



Wednesday January 5, 2022 – 5:30PM

AGENDA

**Town Council Meeting
Minturn 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 a Zoom Meeting ONLY. Zoom Link: <https://us02web.zoom.us/j/85624249175>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 856 2424 9175**

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.

CALL TO ORDER

The Minturn Town Council will open the Regular Meeting at 5:30 for the purpose of convening into Executive Session. The Regular Meeting will convene in public AFTER the Executive Session.

ROLL CALL & PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

1. Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain – Winokur/Sawyer

APPROVAL OF AGENDA *Opportunity for amendment or deletions to the agenda.*

DECLARATION OF CONFLICTS OF INTEREST

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.*

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.*

1. December 15, 2021 Meeting Minutes Pg 3
2. Resolution 01 – Series 2022 A Resolution setting the official posting sites for the Town of Minturn Pg 13
3. Resolution 03 – Series 2022 a Resolution approving the fleet maintenance contract with the Town of Avon. Pg 15

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 COMMENTS & COMMITTEE REPORTS

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

1. Ordinance 21 – Series 2021 (First Reading) an Ordinance amending the moratorium on DRB applications. – Sawyer Pg 22
2. Ordinance 01 – Series 2022 (First Reading) an Ordinance regulating livestock within the Town of Minturn – Hunn Pg 33
3. Resolution 02 – Series 2022 a Resolution declaring a local disaster emergency relating to the COVID-19 pandemic – Metteer Pg 41

DISCUSSION / DIRECTION ITEMS

STAFF REPORTS

1. Town Manager Update

FUTURE AGENDA ITEMS Pg 44

ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- January 19, 2022
- February 2, 2022
- February 16, 2022
- March 2, 2022



Wednesday December 15, 2021 – 5:30PM

OFFICIAL MINUTES

**Town Council
Minturn 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/85066577770>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 850 6657 7770**

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.

CALL TO ORDER

The meeting was called to order by Mayor Earle Bidez at 5:30pm using a hybrid in-person and ZOOM on-line meeting format.

ROLL CALL & PLEDGE OF ALLEGIANCE

Those present include: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead (via Zoom), and Town Council members George Brodin, Lynn Feiger, Eric Gotthelf, Gusty Kanakis, and Tom Sullivan.

Staff present: Town Manager Michelle Metteer, Town Attorneys Michael Sawyer (via Zoom), Jim Mann of UMB Consulting (via Zoom), Ryan Gordan of SGM Engineering (via Zoom) and Town Treasurer/Town Clerk Jay Brunvand.

EXECUTIVE SESSION

1. Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain, Water Court application – Winokur/Sawyer

Motion by Gusty K., second by George B., to convene in Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain, Water Court application. Motion passed 7-0.

Those included in the Executive Session included the Council present (Terry A. via Zoom), Town Manager Michelle M., and Town Attorney’s Michael Sawyer, Meghan Winokur (via Zoom),, and Geoff Anderson (via Zoom).

No direction was given as a result of the Executive Session:

APPROVAL OF AGENDA *Opportunity for amendment or deletions to the agenda.*

Motion by Eric G., second by George B., to approve the agenda of December 15, 2021 as presented. Motion passed 7-0.

DECLARATION OF CONFLICTS OF INTEREST

Tom S. noted he has a conflict with Ordinance 21 – 2021 and will recuse himself from that portion of the meeting.

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.*

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.*

1. December 1, 2021 Meeting Minutes
2. Liquor License – Permit Application and Report of Changes for The Mexican Bar and Grill 160 Rail Road Ave, Juan Flores Owner/Manager – Brunvand
3. Resolution 46 – Series 2021 A Resolution approving the annual contract for sewer service with Eagle River Water and Sanitation District
4. Authorization regarding DOLA Challenge Planning Grant
5. Accept proposed Scope of Work for a Design Guidelines Booklet approved within the Minturn Community Plan

Motion by George B., second by Tom S., to approve the Consent Agenda of December 15, 2021 as presented. Motion passed 7-0.

LIQUOR LICENSE:

1. Temporary Permit for The Minturn Saloon 146 N. Main St, Constance Mazza
Owner/Manager – Brunvand

Jay B. presented that staff is requesting Council to review and approve the attached Temporary Liquor License for The Minturn Saloon LLC., 146 N. Main St, Constance Mazza Owner/Manager.

FM Saloon, Inc is selling both the building and the business and the new owners have filed for a Temporary Permit to allow them to continue operations while their permanent Hotel and Restaurant liquor license is reviewed. I have reviewed the application and have received the necessary finger print report from CBI and have no concerns with this request.

A Temporary Permit is valid for up to 120days, it may be extended an additional 40days if good reason, and allows the establishment to remain open and operating while the applicant pursues the permanent Hotel and Restaurant license. At this point I have received most of the documents for the permanent license however the sale has not closed between the current owners and the applicant. The closing is scheduled for 12/17/21, in the event the transaction fails, the original license will automatically transfer back to the current owners and the Temporary will not be issued. Neither a Temporary Permit nor a Transfer of License requires a public hearing. A Transfer of Ownership is a process which allows the sale of a liquor establishment and review of all required supporting documentation. This process, although does not require a public hearing or a review of the needs of the neighborhood, does require submittal of many of the same documents and the process can take several months from start to finish.

It was noted by Jay B. that the real estate will be owned by a consortium of five each owning 20% who will lease to Ms. Mazza's LLC. Ms. Mazza will own 55% as the managing partner and each of the real estate consortium will hold a 9% interest in the restaurant.

Ms. Connie Mazza, applicant, was available for questions. She stated she owns Village Bagel and holds a liquor license for that business as well. She outlined some of her ideas for upgrades to the menus and service which she intends to implement over the winter and spring.

Motion by George B., second by Gusty K., to approve the Temporary Permit and Transfer for The Minturn Saloon 146 N. Main St, Constance Mazza Owner/Manager as presented. Motion passed 7-0.

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 COMMENTS & COMMITTEE REPORTS

Gusty K. attended a Sustainable Strategies meeting and updated.

The Council wished all a happy holiday's.

Eric G. attended a climate action committee and updated.

Lynn F. updated on the Eco Transit Authority. Earle B. agreed to take on part of the Authority responsibilities.

Earle B. attended the Mayors and Managers meeting and updated. There is a survey on the Town Website regarding workforce housing and he encouraged all to take the survey.

Terry A. attended the Shooting Range meeting with the Keystone Policy Group. It was a get to know each other and identified the need for additional members and next steps. There will be public meetings over the winter.

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

1. Ordinance 21 – Series 2021 (First Reading) Amending the moratorium on DRB applications – Sawyer

Note: Tom S. recused himself due to a conflict of interest and left the meeting.

Michael S. presented this memo is an ordinance to amend the moratorium on acceptance and processing of various land use applications in the 100 Block, enacted via Ordinance 2021-14. This ordinance restates the existing moratorium and then excepts from its application any properties that received a zoning approval prior to September 1, 2021 - the date of the initial emergency ordinance and moratorium in the 100 Block. There is also a redline included to show the changes from Ordinance 2021-14. The particular approval exempted is called a Certificate of Zoning Compliance, issued pursuant to Code, Sec. 16-21-630 Limited Use Review. The property at 151 Main received this approval prior to September 1. That applicant wishes to proceed with its plans under its zoning approval, which we believe would be fair under the circumstances. We do not believe any other properties in the 100 Block would fall under this exception. The applicant has indicated that it is willing to move the previously discussed structure to the parcel across Williams Street in order to avoid demolition of the existing structure at 151 Main. Of interest to Council is how that applicant's construction would be managed so as not to interfere with the Summer Minturn Market on Williams Street. Town staff is working on conditions to be included with consideration of any design review application and other necessary approvals that would protect the Minturn Market from negative construction impacts. These include construction day and hour timing stipulation, requirements for completing work that would impact the pavement of Williams Street, site cleanliness, and equipment and material storage. Preliminary conversations indicate that the applicant understands the Town's concerns and is amenable to working with staff to address these and other issues that may arise.

Michelle M. presented how construction would proceed while still allowing for spring runoff and the summer market which begins in June and extends all summer. Previous discussion with Jeff Spanel was held as the engineer for the town. Michelle M. will work with Jeff S. to ensure we are

on track as best to not impact the market. She will keep the Council abreast as review is undertaken.

Michael S. stated the engineering reviews will be part of the building permit process in order to best minimize off site construction issues. Again, as the process develops staff will report back to Council.

Lynn F. stated she understood the concern with the market but felt the Uptown Store was part of the market and this appears to exclude them from staying in the current location. She felt it important the owners work with the existing tenant, Uptown Store, in order to best determine the situation.

Terry A. asked that the 151 Main St property received approval as a mikveh but would need to come back with final review. She felt it important the owner and the town work together. She was concerned with the pending eviction of the current tenant during the busy winter and that this would leave a vacant storefront. She stated this was a concern and expressed the importance of working together.

Public Hearing Opened

Mr. Kyle Webb, project architect, stated they are happy with the revised direction allowing them to move forward with the mikveh. He understood the concerns. He noted the property is divided by Williams St Right-of-way. He stated the construction will be on the west side of Williams but not really on the front/Main St portion of the lot.

Lynn F. asked if they understood the town's significant interest in maintaining the retail store front and if the owner would be willing to address this concern of the towns. He stated he was willing to discuss this concern with the owner. He stated they have been extended an additional month. Lynn F. noted the additional month is at a greatly increased rent.

