



## **AGENDA**

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 and times of agenda items listed are approximate and intended as a guideline for the Town Council.

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday January 6, 2021**

**Meeting to be held via Zoom Conferencing and call-in.**  
**Public welcome to join meeting using the following methods:**

<https://us02web.zoom.us/j/87534021053>

**Or join by phone:**

**US: +1 651 372 8299 or +1 301 715 8592**

**Webinar ID: 875 3402 1053**

**Regular Session – 5:30pm**

**MAYOR – John Widerman**  
**MAYOR PRO TEM – Earle Bidez**

**COUNCIL MEMBERS:**

Terry Armistead  
George Brodin  
Brian Eggleton  
Eric Gotthelf  
Gusty Kanakis

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

**Regular Session – 5:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)**

**3. Approval of Consent Agenda (5Min)**

*A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?*

- December 16, 2020 Meeting Minutes Pg 4
- Resolution No. 01 – Series 2021 A Resolution setting a Resolution setting the official posting sites for the Town of Minturn – Brunvand Pg 13

**4. Approval of Agenda**

- Items to be Pulled or Added
- Declaration of Conflicts of Interest

**5. Special Presentations**

- Council Comments/Committee Reports

**PUBLIC HEARINGS AND/OR ACTION ITEMS**

- 6. Public Hearing/Action Item:** Ordinance 01 – Series 2021 An Ordinance Providing for the consistency of completeness reviews in the Town’s Land Use Code, Chapter 16. – Hunn Pg 15

**DISCUSSION/DIRECTION ITEMS**

- 7. Discussion/Direction Item:** Local Business grant support program – Metteer Pg 27
- 8. Discussion/Direction Item:** Business License/Marijuana Sales Discussion – Metteer Pg 36

**COUNCIL INFORMATION / UPDATES**

**9. Staff Updates (5 Min)**

- Manager’s Report
- Future Agenda Items Pg 66

## MISCELLANEOUS ITEMS

### **10. Future Meeting Dates**

- a) Council Meetings:
- January 20, 2021
  - February 3, 2021
  - February 17, 2021

### **11. Other Dates:**

- January 18, 2021 – Martin Luther King Day (Office Closed)

### **12. Adjournment**



## OFFICIAL MINUTES

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 and times of agenda items listed are approximate and intended as a guideline for the Town Council.

### MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center 302 Pine Street  
Minturn, CO 81645 • (970) 827-5645

**Wednesday December 16, 2020**

**Meeting to be held via Zoom Conferencing and call-in.  
Public welcome to join meeting using the following methods:**

<https://us02web.zoom.us/j/83498043954>

**Or Telephone:**

**US: +1 301 715 8592 or +1 651 372 8299**

**Webinar ID: 834 9804 3954**

**Regular Session – 5:30pm**

**MAYOR – John Widerman**

**MAYOR PRO TEM – Earle Bidez**

#### COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Gusty Kanakis

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645.

**Regular Session – 5:30pm**

#### 1. Call to Order

- Roll Call

The meeting was called to order by Mayor John Widerman at 5:32pm using the ZOOM on-line meeting format.



Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members Terry Armistead, George Brodin, Eric Gotthelf, Brian Eggleton, and Gusty Kanakis.

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, and Town Treasurer/Town Clerk Jay Brunvand.

- Pledge of Allegiance

**2. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)**

**3. Approval of Consent Agenda (5Min)**

*A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?*

- December 2, 2020 Meeting Minutes
- 542 Main St llc, dba Sunrise annual renewal of a Hotel & Restaurant (City) Liquor license; 132 Main St; Doug McAvity, Owner/Manager
- Rocky Mountain Taco annual renewal of a Beer and Wine (City) Liquor license; 291 Main St; Chris McGinnis, Owner/Manager

Motion by George B., second by Terry A., to approve the Consent Agenda of December 16, 2020 as presented. Motion passed 7-0.

**4. Approval of Agenda**

- Items to be Pulled or Added
- Declaration of Conflicts of Interest

Motion by Terry A., second by George B., to approve the Agenda of December 16, 2020 as presented. Motion passed 7-0

**5. Special Presentations**

- Council Comments/Committee Reports

Gusty K. attended a USDA water asset funding webinar. He felt it fit well with what we are currently accomplishing with our CIP and other plans. He stated they have loans with low rates and long terms that could be applicable to Minturn.

