. Key areas for consideration include revising allowable uses in the downtown district, determining the extent of mixed-use zoning on Eagle Street, reviewing parking requirements for residential and commercial developments, and clarifying building height regulations by specifying maximum heights. Discussion by the Board included stating a baseline of what designates "Building Height". The Board directed staff to review building height in the code and to continue working on parking code as well as potential changes to zoning.

## 3. Unita Railway Request

The U.S. Supreme Court is reviewing a case involving the Uinta Basin Railway, which would transport crude oil through Colorado. The key issue is whether NEPA requires agencies to consider environmental impacts beyond their direct control. Red Cliff joined other Colorado local governments in supporting concerns about oil spills and wildfire risks from increased oil train traffic. Glenwood Springs has hired a law firm to submit a brief to the Supreme Court, highlighting the importance of NEPA's indirect impact analysis and including examples like Red Cliff's involvement in the Whitney Reservoir project.

Motion by Duke Gerber to join the amicus brief, seconded by Garrett Alexander, unanimously approved.

## 4. Discussion on limits for staying in an RV on private property in Town limits

Staff presented considerations for a future ordinance to regulate RV occupancy on private property, recommending a 14-day limit within a 6-month period, with exceptions for properties with active building permits. The ordinance aims to address the growing number of inquiries regarding extended RV stays while maintaining the town's residential character. The board's feedback is sought on the proposed duration limits, permit exceptions, and any additional concerns such as parking, noise, and safety regulations. Discussion included if we would want that coming with the nuisances on the neighboring properties and sanitation concerns with waste. It was also noted that this isn't much different than short term rentals which we do not allow. The Board noted that people should have the opportunity to do what they will on their property on a short term basis. The Board directed staff to look further into other similar small towns with small space. Staff will present the board with examples of what other similar town code is regarding camping in town/city limits.

## 5. Donations to give

The town budgeted \$2,000 for donations and has already given \$275 to the Eagle County Historical Society. There is \$1,725 left, with possible donations to the Community Market (typically \$1,000 each year) and SpeakUp ReachOut. After discussion, the Board directed staff to give the Community Market \$1,000 and revisit later in the year to see where to donate the other \$725.

## 6. Memorandum of Understanding - MOU Renewal for 2025 Access for Sales Tax

We must update the MOU for accessing sales tax information from the State. This must be renewed each year, and Melissa Matthews will be the staff member to receive confidential information from this source.

Motion by Ondrej Mertlk to approve the MOU with the Colorado Department of Revenue appointing Melissa Matthews to receive the confidential information, seconded by Garrett Alexander, unanimously approved.

## **ORDINANCES & RESOLUTIONS**

### **RESOLUTION 7, SERIES 2024**

#### **A RESOLUTION IN SUPPORT OF THE PASSAGE OF EAGLE RIVER FIRE PROTECTION DISTRICT BALLOT ISSUE 6A**

Mitigation update, Karl Bauer went over the progress of the fire mitigation taking place around Town. So far they have completed about 60 acres of mitigation around the town and are currently waiting for a mechanical repair to complete about 48 additional acres. There is still another 10 acres of hand crew treatment, and it is expected to be completed before winter.

Karl Bauer, Fire Chief for the Eagle River Fire Protection District was present to explain that the Fire District had placed on the November ballot a sales tax question, known as Measure 6A. If approved by voters, Measure 6A will authorize up to 0.79% in sales tax to fund emergency services, which would help maintain staffing and equipment levels while allowing visitors to contribute.

With current funding being outpaced by rising service calls and inflation, the District risks diminishing services without new revenue. The proposed sales tax could generate approximately \$6.8 million annually, dedicated to maintaining fire equipment, ensuring adequate staffing, and improving fire stations. The District is asking the Board to approve a resolution of support for this sales tax proposal to ensure the District's financial stability and emergency response capability.

Motion by Duke Gerber to approve Resolution 7, Series 2024, seconded by Art fox, unanimously approved.

## **STAFF/TRUSTEE UPDATES**

Administrator/Clerk, Melissa Matthews:

- Trash service in Red Cliff is continuing to increase in cost and is cost-prohibitive for many residents. We have reached out to Toss Box again about providing their services here and have also brought in an IT company to help with the main barrier which is lack of a cellular signal. TossBox is \$8.25 for up to 4 kitchen-sized trash bags. The current service offered here is typically over \$80/month. This could be a significant savings for many residents. The challenge: getting the cellular signal could cost around \$3,000 plus \$50/month. If the Board is interested in this investment, staff will continue to do due-diligence. The Board directed staff to table this discussion for now, as their concern is a lack of participation by residents.
- Red Cliff Town Hall is now listed on the State Register of Historic Places. The History Colorado Board met on Wednesday, 9/25/2024, and approved the nomination.
- The Red Cliff Town Hall nomination for Colorado Preservation Inc.'s Most Endangered Places program was presented last week and made it to the next round.
- We will be having a stakeholder meeting to discuss our efforts to preserve the Old Town Hall on Friday, October 4 at 10-11:30am. This will be virtual and we would love for anyone interested to attend.
- The Town of Red Cliff has been asked to provide a letter of support for the Eagle Valley Wildland Team's application to the Forest Restoration and Wildfire Risk Mitigation program as they apply for 2025 grant funding. Motion by Duke Gerber to approve the draft letter of support, seconded by Art

Fox, unanimously approved.