Public hearing closed.

Michael S. stated staff is requesting this be continued to the January 5 meeting.

Motion by George B., second by Gusty K., to continue Ordinance 21 – Series 2021 (First Reading) Amending the moratorium on DRB applications as presented. Motion passed 6-0. Note: Tom S. had recused himself and did not vote.

Note: Tom S. resumed his seat at the dais.

2. Resolution 47 – Series 2021 A Resolution approving certain water fees for the Town of Minturn – Brunvand/Metteer

Jim Mann presented Council is asked to discuss and consider Resolution 47-Series 2021 adjusting the fee charged for Debt Service in the Enterprise fund. The town sets our fee schedule as part of the annual budget process. as a result of the Enterprise Fund debt starting with one payment in 2022 and then increasing to two payments in 2023 and in that the Debt Service will be increasing

dramatically due to the issuance of debt for the water tank replacement project our Bond Council has asked for this two-year fee schedule. This revised fee ONLY affects the estimated 2023 fee and is in line with the accepted Capital Improvements schedule. Further, in the event additional debt is issued, water taps are sold, or some other unknown occurs the Council would be able to adjust this fee as necessary. The concern of those involved with the issuance of the debt stems from the need to recognize upfront that the fees will need to be set in order to cover the 120% value of the existing debt. This Resolution is in line with that need and is in line with the Capital Improvements schedule. Jim M. noted this is only to accommodate the anticipated debt service and any final fee will be based on the true need to cover the bonds.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by George B., to approve Resolution 47 – Series 2021 A Resolution approving certain water fees for the Town of Minturn as presented. Motion passed 7-0.

DISCUSSION / DIRECTION ITEMS

1. Water Tank Discussion (continued) – Gordon/Mann

Ryan G. presented the construction cost estimates pulled for the options listed below. I based my estimate on costs from the tank contractor and average unit costs from the 3 bidders we received on other elements besides the tanks. If we move the tanks from the current location, the tank contractor will likely bid as the prime and there will be a lot less administrative and PM costs to construct the tanks. The scenario to build one tank instead of two at the current design location (i.e. higher on the slope) is quite challenging to estimate for the construction of the tank. The tank contractor would not be the prime and would rather be a subconsultant to the local contractor so I am not sure how the local contractors would price out the tank. We saw with the original bids that the local contractors significantly increased the cost of the tanks beyond what the tank contractors says it will cost them to construct; on average, they marked up the cost by 38%. I have tried to estimate what that cost is but ultimately the local contractors would make this determination based on multiple variables. I feel a lot more confident about the costs to move the tanks to the bottom of the slope.

Two tanks at the bottom of the hill - ~\$3,400,000
One tank at the bottom of the hill - ~\$3,000,000
One tank at current platform location ~\$4,300,00

Gusty K. asked about the new site locations for clarification and Ryan G. outlined the locations. Gusty K. asked if extending over two years construction might save money, it will but it would not be enough to reduce the cost sufficiently in itself. He asked about one tank at the revised location and one at the existing site of the current tank. Ryan G. noted the existing tank is a bolted tank which is in smaller pieces and delivered unassembled. This new tank would require concrete and other large truck needs.

George B. stated he was interested in bids for one tank at the hillside location and one at the lower location to see what costs would be. He felt the gravity feed was important for the future. It was noted the pump installation costs are estimated at \$300k in the bids.

Discussion ensued on options and clarifications on locations and tank material options. Ryan G. felt the existing tank access does need to be looked at.

Terry A. asked about the soil testing, has testing been done at the revised location by the road. Ryan G. stated it has not been done, they anticipate it to be similar soils but they don't know about ground water. She stated she has concerns that the steel tank is not the best option long term, it might be cheaper with a bolted tank but that might not be the best option. She is concerned that the road side location is going to be too wet as the entire hillside drains to the bottom of the hill. She is also concerned that the property owners next to the existing tank are not interested in sharing the road. She stated the cost of a new road up the hillside is a \$1m but the contractor is saying \$2m. She feels this cost difference needs to be fleshed out. Ryan G. stated a general contractor estimated the costs. We are creating a large platform on a 45 degree slope and there is a lot of work that will eat up the cost.

Tom S. stated he was in favor of one tank on the revised lower site and felt that was the proper direction. It is important that we can afford it and this option will allow us to get moving forward.

Lynn F. asked if a steel tank at the existing site in addition to the tank on the revised site was an option and would provide redundancy.

Mr. Jeff Snyder, 489 Pine St, asked questions about the costs presented. Ryan G. answered his questions through discussion. Ryan G. stated one tank will encompass more space and felt two tanks vs one tank would cost similar for excavation needs. He felt stockpiling the excavations would allow the tanks to be somewhat buried.

Terry A. asked if there was a cost analysis of gravity vs pump vs maintenance etc. Some of that is fleshed out.

Earle B. stated we have been looking at tank locations and material for several years and are now asking the same questions.

Ryan G. stated we need to get the soil tests done as soon as we can get in there, this might be in the spring. Terry A. stated the importance of locking in a contractor. She said she was concerned that we don't have numbers. Can we secure the contractor and then do the soil tests to confirm the site location. Ryan G. stated we need to rebid the project if we are changing the location.

Direction was to obtain a bid for a single concrete tank at the lower revised site with the pump station as a second bid. Then a third bid at the higher site with one concrete tank.

Jim M. gave concept costs for how the various costs and estimates might change the rates. He stated it would be a minimum of \$30 up to \$150 annually per SFE.

STAFF REPORTS

1. Town Manager Update

- April 2022 Election update

The town will hold its biannual election on Tuesday April 5, 2022. As it stands, we have three Council seats with a term of four (4) years each and the Mayor's seat which is always a two (2) year term. Although we have had several appointments since the 2020 election, the timing has been in the second half of the term so there are no two-year seats this time around.

The town is Home Rule and generally the town has adopted the state election code. The election will be a Polling Place election and I plan to again this year have a strong Get-Out-the-Vote campaign to allow folks to vote by absent ballot much like we did in 2020. This allowed many to request absent ballots and return them prior to the election and also allowed those that like to vote in-person on the day of to do so. This multi option process allows for a strong voter turnout while still keeping it small town. In December we will run several ads in the paper, on our website, in the newsletter, etc to encourage citizens to run.

- The first day nomination packets may be picked up and circulated is Tuesday January 4, 2022. Packets are available in the Town Clerk's Office along with complete instructions.
- The candidate has 20 days to collect a minimum of Ten (10) valid signatures and submit their completed nomination petition. Petitions are due back by 4pm on Monday January 24, 2022.
- Minturn runs a Polling Place Election. The designated polling place is the Town Hall. All ballots cast will be either in-person on April 5th or the voter may apply for an Absentee Ballot whereby a ballot will be mailed to the voter beginning March 14th.
- Pursuant to Resolution 02-2012 the Town Clerk is appointed the Designated Election Official and will appoint Election Judges for the Election. If you know anyone desiring to be an election judge, please see me.
- Council Pay: The Council is paid \$200 per month plus \$100 for any additional posted meeting attended and the Mayor is paid \$400 per month plus \$200 for any additional posted meeting.

Candidate Qualifications:

- Citizen of the United States for not less than seven (7) years
- 25 years of age
- Resident of the Town of Minturn for Mayor not less than five (5) years; for Council not less than two (2) years
- A person who has been convicted of a felony shall not be eligible to become a candidate nor serve for an elected Town Office
- Must maintain residency within the Town of Minturn during the entire term of service

In addition to the Mayor's seat, three seats are up for election on the Council. Those current Council seats up for election are:

- Earle Bidez – Mayor – 2 year term
- Eric Gotthelf – Council Member 4 year term
- Lynn Feiger – Council Member 4 year term
- Tom Sullivan – Council Member 4 year term

It was announced that Cindy K. won the award for Most Sustainable Employee Award from Walking Mountains Sustainability.