George B. asked the citizens to shop local and support our local businesses within the town and Eagle County.

Earle B. wished all a happy holiday season and a bright 2021.

Terry A. also encouraged local shopping to lessen the very difficult year we have been enduring. She thanked the County officials and Michelle M. for their work.

Brian E. wished a happy holidays, encouraged all to reach out to your neighbors, and enjoy where we live. He noted the COVID vaccine is being distributed in Eagle County.

Eric G. echoed previous comments, encouraged all to abide by the rules of COVID safety. We can see the light at the end of the tunnel but we can't quit yet.

John W. noted Eco Transit was awarded for their essential services during the pandemic. The NAIOP Challenge for Dowd Jct planning is moving forward. Minturn Matters was yesterday, but no attendance.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

**6. Public Hearing/Action Item:** Resolution 30 – Series 2020 A Resolution providing direction regarding water tank planning and construction – Metteer

Michelle M. introduced the issue and updated the process. She noted we are currently in performing a one-year study of the potential new well fields on the Eagle River. She noted this Resolution is to provide two main tanks to be located at the current water treatment plant or one main tank and a second Maloit Park tank. The two main tank option would serve both town and Maloit Park.

The Town's growing inability to meet Colorado Department of Public Health and Environment regulations for the operating of a domestic water system, combined with the failing infrastructure, pushed the issue to the forefront which is when the Town and Council decided to tackle the repair and replacement of the water system independently.

The Town is now one year into a ten-year Capital Improvement Plan. In the first year of the Plan, much of the "low hanging fruit items" were completed while planning began for the larger infrastructure needs, mainly the water tank. As scenarios on the ground evolve and construction costs increase, staff will plan for an annual review of the Water CIP by Council for the purposes of modifying the plan to best meet evolutions in the field. Currently, staff seeks direction from Council on potential modification(s) to the CIP. After conducting a Tank Site Analysis and review in the field, options for a new water tank have evolved and before the next step in the process of planning and constructing can take place, Council must provide direction.

George B. provided a presentation showing the history of our water system. He noted the preferred site at the current water plant is suitable for the tank(s) and that the existing Maloit Tank is not sufficient for required fire suppression needs.

Ryan Gordon, SGM, outlined the two options.

- Option #1 = One main tank located at the existing water plant with a 600kgal capacity and a second tank located at and to serve the Maloit Park area with a capacity of 250kgal.
- Option #2 = two main tanks located at the existing water plant with a capacity a 650kgal combined capacity that would be capable to feed both the town and Maloit Park and to maintain the existing Maloit Park tank. Two tanks would provide redundancy for maintenance.

In both options the existing main tank would be decommissioned. The recommendation from Staff is to proceed with Option #2.

Ryan G. also reviewed some of the items that have been completed and removed from the CIP list and/or line items that have otherwise been repriced.

Gusty K. asked about the 650kgal tank, is that sufficient storage; yes, but does not include potential impacts from Battle North, and we are not at actual sizing yet. Is the existing Maloit Park tank able to be used for a longer duration; yes, the tank is in very good condition.

Earle B. confirmed that the 650kgal tank capacity does NOT include Battle Mtn; correct. He asked how we would adjust if the project does come in? If it is definite in the near future, we could adjust the size of the tanks. The developer could also be required to bring storage with their project. At some point we need to build for what we have and then make considerations when and if new or large developments come in. We can build to a higher storage capacity but it could be at a degraded water quality due to the water not turning over as often. Earle B. asked about the USFS land; the two tanks would be on town land and we have begun the environmental process. For the most part the USFS would not be affected. He asked if two tanks built at the same time would require both to be replaced in the future at the same time. Mr. Gordon stated the proposed reenforced concrete tanks have a 100year life expectancy and the maintenance is significantly reduced as well. Having two sufficient tanks allows for one to be taken from service to maintain.

Terry A. asked about the pumping system to Maloit Park. The O & M would need to be done annually which requires an outside company to test the fire needs, this is about \$10k annually, town staff would also need to test the pumps monthly among other general maintenance and up keep. The life span of the pumps would be estimated at 20-30 years with proper maintenance. Was encouraged with the progress made.

Brian E. expressed cost concerns. Mr. Gordon stated the current costs are pretty low due to the limited moving parts in the existing system, this would be an increase. Was encouraged to hear of the planned generator for emergency use.