- We are working with CDOT to get the Streetscape Project a designated STIP (State Transportation Improvement Plan) number and then on our region's 10-year transportation plan. This should make us more eligible for federal funding. We are also continuing to work on finding help with grant writing, possibly collaborating with other small towns to share a grant writer.
- Regarding the Green Bridge fencing project, we met again with CDOT and the County. CDOT will very likely be installing a maintenance fence. This is typical with bridges that cross over a rail road. There is a likelihood that this will also serve as a barrier to pedestrians going onto the bridge for the purposes of taking photos, dumping trash, and attempt to die by suicide. It will also significantly help our maintenance crew with snow clean up on Water Street under the Bridge.
- Staff met with the County and CDOT regarding the drainage on the south end of the Green Bridge. Their engineers came up with a solution that will hopefully prevent drainage from the Bridge further deteriorating the cliff that is directly over Water Street and our Waste Water Treatment Plant. This will be watched and documented and reassessed in two years.
- Staff met with the County regarding the rock wall at the entrance to Town on High Road. They will not put a top plate or do repairs to the existing wall. If they were to do anything, it would likely be to replace it with jersey barriers. This conversation was tabled and staff will continue to monitor the conditions of the wall.
- Staff will be presenting the manager's contract and the planner's contract as well as possibly the attorney's contract towards the end of the year.
- I will not be present at the next meeting (10/15/2024), so we will keep that agenda very light. The second reading of the budget will be on 11/5/2024.

**BILL PAY**

1. General Account

Apex Waste	5086 · Trash Collection	\$ (162.62)
Empower Retirement Plans	Payroll Liabilities:Retirement Plans - PPE 09/15/2024	\$ (1,448.39)
FirstBank	5181 · Bank Service Charges	\$ (14.00)
Home Depot	5100 · Building/Grounds	\$ (63.70)
Hotels	5043 · Education/Training - DC1 Challenge	\$ (182.98)
IRS/US Treasury	Payroll Liabilities - Federal Wage Withholding	\$ (2,328.42)
Mitchell & Company, LLC	5046 · Computer & Internet	\$ (87.50)
Safeway	5055 · Town Events- Meeting snacks	\$ (20.56)
Vero Broadband	5046 · Computer & Internet	\$ (140.00)
Xcel Energy x7086-0	5083 · Gen Ops: Xcel Town Hall	\$ (439.15)
Duke Gerber	5062 · Board Member	\$ (250.00)
Art Fox	5062 · Board Member	\$ (150.00)
Ben Kleimer	5062 · Board Member	\$ (150.00)
Garrett Alexander	5062 · Board Member	\$ (150.00)
Ondrej Mertlik	5062 · Board Member	\$ (150.00)
Robert Oppenheimer	5062 · Board Member	\$ (150.00)
Beyer, David	Payroll	\$ (1,096.63)
Brown, Chris	Payroll	\$ (1,367.13)
Brown, Chris	Reimbursement - Health Insurance	\$ (412.00)

Finamore, Kristina	Payroll	\$ (114.86)
Sandoval, Lorenzo	Payroll	\$ (1,250.56)
Matthews, Melissa	Payroll	\$ (2,171.13)
Matthews, Melissa	Reimbursement - Health Insurance	\$ (412.00)
Gallegos, Nick	Payroll	\$ (1,310.04)
Martinez, William	Payroll	\$ (1,320.08)
Martinez, William	Reimbursement - Health Insurance	\$ (412.00)
Vayan, Katelyn	Payroll	\$ (3.91)

Motion by Duke Gerber to approve the General Account bill pay, seconded by Art Fox, unanimously approved.

2. Enterprise Account

Altitude Septic	5032 · Repairs, Testing & Maintenance	\$ (11,884.00)
American Conservation & Billing Solutions	5028 · Meter Reads/Billing	\$ (759.25)
CenturyLink	5033 · Wastewater Ops - Utilities	\$ (68.40)

Motion by Garrett Alexander to approve the Enterprise Account bill pay, seconded by Duke Gerber, unanimously approved.

3. Community Fund Account

Bookworm	5051 · Marketing & Town Events- Birthday Books	\$(71.34)
FirstBank	5181 · Bank Service Charges	\$ (2.00)

Motion by Duke Gerber to approve the Community Fund Account bill pay, seconded by Art Fox, unanimously approved.

**ADJOURNMENT**

Motion by Art Fox to adjourn, seconded by Duke Gerber, unanimously approved at 10:30pm.