FUTURE AGENDA ITEMS

ADJOURN

Motion by Gusty K., second by Tom S., to adjourn at 9:35pm. Motion passed 7-0.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS


Council Meetings:

- January 5, 2022
- January 19, 2022
- February 2, 2022
- February 16, 2022



Memo

To: Michelle Metteer, Town Manager

From: James Mann, UMB 

Date: December 14, 2021

CC:

Subject: Water Tank Cost Alternative Impact Analysis

With the costs of the water tank project exceeding the original engineer's estimates, you have asked us to analyze the impact of potential increased cost on the projected rates. To determine the rate impacts, the rate methodology has been designed around the following growth scenario:

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total
Growth Assumptions											
Total SFE	782.58	810.58	841.58	883.58	925.58	967.58	1,009.58	1,051.58	1,093.58	1,135.58	
New SFE (Infill)	20.00	25.00	25.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	280
New SFE (Bolts Lake Development-Maloit Area)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0
New SFE (School - Maloit Park)	0.00	3.00	6.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	93

The methodology further takes into consideration the following projects as part of the rate design:

Projects	Category	Funding	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Totals
Construct a new Minturn Tank	Tank	Revenue Debt	3,200,000	1,400,000										4,600,000
Construct New Membrane Plant (includes Maloit Park)	Treatment/Distrib	Revenue Debt			6,390,000									6,390,000
Raw Water Intake Improvements	Water Supply	Revenue Debt			25,000									25,000
New Well Field and pipeline to connect wells to WTP	Water Supply	Revenue Debt				6,560,000								6,560,000
Replace waterline in Eagle River at Belum Bridge	Pipeline	Revenue Debt											570,000	570,000
Loop Taylor Street	Pipeline	Revenue Debt											130,000	130,000
Annual Replacement of Main	Pipeline	Cash	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	2,750,000
Actual CIP Costs			3,450,000	1,650,000	6,665,000	6,810,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	21,025,000

Please note that the above identifies the Water Tank Project as a \$4.4 M expense, however the following scenarios have been run to identify the cost impact of the various options the Town is evaluating:

- Base Plan - \$3.0 M Water Tank Project
- Add \$0.4 M Cost to Water Tank Project
- Add \$1.4 M Cost to Water Tank Project
- Add \$1.8 M Cost to Water Tank Project

Based on the above, we ran scenarios for the three "adds" at both a 20 and 30-year amortization utilizing the same CWRPDA interest rate, resulting the following impacts to the Minturn rate payers:

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Base Plan - Monthly Rate		51.72	100.03	116.17	111.00	106.25	101.87	97.81	94.03	90.49
Annual Impact/User		620.64	1,200.36	1,394.04	1,332.00	1,275.00	1,222.44	1,173.72	1,128.36	1,085.88
Add \$0.4 M Annual Impact										
20-Year		39.96	38.64	37.20	35.52	33.84	32.40	30.96	29.76	28.68
30-Year		29.52	28.56	27.48	26.16	24.96	23.88	22.80	21.96	21.12
Add \$1.4 M Annual Impact										
20-Year		144.84	139.92	134.64	128.28	122.52	117.12	112.20	107.76	103.68
30-Year		106.80	103.20	99.36	94.68	90.36	86.40	82.80	79.44	76.44
Add \$1.8 M Annual Impact										
20-Year		184.80	178.56	171.84	163.80	156.36	149.52	143.28	137.52	132.36
30-Year		136.32	131.64	126.72	120.72	115.32	110.28	105.60	101.40	97.56



To: Mayor and Council
From: Jay Brunvand
Date: January 5, 2021
Agenda Item: Resolution 01 – Series 2022

REQUEST:

Staff is requesting Council to approve Resolution 01 – Series 2022.

INTRODUCTION:

This is an annual Resolution setting the posting sites for the community meeting public notices.

ANALYSIS:

This Resolution sets the public posting sites for official town meeting as required and set forth in the Minturn Charter Section 4.8. Our Charter requires a minimum 24 hours' notice unless an emergency. This stipulation follows all state open meetings laws and regulations.

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

Not Applicable

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

This Resolution is approved with the approval of the Consent Agenda.

ATTACHMENTS: Resolution 01 – Series 2022

TOWN OF MINTURN

RESOLUTION NO. 01 – SERIES 2022

A RESOLUTION DESIGNATING TWO PUBLIC PLACES WITHIN THE TOWN OF MINTURN AND THE TOWN WEBSITE FOR THE POSTING OF PUBLIC NOTICES AND NOTICE FOR PUBLIC MEETINGS OF THE MINTURN TOWN COUNCIL, PLANNING AND ZONING COMMISSION, AND OTHER BOARDS, COMMISSIONS, AND AUTHORITIES OF THE TOWN OF MINTURN.

WHEREAS, the Town of Minturn is a Home Rule Municipality under the Colorado Constitution; and

WHEREAS, the Town of Minturn Charter – Section 4.8 requires notices of public meetings be posted at two (2) public places and the Town website at least 24-hours prior thereto, and

WHEREAS, the Town of Minturn now wishes to designate two public places within its boundaries for posting of such full and timely notice to the public for public notices and notices for public meetings of the Minturn Town Council, Planning Commission, and other Boards, Commissions, and authorities of the Town of Minturn;

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

- 1) The Town Council hereby designates the following as the public places for the posting of full and timely notice to the public as provided for in the Minturn Town Charter:
 - The bulletin board on the outside of the Town Center at 302 Pine St.
 - The bulletin board outside of the Town Center at 301 Boulder St.
 - The official Town website
- 2) This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, APPROVED AND ADOPTED this 5th day of January 2022.

EARLE BIDEZ, MAYOR

ATTESTS:

JAY BRUNVAND, TOWN CLERK



To: Mayor and Council
From: Jay Brunvand
Date: January 5, 2022
Agenda Item: Resolution 03 – Series 2022

REQUEST:

Council is asked to approve Resolution 03 – Series 2022

INTRODUCTION:

The Town has had an agreement with Avon Fleet for a number of years. The agreement includes major work items that are not under warrantee or some other included warranty work mostly on the larger equipment. Much of the smaller maintenance items like oil changes we do in house, other items we use local shops, and major or difficult work is often done by Avon. This is not the only service center we use, rather it is a tool in our tool box.

ANALYSIS:

N/A

COMMUNITY INPUT:

N/A

BUDGET / STAFF IMPACT:

Vehicle and equipment maintenance and repair expenses are budgeted annually.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved with the consent agenda and no separate motion is required.

ATTACHMENTS:

- Resolution 03 – Series 2022

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 03 – SERIES 2022**

**A RESOLUTION TO APPROVE A VEHICLE AND
EQUIPMENT SERVICE AGREEMENT BETWEEN THE
TOWN OF AVON FLEET SERVICES AND THE TOWN OF
MINTURN AND AUTHORIZING THE MANAGER OF THE
TOWN OF MINTURN TO SIGN THE AGREEMENT.**

WHEREAS, THE Town of Minturn has maintained a service agreement for routine and preventative maintenance and repair and replacement work as needed on town vehicles and equipment, and;

WHEREAS, The Minturn Town Council has reviewed the proposed agreement and deems it acceptable; and,

WHEREAS, The Town Council desires to engage Avon Fleet Maintenance as presented in the attached agreement.

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

1. The Minturn Town Council hereby approves the vehicle and equipment service agreement and authorizes the Town Manager to execute said agreement.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 5th
day of January, 2022.**

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



VEHICLE AND EQUIPMENT SERVICE AGREEMENT

This Vehicle and Equipment Service Agreement (“**Agreement**”) is made and entered into on December, 2021, by and between the Town of Minturn (“**Customer**”) and the Town of Avon, a Colorado home rule municipality, whose address is P.O. Box 975, 500 Swift Gulch Road, Avon, Colorado, 81620 (“**Avon**”).

In consideration of the obligation to pay Avon as herein provided and in consideration of the other terms and conditions hereof, the parties agree as follows:

1. **Services:** Avon will, during the term of this Agreement, provide the following services (“**Services**”):
 - 1.1 Routine maintenance and preventive maintenance (“**Routine Maintenance**”) of the Customer vehicles and equipment. Service will be performed on the approximate number of vehicles as listed in **Exhibit A**. The number of vehicles serviced may be increased or decreased in Customer’s sole discretion. Routine Maintenance will be performed at a minimum frequency and scope of work consistent with the manufacturer’s recommendations or when initiated at the request of Customer.
 - 1.2 Repair and replacement work as requested by Customer (“**Repair and Replacement**”). No payment for any Repair and Replacement shall be due unless Customer has approved of such charges. Services may be commenced with verbal approval by Customer of a written or verbal estimate provided by Avon. Repair and Replacement includes, without limitation, transmissions repairs, engine repairs, rear end repairs and any other work or repairs exceeding \$2,000.00. Customer acknowledges that subcontractors will perform certain repair work. Avon shall be responsible for assuring that all such subcontracted work will be performed promptly and in accordance with the terms and conditions of this Agreement.
2. **Facilities:** Avon represents that its facilities are in good repair and adequately equipped and that it has a sufficient staff to perform all work in a timely manner.
3. **Compensation:** In consideration of Avon’s services during the term of this Agreement, Customer will pay Avon a unit hourly shop rate for Routine Maintenance and Repair and Replacement. This unit rate shall be \$110 per hour for light duty vehicles and equipment and \$120.00 per hour for heavy duty vehicles and equipment. Materials and sublet work shall be charged at cost plus twenty percent (25%). Invoice shall be issued by the 10th of each month for services performed the previous month. Payment shall be remitted within thirty (30) days of receipt of invoice. Avon’s fueling facilities may be used by Customer. The cost of unleaded gasoline and diesel fuel will be at the Avon’s cost plus fifteen cents (15¢) per

gallon. Avon's vehicle washing facility may be used by Customer which shall be charged at such wash rate as Avon may amend from time to time. Late payment and past due amounts shall be subject to interest as set forth in Chapter 3.32 of the Avon Municipal Code.