John W. was encouraged with the plan and, although new maintenance costs, they should be manageable. He was concerned with the growth scenarios and wanted to make sure we ensured growth pays for itself but that we are planning conservatively for growth.

Tim McGuire, Battle Mtn now referred to as Battle North, asked what the timing for tank size would be, when would we need to know. Mr. Gordon stated we are working on grants and

funding now. To build summer of '21 would require a shorter time commitment for such considerations as tank size but that the cost to increase the tank would not be disproportionately expensive since infrastructure and pumping would not change, it is a Council decision of timing. He asked if the tank could be sized to include Battle North Phase 1 that would be good. He was encouraged with the process and progress made.

Earle B. asked about the stagnate water concern with a larger tank. Ryan G. said there are some tools and strategies that could help which could be considered.

Gusty K. noted the hydraulic modeling and asked Ryan G. to outline the process. Ryan G. expressed where the existing monitoring well is, east side of the RR tracks south of Maloit Park, and how they test the water for elements and contamination and if this will mobilize the contaminants from the Eagle Mine tailings. Gusty K. expressed how the committee has been looking at how development will pay for some of the growth but if that development is slow or nonexistent how that would affect our cost scenarios noting this portion is a very high-ticket item in the CIP. Ryan G. noted the Eagle River well field is to provide capacity and redundancy. They felt the modeling was necessary as well as pursuing the necessary railroad easement and alinement.

Eric G. noted that our major concern is cost and providing quality water. He was in support of Option #2.

*Note: Terry A. left the meeting excused at 7:30pm.*

Motion by Earle B., second by George B., to approve Resolution 30 – Series 2020 A Resolution providing direction regarding water tank planning and construction choosing Option #2 as presented. Motion passed 6-0. Note: Terry A. was excused absent.

**7. Public Hearing/Action Item: Resolution 31 – Series 2020 A Resolution approving the termination of the 2016 Memorandum of Understanding Relating to the Battle Mountain Project – Metteer**

Michael S. gave background. In October 2016, the Town Council approved Resolution No. 27 – Series 2016 authorizing the Mayor to sign a Memorandum of Understanding with Battle Mountain (“MOU”). At the time, Battle Mountain had requested that the parties map out a strategy for advancing land use approvals for both the Mountaintop and the Bolts Lake area. The MOU contains action items and a proposed timeline for carrying out the MOU’s objective. While some of the action items were accomplished – in particular related to the Mountaintop Area – others stalled. As a result, four years have passed since the MOU was enacted and circumstances have changed such that the concepts upon which the MOU were created are no longer accurate or current. To that end, the staff recommends terminating the MOU to pave the way for a new process for the Town to review applications submitted by Battle Mountain and to fund the Town’s review of those applications.

Two items related to the MOU warrant some consideration. First, section 4 of the MOU contemplated cost sharing of Town review costs for Battle Mountain’s land use applications. Some of the Town’s Funds were expended to that effect related to the Mountaintop proposals. However, the Town no longer has \$200,000 remaining from the Town’s Funds and does not believe it is

appropriate to use the remaining funds for review of land use proposals. The 2012 Agreement Regarding Escrows and Funding provide that a “Future Funding Agreement” between Battle Mountain and the Town will be enacted. That agreement needs to be vetted by the Town and adopted before extensive work on Battle Mountain applications can occur. Second, the MOU does contain language ratifying the use of the Town’s Funds by Minturn up through 2016. By terminating the MOU, this provision will be lost. Town Staff understands that securing language ratifying the use of the Town’s Funds in the Future Funding Agreement is a requirement of moving forward.

Mr. Tim McGuire, Battle North, expressed some items contained could be covered in the PUD process. He stated they are not opposed to terminate this.

Motion by Earle B., second by Eric G., to approve Resolution 31 – Series 2020 A Resolution approving the termination of the 2016 Memorandum of Understanding Relating to the Battle Mountain Project as presented. Motion passed 6-0. Note: Terry A. was excused absent.

## DISCUSSION/DIRECTION ITEMS

### **8. Discussion/Direction Item:** Local Business water bill relief program – Metteer

Michelle M. noted the county has passed a relief package. It was noted there are a limited number of things we can do to provide relief at the town level. She stated the County has \$3m in relief for businesses and have received 40 applications just today. She noted COVID continues to hit Minturn’s local businesses hard. When the County moved to Orange on the COVID Dial, restrictions for businesses, especially restaurants, are making it incredibly difficult to remain open. Additionally, many local businesses have already exhausted their reserve funds in order to make the required distancing modifications to their establishments. There is growing concern that local small businesses will not be able to survive another round of shutdowns. And even though businesses currently remain open, they are unable to accommodate the level of customers necessary to sustain a staff and break-even. Through the 72<sup>nd</sup> Special Session of the State Legislature, 10 bills were passed for support of small businesses, child care and Colorado families (see Manager Report). These efforts are helpful in the support needed, however most of the funds will go to Counties in the Red Level of the COVID dial.