- 3.1** A balanced inventory tailored to the Customer's vehicles and equipment maintenance needs will be stocked and placed in inventory by Avon. All issued parts shall be new and of top quality and meet or exceed OEM specifications. Avon will pass on to Customer as savings, all available manufacturer, dealer or distributor sales, discounts, rebates and all available parts warranties. Financial responsibility and ownership of the demand inventory belongs entirely to Avon during the entire term of the Agreement. Upon termination or expiration of the Agreement, Customer will purchase the demand inventory owned by the Avon at actual cost.
- 4. Term:** This Agreement will be effective as of January 1, 2022, and will terminate on December 31, 2022, provided that Avon and Customer may mutually renew and extend the Agreement for additional one-year terms. Such renewal and extension shall occur by Avon sending via e-mail a renewal notice ("**Renewal Notice**") to Customer, which Renewal Notice may indicate an adjustment in the unit and mark-up rates in Avon's discretion, and which Renewal Notice may be accepted and confirmed by Customer via e-mail response, in Customer's discretion.
- 5. Termination:** In the event that a party fails to substantially perform the duties and obligations set forth in this Agreement, the other party may terminate this Agreement upon seven (7) days written notice to the non-performing party, unless the non-performing party cures the breach within the seven (7) day remedy period. Either party may terminate this Agreement without cause upon providing thirty (30) days written notice.
- 6. Relationships and Taxes:** The relationship between the parties is that of independent contracting parties, and nothing herein shall be deemed or construed by the parties hereto or by any third party as creating a relationship of principal and agent or partnership, or of a joint venture between the parties. Avon shall be solely responsible for any tax, withholding or contribution levied by the Federal Social Security Act. Avon is not entitled to unemployment compensation or other employment related benefits, which are otherwise made available by Customer to its employees. Avon shall provide Customer an original of its Form W-9 (Request for Taxpayer Identification Number of Certification).
- 7. Warranty:** Avon shall perform all Services in a prompt, efficient and workmanlike manner. Avon shall promptly correct any defective work at Avon's sole cost and expense. This warranty shall be in lieu of all other warranties, express or implied. Avon's sole liability hereunder, whether in tort or in contract, is expressly limited to the warranty provided for herein.
- 8. Assignment:** Avon's duties hereunder requires particular expertise and skills, and may not be assigned to any third party without the expressed written consent of Customer, and any

attempt to do so shall render this Agreement null and void and no effect as respects the assignee (s) and shall constitute an event of default by Avon.

- 9. Waiver:** Failure to insist upon strict compliance with any terms, covenants, and/ or conditions of this Agreement shall not be deemed a waiver of such term, covenant, or condition, nor shall any waiver or relinquishment of any right or power hereunder at any time or more times be deemed a waiver or relinquishment of such right or power at any other time or times.
- 10. Benefit:** The terms, provisions, and covenants contained in this Agreement shall apply to, inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors in interest, and legal representatives except as otherwise herein expressly provided.
- 11. Situs and Severability:** The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. If any provision of this Agreement shall be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.
- 12. Modification:** This Agreement contains the entire agreement between the parties, and no agreement shall be effective to change, modify, or terminate in whole or in part unless such agreement is in writing and duly signed by the party against whom enforcement of such change, modification, or termination is sought.
- 13. Non-Liability of Town for Indirect or Consequential Damages or Lost Profits:** Parties agree that Avon shall not be liable for any indirect or consequential damages which may arise from any breach of this Agreement by Avon or which may arise by Avon's breach of warranty.
- 14. No Waiver of Governmental Immunity:** Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Avon, its officials, employees, contractors, or agents, or any other person acting on behalf of the Avon and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.
- 15. No Third-Party Beneficiaries:** Nothing contained in this Agreement is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third party, including any agent, sub-consultant or sub-contractor of Customer. Absolutely no third-party beneficiaries are intended by this Agreement. Any third-party receiving a benefit from this Agreement is an incidental and unintended beneficiary only.
- 16. Article X, Section 20/TABOR:** The Parties understand and acknowledge that the Avon is subject to Article X, §20 of the Colorado Constitution ("TABOR"). Avon does not intend to

violate the terms and requirements of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Agreement to the contrary, all obligations of Avon are expressly dependent and conditioned upon the continuing availability of funds beyond the term of Avon's current fiscal period ending upon the next succeeding December 31. Financial obligations of Avon payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of Avon, and other applicable law. Upon the failure to appropriate such funds, this Agreement shall be terminated.

AGREEMENT READ, UNDERSTOOD AND EXECUTED:

CUSTOMER: _____

[SIGNATURE]

By: _____
[PRINT NAME AND TITLE]

Address: _____

Phone: _____

E-Mail: _____

TOWN OF AVON

By: _____
Craig Wilmers, Avon Fleet Manager
970.748.4052
cwilmers@avon.org



To: Mayor and Council
From: Jay Brunvand
Date: January 5, 2022
Agenda Item: Ordinance 21 – Series 2021; Amendment to the DRB Moratorium

REQUEST:
Council is asked to approve Ordinance 21 – Series 2021

INTRODUCTION:
The Minturn Market is the sixth largest tax revenue generating business in the town of Minturn. For this purpose, the Town and Market-area businesses have traditionally worked closely together to ensure an annually successful operation for both the market and the local business and property owners.

This amendment to the DRB moratorium was continued from the December 15, 2021, Council Meeting due to engineering and operational concerns before and during construction as they relate to the timing of the Minturn Market. Since the Dec 15, 2021, Council meeting, staff has worked with the project representatives to identify critical issues for mitigation and believe these issues can be addressed while ensuring a successful summer market season.

ANALYSIS:
Town engineer, Jeff Spanel, has identified the requirements for a dewatering plan, boring for soil samples, micropile shoring and retaining wall stabilization as items to be addressed through the DRB review process and conditions associated with building permit approvals.

Staff believes these items can be addressed, ensure a successful summer market, equally important is the historic building on the front of the lot at 151 Main Street will remain in tack. This cooperative effort in meeting a variety of needs will hopefully begin the process of building a positive relationship with the new property owners of 151 Main Street while securing successful summer tax revenue generation.

COMMUNITY INPUT:
This Ordinance will allow public input during the approval process and has involved several meetings between staff and the applicants to work through.

BUDGET / STAFF IMPACT:
N/A

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Ordinance 21 – Series 2021 as presented.

ATTACHMENTS:

- Ordinance 21 – Series 2021
- Kyle Webb email dated 12/31/21
- Phase 1 overview
- Phase 2 overview

TOWN OF MINTURN, COLORADO
ORDINANCE NO. ~~14~~21 – SERIES 2021

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO ENACTING AND EXTENDING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DESIGN REVIEW, CONDITIONAL USE REVIEW, LIMITED USE REVIEW OR THE PROCESSING AND ISSUANCE OF A BUSINESS LICENSE FOR NON-RETAIL AND NON-COMMERCIAL ACCOMODATIONS USES ON THE STREET LEVEL WITHIN THE 100 BLOCK COMMERCIAL ZONE OF THE OLD TOWN CHARACTER AREA.

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Minturn Municipal Code provides that a primary purpose of the 100 Block Commercial Zone is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district; and

WHEREAS, the Town has in recent weeks and months received applications for new structures and modifications to existing structures which would allow for non-retail and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone; and

WHEREAS, the Town deems the establishment of non-retail and non-commercial accommodations uses on the street level of the 100 Block Commercial Zone to be a material threat to the Town’s ability to meet the commercial and retail needs of its citizens and to generate sales and lodging tax revenue; and

WHEREAS, all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval pursuant to Section 16-21-615 of the Minturn Municipal Code (“Code”) to ensure that the proposed structures and additions are constructed in compliance with the Code, including the Town’s Design Standards and Guidelines, and other regulations adopted by the Town; and

WHEREAS, the zoning code for the 100 Block Commercial Zone contemplates that applications for conditional use and limited use review may be filed for non-retail and non-commercial accommodations uses in street level locations; and

WHEREAS, property owners in the 100 Block may have applied for and received certificates of zoning compliance prior to the enactment of this and the preceding emergency moratorium; and

WHEREAS, the Code allows business licenses to be issued to businesses for street level spaces in the 100 Block Commercial Zone even if they are not retail businesses; and

WHEREAS, the Town Council desires to review and invite public comments on Code provisions relating to the use of street level spaces within the 100 Block Commercial Zone; and

WHEREAS, after the opportunity to review, take public comment on and facilitate meetings with the Town Planning Commission regarding the Code, the Town's Design Standards and Guidelines and related regulations, the Town Council may consider amendments to the Code, the Town's Design Standards and Guidelines and the related regulations; and

WHEREAS, at a regular meeting of the Town Council held on September 1, 2021, the Council adopted an emergency ordinance, Ordinance No. 8, Series 2021 enacting a moratorium on the acceptance and processing of applications for design review, conditional use review, limited use review, and processing and issuance of business licenses for non-retail uses on the street level within the 100 Block Commercial Zone District of the Old Town Character Area; and

WHEREAS, at a joint Town Council and Planning Commission meeting held on October 28, 2021, the Council and Commission took public comment and directed staff to undertake efforts to update the Code relating to historic preservation in the 100 Block Commercial Zone and elsewhere in town; and

WHEREAS, at a regular meeting of the Town Council held on November 17, 2021 the Council adopted on second reading Ordinance No. 14, Series 2021 extending and enacting a moratorium on the acceptance and processing of applications for design review, conditional use review, limited use review, and processing and issuance of business licenses for non-retail and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone District of the Old Town Character Area; and

WHEREAS, the Town Council finds that failure to enact a moratorium could result in permanent negative changes to the Town's character, loss of retail sales tax base, and as such constitutes an emergency; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town's jurisdiction; and

WHEREAS, Section 31-15-401, C.R.S., authorizes the Town to enact regulations necessary to promote the health and well-being of its citizens; and

WHEREAS, the Town Council hereby finds and determines that enacting a moratorium to provide sufficient time in which to undertake and complete the review and amendment of the Code, the Town's Design Standards and Guidelines and related regulations is required; and-

WHEREAS, the Town Council finds it necessary and proper to amend the existing moratorium to provide for the acceptance and processing of design review applications for any property that received a certificate of zoning compliance for non-retail or non-commercial accommodation uses prior to September 1, 2021; and

WHEREAS, the Town Council finds and determines that adoption of this Ordinance is necessary for the preservation of the public peace, health, safety and property.