Earle B. commended the businesses for their efforts and felt a 3mo relief on water rates was appropriate.

Gusty K. agreed with Earle B. but felt this helped only the businesses and would be a heavy hit to the Enterprise Fund. He was concerned that most of the businesses don’t own the building so it could be the landlord receives the benefit not the business.

Eric G. was in support.

George B. was in support but noted it is very difficult to put money in to the Enterprise Fund but easy to get it out. He felt there were ways to support the businesses without the Enterprise Fund.

Brian E. was concerned with where the money would be coming from. He noted this second relief package would come from a separate fiscal year and felt that was better. He expressed the necessity of this. He stated the water bills for the businesses do see the credit rather than the landlord.

Michelle M. noted in the first relief round we sent letters to both the owners and the businesses to ensure fairness of application to the businesses.

Discussion ensued as to how each fund is funded and how legitimate expenses need to be applied to the appropriate Fund. Also, to allow the relief only for those directly affected by the reduced occupancy: restaurants and fitness.

Motion by Brian E., second by Gusty K., to table and rediscuss at January 6 meeting when further research can be completed by Staff. Motion passed 5-1. Note: John W. voted Nay and Terry A. was excused absent.

## COUNCIL INFORMATION / UPDATES

### 9. Staff Updates (5 Min)

- Manager's Report

#### **Minturn Ice Rink - update**

We're hopeful that a final pour the week of Dec 14<sup>th</sup> will finish the job of filling the rink. It's ideal to pour a rink in multiple phases to avoid "bubbling." We expect to need about another 30,000 gallons to finish the job. John Volk has provided his approval pending that the Fire Dept use no more than 80 gallons/minute which means it will take about 6 hours to fill the rink. This requirement is to ensure we maintain necessary fire flow levels in the Maloit Park tank. Ice skating season will hopefully be here before Christmas!

#### **Rocky Mountain Real Estate Challenge Kick-off Event**

The kick-off event will be held January 26 from 3-5:30 pm via zoom. As the event nears, I will share the link for those interested in watching.

#### **COVID-19 Vaccine Dissemination Process**

[Here is a helpful link shared by Eagle County which provides a video \(about 11 minutes long\) outlining the dissemination of the COVID-19 vaccine.](#)

#### **COVID Relief Approved following 72 General Assembly Special Session by State Legislature and Governor Polis**

Here is a breakout of the relief packages approved for small businesses, childcare and families of Colorado:

- [HB20B-1004](#), **Qualified Retailer Retain Sales Tax For Assistance** - Sponsored by Representatives A. Valdez & Van Winkle, Senators Bridges & Tate

- [HB20B-1005](#), **Local Authority To Impose Food Delivery Fee Restrictions** - Sponsored by Representative Bird, Senator Rodriguez, Senator Tate
- [HB20B-1006](#), **Insurance Premium Tax Payments And Credits** - Sponsored by Representative Arndt, Senator Zenzinger
- [SB20B-001](#), **COVID-19 Relief Small And Minority Businesses Arts Organizations** - Sponsored by Senators Winter & Priola, Representatives Herod & Sandridge
- [HB20B-1003](#), **Food Pantry Assistance Grant Program** - Sponsored by Representatives Cutter & Bockenfeld, Senators Story & Hisey
- [SB20B-003](#), **Money For Energy Utility Bill Payment Assistance** - Sponsored by Senators Fields & Crowder, Representatives Duran & Landgraf
- [SB20B-002](#), **Housing And Direct COVID Emergency Assistance** - Sponsored by Senators Gonzales & Holbert, Representatives Exum & Tipper
- [HB20B-1001](#), **Grants To Improve Internet Access In P-12 Education** - Sponsored by Representatives Young & Soper, Senators Donovan & Coram
- [HB20B-1002](#), **Emergency Relief Programs For Child Care Sector** - Sponsored by Representatives Kipp & Landgraf, Senators Pettersen & Sonnenberg

Eric G. asked about maintaining the ice rink. Michelle M. stated it is built for the hockey team and maintained by volunteers. The public can use the rink when not in use by students.