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

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

SECTION 2. A moratorium until August 31, 2022 is hereby imposed on the acceptance and processing by the Town of applications for design review, conditional use review, and limited use review and for processing and issuance of business licenses for non-retail and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone of the Old Town Character Area.

SECTION 3. Exemption. Any property that received a certificate of zoning compliance pursuant to Sec. 16-21-630 prior to September 1, 2021, shall be exempt from the application of this Ordinance and the enacted moratorium.

SECTION 43. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

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 ____ DAY OF _____ 2021. 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 ____ DAY OF _____ 2021 AT ____ 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 WEB SITE THIS ___ DAY OF _____ 2021.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Karp Neu Hanlon^{PC}

ATTORNEYS AT LAW

www.mountainlawfirm.com

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

Aspen
323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261
Fax: 970.945.7336

**Direct Mail to Glenwood Springs*

DATE: December 10, 2021
TO: Minturn Mayor and Town Council
FROM: Karp Neu Hanlon, P.C.
RE: 100 Block Moratorium Amendment

Under cover of this memo is an ordinance to amend the moratorium on acceptance and processing of various land use applications in the 100 Block, enacted via Ordinance 2021-14. This ordinance restates the existing moratorium and then excepts from its application any properties that received a zoning approval prior to September 1, 2021 – the date of the initial emergency ordinance and moratorium in the 100 Block. There is also a redline included to show the changes from Ordinance 2021-14.

The particular approval exempted is called a Certificate of Zoning Compliance, issued pursuant to Code Sec. 16-21-630 Limited Use Review. The property at 151 Main received this approval prior to September 1. That applicant wishes to proceed with its plans under its zoning approval, which we believe would be fair under the circumstances. We do not believe any other properties in the 100 Block would fall under this exception.

The applicant has indicated that it is willing to move the previously discussed structure to the parcel across Williams Street in order to avoid demolition of the existing structure at 151 Main. Of interest to Council is how that applicant's construction would be managed so as not to interfere with the Summer Minturn Market on Williams Street. Town staff is working on conditions to be included with consideration of any design review application and other necessary approvals that would protect the Minturn Market from negative construction impacts. These include construction day and hour timing stipulation, requirements for completing work that would impact the pavement of Williams Street, site cleanliness, and equipment and material storage. Preliminary conversations indicate that the applicant understands the Town's concerns and is amenable to working with staff to address these and other issues that may arise.

We recommend that Council adopt this ordinance to ensure that this property owner is able to develop the parcel as permitted under the Minturn Code and staff interpretation of an allowed limited use.

Jay Brunvand

From: Michelle Metteer
Sent: Friday, December 31, 2021 11:39 AM
To: Jay Brunvand
Subject: FW: Minturn Project - Construction Logistics Plan
Attachments: Minturn Logistics Plan - Phase 1[6].pdf; Minturn Logistics Plan - Phase 2[2].pdf

Jay, I will call you in just a few minutes.

Michelle Metteer
Town Manager
Minturn, CO
970-827-5645 e8

From: Kyle Webb <kyle@khwebb.com>
Sent: Friday, December 31, 2021 11:38 AM
To: Jason Morley <jmorley@ranelson.com>; Michelle Metteer <manager@minturn.org>
Cc: Jewish Vail <info@jewishvail.com>; Jeff Spanel - InterMountain Engineering (jspanel@inter-mtn.net) <jspanel@inter-mtn.net>
Subject: Re: Minturn Project - Construction Logistics Plan

Michelle,

Per our discussion just now, I wanted to confirm that we will have permission from MR Minturn to utilize 161 Main Street for Construction Staging and storage. As we discussed, during our Phase II, we will plan on making the three parking spaces at 151 Main Street available to you for the Minturn Market on Saturdays throughout the summer, but will need to keep our trash and portapotty in the fourth spot during the summer.

Ultimately, this property will be transferred to Chabad Vail, a non-profit, and they would be happy to continue to lease the parking spaces to Minturn Market into the future and will consider a long-term lease.

Thank you and we look forward to discussing this at Town Council on January 5th.

Kyle

Kyle H Webb
AIA | NCARB | Principal

Celebrating 22 years at www.khwebb.com



710 West Lionshead Circle, Suite A, Vail, Colorado 81657
khwebb.com | 970.477.2990

Colorado Homes and Lifestyles Magazine's 2020 Home of the Year!
<https://www.coloradahomesmag.com/2020-home-of-the-year-elevated-magic/>

Instagram:

<https://www.instagram.com/khwebbarchitects/>

From: Jason Morley <jmorley@ranelson.com>
Date: Thursday, December 30, 2021 at 2:45 PM
To: Michelle Metteer <manager@minturn.org>
Cc: Kyle Webb <kyle@khwebb.com>
Subject: Minturn Project - Construction Logistics Plan

Hi Michelle,

Attached is a preliminary construction logistics plan for the proposed Mikveh in the Williams Street area of Minturn. Phase 1 is the shoring and excavation duration, to occur in the Spring, prior to the market. The phase 2 plan is for vertical construction.

Please distribute to your team as necessary. I'm available to answer any questions.

Happy New Year!

Thank you,

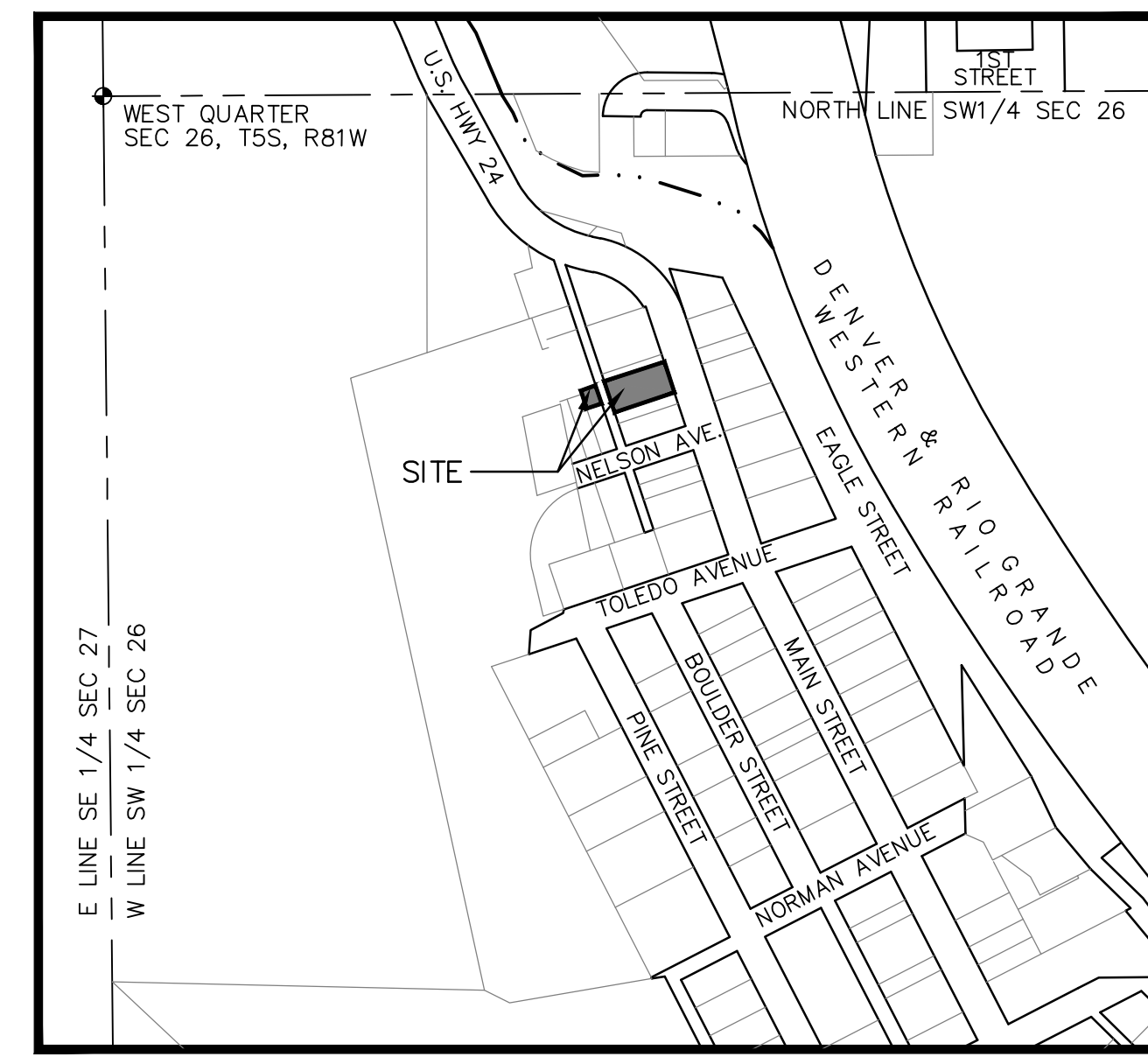
Jason Morley, LEED AP
RA Nelson LLC | Director of Preconstruction

970.471.3919 (C) | 970.949.5152 (O) | 970.949.4379 (F)
51 Eagle Road #2 | P.O. Drawer 5400 | Avon, CO 81620
www.ranelson.com

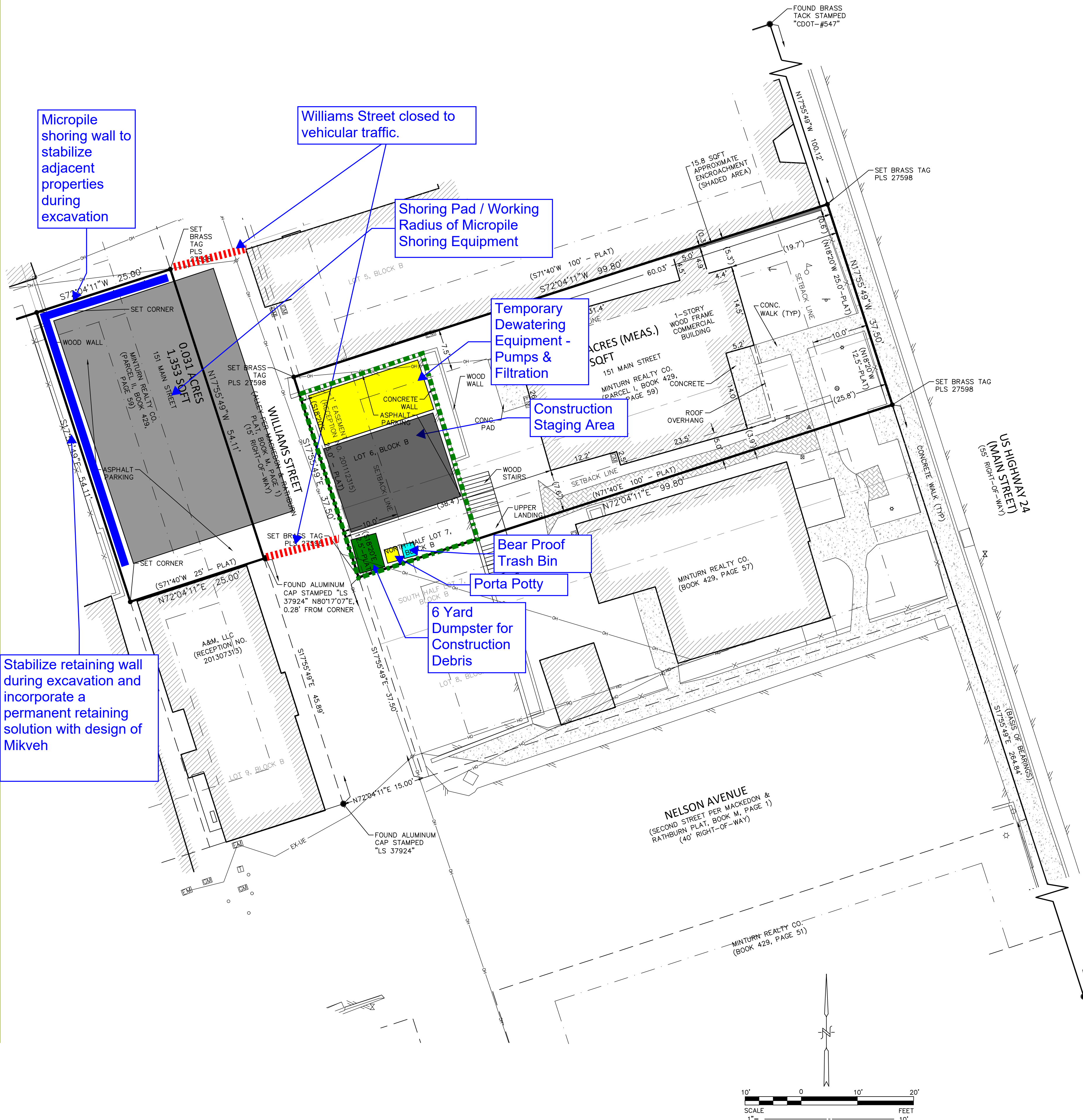
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Phase 1 - April 4, 2022 - May 27, 2022 (8 weeks)



VICINITY MAP
SCALE: 1"=500'



Micropile shoring wall to stabilize adjacent properties during excavation

Williams Street closed to vehicular traffic.

Shoring Pad / Working Radius of Micropile Shoring Equipment

Temporary Dewatering Equipment - Pumps & Filtration

Construction Staging Area

Bear Proof Trash Bin

Porta Potty

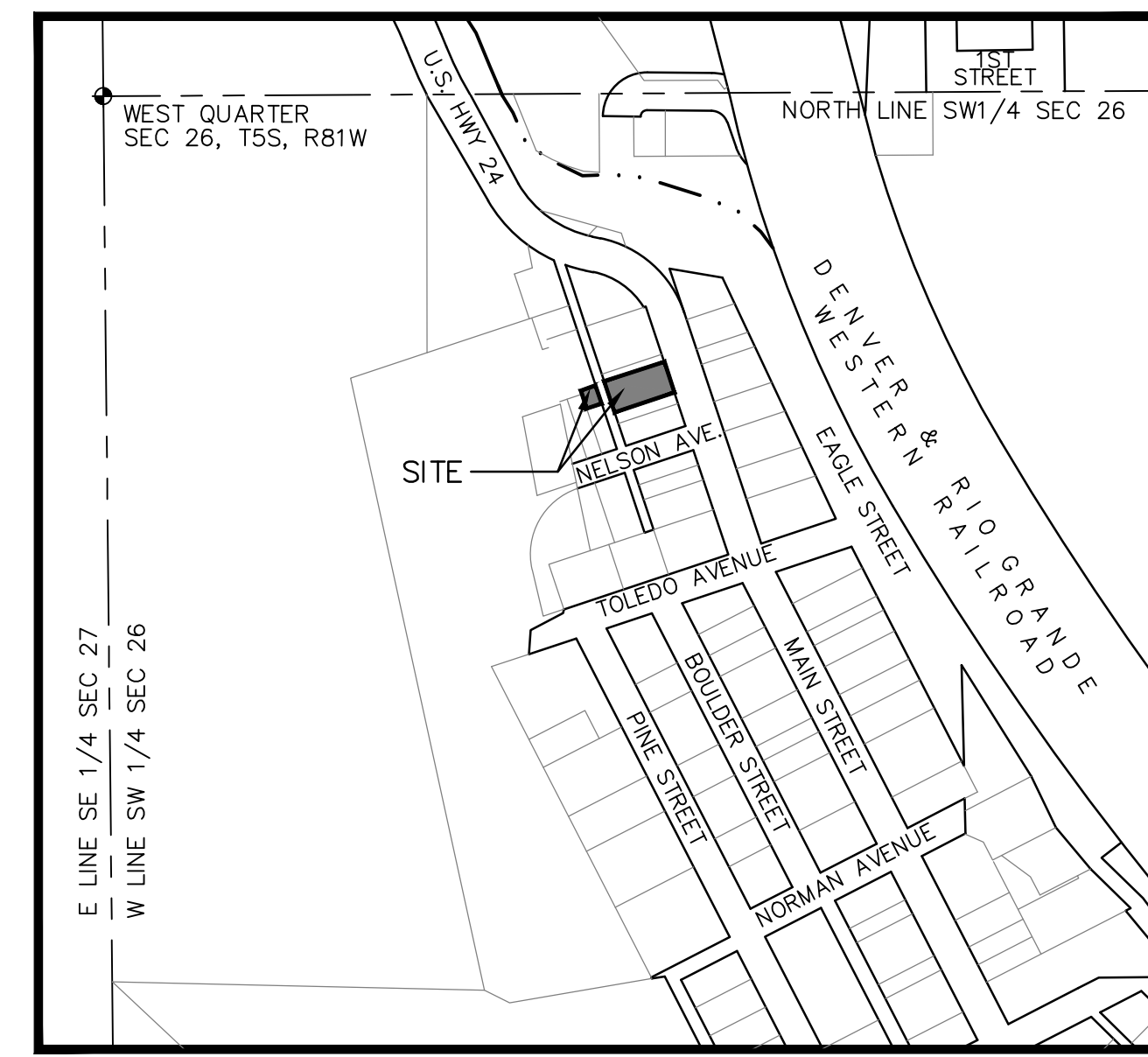
6 Yard Dumpster for Construction Debris

Stabilize retaining wall during excavation and incorporate a permanent retaining solution with design of Mikveh

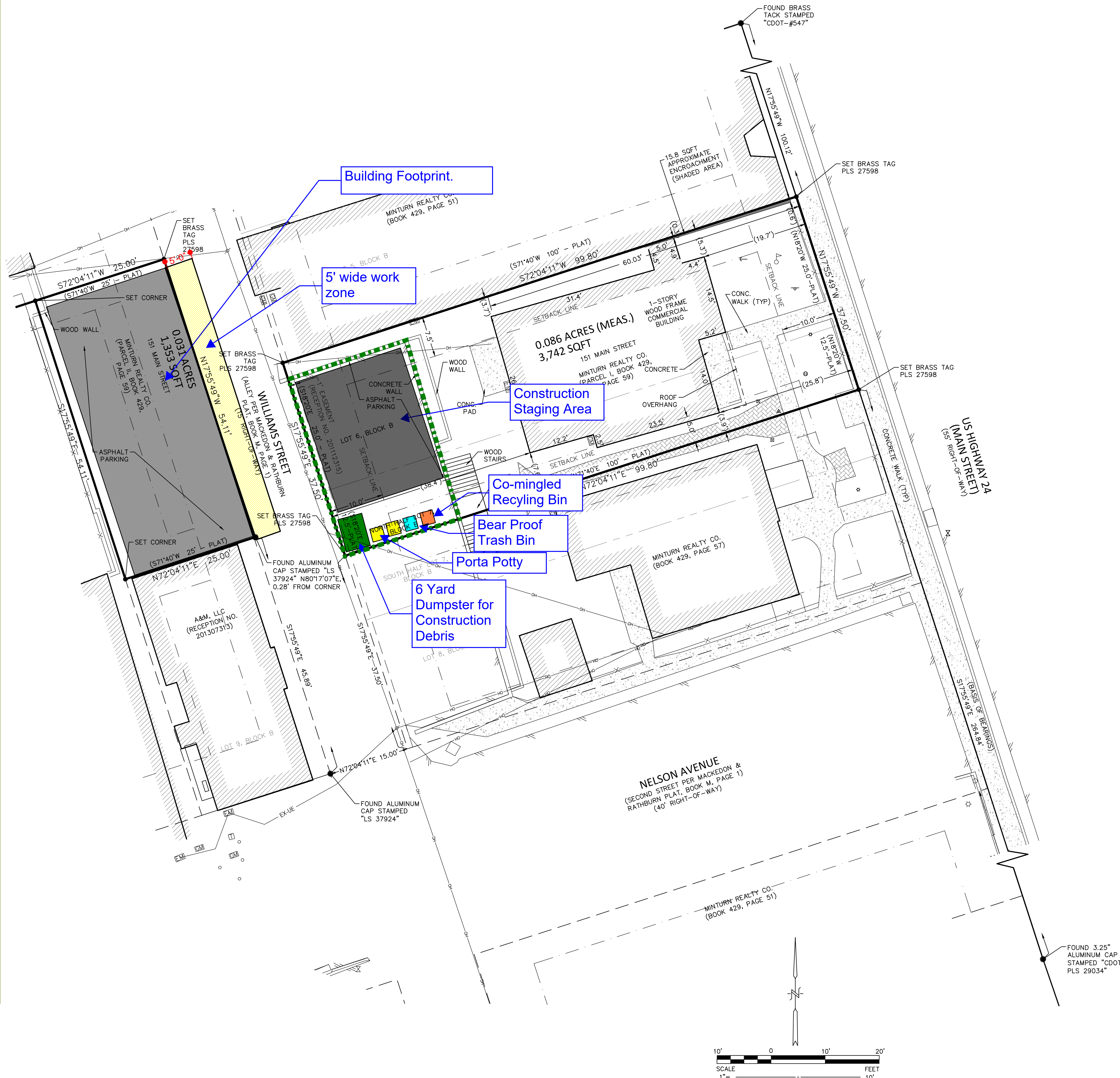
Schedule of work activities in Phase 1:

- Week 1 (4.4.22-4.8.22) - Mobilization, Site Clearing, Install BMP, Prepare Staging / Parking Area.
- Week 2 (4.11.22-4.15.22) - Install Temporary dewatering system, Start installation of earth retention shoring systems for excavation.
- Week 3 (4.18.22-4.22.22) - Complete shoring system, start mass excavation.
- Week 4 (4.25.22-4.29.22) - Complete mass excavation, start utility installation.
- Week 5 (5.2.22-5.6.22) - Continue utility installation, start foundations.
- Week 6 (5.9.22-5.13.22) - Complete utility installation, continue with foundation work.
- Week 7 (5.16.22-5.20.22) - Complete foundation work.
- Week 8 (5.23.22 - 5.27.22) - Waterproofing & Backfill. Open Williams Street.

Phase 2 (Vertical Construction): June - December 2022



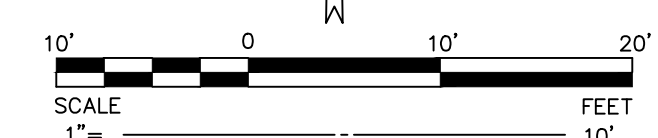
VICINITY MAP
SCALE: 1" = 500'



Schedule of work activities in Phase 2:

Vertical Construction - Framing, Siding, Roof, Mechanical/Plumbing/Electrical Systems, Interior Finishes

Williams Street will remain open to vehicular traffic after construction work hours with intermittent daily shutdowns and single lane closures.





To: Mayor and Council

From: Madison Harris, Planner I
Scot Hunn, Planning Director

Date: December 21, 2021

Agenda Item: Ordinance No. 1, Series 2022

REQUEST:

Review of the Chapter 16 Amendment to provide for the use and regulation of fowl ordinance recommended to Council by the Planning Commission from their regular meeting of December 8, 2021.

INTRODUCTION:

The attached ordinance is presented for consideration by the Town Council. The ordinance addresses amendments/additions in the following sections of the Minturn Municipal Code, Chapter 16 – *Zoning*:

1. **Section 16-2-20 - Definitions**
2. **Chapter 16, Article 17 - Supplemental Regulations and Standards**

The Town Council has directed staff to bring forth an ordinance addressing and regulating fowl within the Town of Minturn.

ANALYSIS:

In reviewing the Ordinance, the Planning Commission considered the viability of different numbers and types of birds, as well as, coop size, a way to address noise issues, and the allowance of roosters.

COMMUNITY INPUT:

Three members of the public spoke at the public hearing held by the Planning Commission on November 10, 2021 and five members of the public spoke at the public hearing held by the Planning Commission on December 8, 2021. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, as well as the requirements in Section 16-21-610 of the Minturn Municipal Code.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review and approval of the ordinance aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

The ability for Minturn to approach development as **resilient, sustainable, creative and diverse** will allow the town to continue embracing what has **“made Minturn, Minturn.”** The town can further leverage its crossroads location as a valley-wide benefit and **competitive advantage**.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve the following ordinance:

“Ordinance No. 1, Series 2022, An ordinance of the Town of Minturn, Colorado amending Chapter 16 of the Minturn Municipal Code to provide for the use and regulation of fowl in the Town.”

ATTACHMENTS:

- Ordinance No. 1, Series 2022

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 01 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE TO PROVIDE FOR THE USE AND
REGULATION OF FOWL IN THE TOWN.**

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

WHEREAS, the land use of “fowl” is becoming increasingly popular; and

WHEREAS, the unregulated keeping of chickens, other fowl, or livestock can create a nuisance, attract wildlife, and generally detract from the health and safety of the Town; and

WHEREAS, on December 8, 2021 the Minturn Planning Commission recommended approval of this ordinance; and

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

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

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

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended read as set forth in **Exhibit A**, with additions to Section 16-2-20 - Definitions shown in double underlined text and ~~strike through language~~ is deleted; and a new Section 16-17-210 added. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

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 JANUARY 2022. 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 JANUARY 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earl 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 WEB SITE THIS 19th DAY OF JANUARY 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ARTICLE 2 - Definitions, Illustrations and Lot Standards

Sec. 16-2-20. – Definitions.

For the purposes of this Chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

* * *

Coop means an enclosed and secured facility for housing fowl.

* * *

Free range means fowl being allowed to move about within an open area on the permitted property without the benefit of a coop or run.

Fowl means any fowl, including any chicken, duck, goose, turkey, pigeon or other fowl.

* * *

Permitted property means the property subject to and associated with the fowl permit.

* * *

Run means when associated with fowl, a “run” is an enclosed and secured facility where fowl are able to move around more freely than within a coop.

* * *

ARTICLE 17 - Supplemental Regulations and Standards

* * *

Sec. 16-17-210. - Keeping of fowl; limitations and requirements.

The following requirements, restrictions, and standards shall apply to the keeping of fowl within the Town of Minturn corporate limits. No other animals not otherwise allowed as “pet animals” by Article 9, Chapter 8 of this Code may be kept in the Town.

(a) *Applicability.* The keeping of fowl and the erection of coops, runs and associated enclosures are allowed as an accessory use only on those parcels where the principal use of the parcel meets one (1) of the configurations listed in this Subparagraph. An existing coop shall cease to be allowed where the principal use of the parcel is altered to no longer meet one (1) of the following configurations:

- (1) Detached single-family dwelling;
- (2) Detached single-family dwelling with either one (1) attached or one (1) detached accessory dwelling unit;
- (3) A two-family dwelling (duplex); or
- (4) A school or community centered board facility.

(b) *Where Permitted.*

- (1) Fowl are allowed in all zone districts, subject to the restrictions in this Article.
- (2) Fowl are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development.
- (3) Parcels must be a minimum of two thousand five hundred (2,500) square feet in size.

(c) *Number and type.*

- (1) No more than two (2) fowl permits shall be allowed per Permitted Property. If a parcel has more than one (1) dwelling unit, all adult residents (21 years of age or older) and the owners of the parcel must consent in writing, on a form provided by the Planning Director, to allow the keeping of fowl on the property. If a property contains a bonafide rental unit, tenants may be permitted to keep and maintain fowl so long as the property owner/authorized landlord approves in writing, on a form provided by the Planning Director, the use and permitting.
- (2) There shall be a maximum number of fowl allowed based on the square footage required in a coop per type of bird.
- (3) Roosters are allowed.

(d) *Site Layout and Design.*

- (1) A coop shall be located so that it has the least amount of impact to adjacent dwellings and properties. Coops and associated runs or other enclosures may be located in the front, side, or rear yards of the Permitted Property based on review by the Planning Director. Applicants for fowl permits are required to provide a site plan and other information detailing the location, size and layout of any coop, run or enclosed yard.
- (2) Neither the coop nor any portion of the run or other associated outdoor enclosure may be located less than five (5) feet from any abutting property line unless the property owner or keeper of the fowl obtains the written consent of the owners of all properties to which the enclosure is proposed to be closer than five feet from their property line; in which event, the agreed-upon location shall then be deemed acceptable to all such abutting property owners. The property owner or keeper of the fowl need only get permission from the original neighboring property owner. The consent, once obtained, lasts until the permit is relinquished or revoked.
- (3) The footprint of a coop and enclosed run shall not exceed two hundred (200) square feet. The maximum height of the coop shall be twelve (12) feet. Coops and runs shall be completely enclosed with wire or other material to contain the fowl and prevent wildlife intrusion.

(e) *Operation.*

- (1) Fowl must be confined at all times in a yard, coop or run. However, fowl may be permitted to roam, in a free range manner, outside the coop and/or run to allow for access to sunlight and open air described above so long as:
 - (i) The entire perimeter of such free range area (a yard) is fenced in a manner to adequately confine the fowl;
 - (ii) Such area is part of the Permitted Property and within an area immediately surrounding the residence of the owner of the fowl.
- (2) All fowl must be provided with a covered, predator-resistant house or coop that is properly ventilated, designed to be easily accessed, cleaned and maintained and at least two (2) square feet per chicken in size, four (4) square feet per duck or pair of pigeons in size, six (6) square feet per turkey or goose in size, and no portion of the floor shall exceed six (6) feet from grade.
- (3) During daylight hours, the fowl must have access to the coop, must have access to adequate fresh water, and must also have access to an enclosure that is screened on all sides and on top and adequate to protect them from predators.
- (4) Fowl shall be further protected by being enclosed within the coop from dusk till dawn.
- (5) Feed shall be kept within a rodent resistant container within the residence, garage, shed or other permitted structure so that it can be secured from rodents and other wildlife.
- (6) No harvesting of fowl for the purpose of meat processing may occur outside of the residence, garage, shed or other permitted structure associated with the Permitted Property. However, permittees may attend to sick or diseased animals that need to be killed due to health issues outside of the residence, garage, shed or other permitted structures.
- (7) Coops and runs shall be maintained in a clean fashion to prevent odors, and manure shall be removed and stored in a sealed container or removed from the property immediately. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.
- (8) The permitted property must comply with quiet hours of 7:00 p.m. to 7:00 a.m.

(f) *Permit Procedures.*

- (1) *Application Requirements.* The owner shall submit an application on the form provided by the Planning Director and shall pay the application fee set by Town Council resolution.
 - (i) Applicants for fowl permit(s) may be required to provide a site plan of the subject property drawn to scale showing the location of proposed coop(s), run(s), and fencing and yard areas. Applicants will also be

required to provide details of proposed coop, run, and fence designs, inclusive of structural dimensions and materials.

- (ii) If the parcel upon which the keeping of fowl is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Article shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent fowl-keeping standards, including the outright prohibition of fowl-keeping, for any parcel within the regulatory authority of such association.

(2) *Issuance of Permit.*

- i. All fowl keeping uses shall require a permit from the Planning Director. Such permit shall only be issued after the fowl application has been approved in accordance with the Municipal Code. The fowl permit shall specify any terms and conditions of the permit. All permits shall be issued to the owner of the property or approved tenant of a bonafide rental (dwelling) unit. A change in ownership shall necessitate issuance of a new permit.
- ii. Any pre-existing keeping of fowl shall come into conformance by May 31, 2022 or be considered illegal and therefore must comply with this Section or be removed.

- (3) *Revocation of Permit.* A fowl permit may be revoked at any time by the Planning Director should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code.



To: Mayor and Council
From: Jay Brunvand
Date: January 5, 2022
Agenda Item: Resolution 02 – Series 2022

REQUEST:

Council is asked to approve Resolution 02 – Series 2022

INTRODUCTION:

Throughout the COVID epidemic, the Town of Minturn has mirrored Eagle County's lead as we navigate the on-going pandemic. During the last week of December 2021, the County issued updated declarations due to the presence of the Delta and Omicron COVID variants. Further, by Minturn issuing our own emergency response we will be qualified for state and federal COVID relief funds should additional dollars need to be spent. No new mandates are being recommended by either Eagle County or the Town of Minturn. This is an administrative step should Minturn need to access funds for COVID relief.

ANALYSIS:

N/A

COMMUNITY INPUT:

This declaration is necessary for the public health, safety, and welfare of our Minturn community.

BUDGET / STAFF IMPACT:

N/A

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 02 – Series 2022 as presented.

ATTACHMENTS:

- Resolution 02 – Series 2022

TOWN OF MINTURN

RESOLUTION NO. 02 – SERIES 2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, DECLARING A LOCAL DISASTER EMERGENCY RELATING TO THE COVID-19 PANDEMIC.

WHEREAS, The Town of Minturn (“Minturn” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Minturn Home Rule Charter (the “Charter”); and

WHEREAS, WHEREAS, on March 6, 2020, Eagle County Public Health and Environment confirmed its first case of COVID-19 within the county. Since that time, Eagle County has seen more than 10,000 cases of the illness as well as 32 fatalities to date; and

WHEREAS, on March 18, 2020, pursuant to C.R.S. § 24-33.5-709 the Town Council of the Town of Minturn declared a local disaster emergency because the cost and magnitude of responding to and recovering from the impact of COVID-19 in the community far exceeded the county's available resources; and

WHEREAS, the Board rescinded the Prior Declaration on June 3, 2021, as conditions that spurred the prior declaration no longer posed the same serious threat to the health and safety of the citizens of Eagle County; and

WHEREAS, new variants of COVID-19, including Delta and Omicron, have now become prevalent in Eagle County, necessitating a new emergency declaration at this time. Due to the contagiousness of these new variants, coupled with the numerous travelers from around the world currently visiting the county, Eagle County is seeing and will continue to see cases of the virus and its transmission with the community; and

WHEREAS, the volume of COVID-19 cases in Eagle County is causing serious impacts to county health and medical systems and has the potential to create significant disruption to public safety, transportation, education, business workforce, and other critical infrastructure sectors; and

WHEREAS, Eagle County and the Town of Minturn anticipate that without appropriately responding to the illness, numbers of cases within the county will rise, may result in serious illness or death for certain members of the community, and may have the effect of interrupting community functions in terms of work attendance, school attendance, available hospital beds, and the like; and

WHEREAS, the cost and magnitude of responding to these new variants and recovering from the impact of the ensuing event is far in excess of the county’s available resources; and

WHEREAS, pursuant to C.R.S. 24-33.5-709(1) “[a] local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed in excess of seven days except by or with the consent of the governing board of the political subdivision;” and

WHEREAS, “The effect of a declaration of local disaster emergency is to active the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.” C.R.S. 24-33.5-709(2).

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, THAT:

THAT, it is hereby determined and declared that the presence of the COVID-19 virus, inclusive of the Delta and Omicron variants, within Eagle County and the Town of Minturn constitutes a local disaster emergency that warrants the mobilizing of emergency response and the furnishing of aid and assistance.

THAT, this Declaration shall be promptly filed with the Eagle County Clerk and Recorder and with the Colorado Office of Emergency Management.

THAT, this Declaration shall remain in effect until the Town Council determines that an emergency no longer exists.

THAT, this Declaration is necessary for the public health, safety and welfare of the citizens of the Town of Minturn, State of Colorado.

INTRODUCED, READ, AND PASSED THIS 5TH DAY OF JANUARY 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Jay Brunvand
 Clerk/Treasurer
 301 Pine St #309 ♦ 302 Pine St
 Minturn, CO 81645
 970-827-5645 x1
treasurer@minturn.org
www.minturn.org



Town Council
 Mayor – Earle Bidez
 Mayor Pro Tem – Terry Armistead
 Council Members:
 George Brodin
 Lynn Feiger
 Eric Gotthelf
 Gusty Kanakis
 Tom Sullivan

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

REGULAR TOWN COUNCIL MEETINGS
January 5, 2021
Consent Agenda: Resolution No. 01 – Series 2020 A Resolution setting a Resolution setting the official posting sites for the Town of Minturn – Brunvand
Ordinance No. __ - Series 2022 (First Reading) regarding livestock (Chickens)
January 19, 2021
Ordinance No. __ - Series 2022 (Second Reading) regarding livestock (Chickens)
DATE TO BE DETERMINED
30’ River Setback Policy Review & Eagle River Park (MMC Sec. 16-2-50(b)) – waiting on Planning Commission review
2021-23 Strategic Plan Amendment – Building Code Updates
Ordinance regarding Livestock – Waiting on Planning Commission review
Potential legislation regarding Mobile homes
Car Idling