- Future Agenda Items
  - Add water discussion to 1/6/21
  - Add Marijuana discussion to 1/6/21
  - Evaluate water rates in comparison to the CIP 1/20/21

## MISCELLANEOUS ITEMS

### 10. Future Meeting Dates

- a) Council Meetings:
- January 6, 2021
  - January 20, 2021
  - February 3, 2021

### 11. Other Dates:

- December 25, 2020 – Christmas Day (Office Closed)
- January 1, 2021 – New Year’s Day (Office Closed)
- January 18, 2021 – Martin Luther King Day (Office Closed)

## **12. Adjournment**

Motion by George B., second by Earle B., to adjourn the meeting at 8:47pm. Motion passed 6-0.  
Note: Terry A. was excused absent.

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John Widerman, Mayor

ATTEST:

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Jay Brunvand, Town Clerk





To: Mayor and Council  
From: Jay Brunvand  
Date: January 6, 2021  
Agenda Item: Resolution 01 – Series 2021

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**REQUEST:**

Staff is requesting Council to approve Resolution 01 – Series 2021.

**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 laid 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 2021

**TOWN OF MINTURN**

**RESOLUTION NO. 01 – SERIES 2021**

**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 6<sup>th</sup> day of January 2021.**

\_\_\_\_\_  
**JOHN WIDERMAN, MAYOR**

**ATTESTS:**

\_\_\_\_\_  
**JAY BRUNVAND, TOWN CLERK**



To: Mayor and Council  
From: Scot Hunn, Planning Director and Madison Harris, Planner I  
Date: December 30, 2020

Agenda Item: Chapter 16 Land Use Process Amendment Ordinance

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**REQUEST:**

Review of the Chapter 16 Land Use Process Amendment Ordinance recommended to Council by the Planning Commission from their regular meeting of December 21<sup>st</sup>, 2020.

**INTRODUCTION:**

The attached ordinance is presented for consideration by the Town Council. The ordinance addresses amendments in the following sections of the Minturn Municipal Code, Chapter 16 – *Zoning* as well as Chapter 17 - *Subdivisions*:

1. **Section 16-15-80 – Fees**
2. **Section 16-15-90 - Concept development plan application and checklist**
3. **Section 16-15-130 - PUD preliminary development plan application**
4. **Section 16-21-180 - Determination of completeness**
5. **Section 17-5-20 – Staff review**

During the review of Chapter 16 over the past year, staff has focused primarily on zone district standards and uses, as well as dimensional limitations and other specific standards applicable to all development in the Town. Staff has also spent time reviewing administrative and process- related sections of Chapters 16 and 17, which set forth the application review and referral processes, from initial application to the scheduling of public hearings.

As a reminder, the Code currently requires the following steps for most application types:

1. **Pre-application Meeting:** this meeting between an applicant and staff is required before any application can be received. The intent of this meeting is to ensure that the Applicant understands the approval process and timelines for their particular application type (DRB review, Variance request, or PUD, for instance) and can adequately address relevant standards or criteria in their formal applications. It is a time when applicants can ask questions of staff and staff can provide informal feedback on a proposal prior to an application being submitted.
2. **Application Completeness Review:** Upon receipt of a formal application, Town staff (Planning, Engineering, Public Works, Attorney, and other consultant or contract staff members) reviews the application for “completeness”. Does the application contain the minimum amount and type of information required by the Code, and will that information be sufficient to allow the Town and Planning Commission to adequately review the proposal? This stage in the process is

not a deep dive into the application for conformance with the applicable standards, but is intended to ensure that the level and type of information received is adequate.

**Issue:**

The Code currently provides Town staff ten (10) calendar days in which to review applications and to make a determination of completeness. This time frame is not realistic for most application types given trends in work load, the capacity of staff, as well as the type, amount, and complexity of the applications.

**Recommendation:**

Staff is proposing to increase this time frame to thirty (30) business days (M-F) with the option by the Planning Director to extend that period an additional ten (10) business days for larger, more complex applications. Increasing these time frames does not necessarily mean that the Town will use the maximum time allotted, but it does set a more realistic expectations and predictability for applicants.

- 3. Public Review and Referral:** Upon a determination by the Planning Director that an application is complete and sufficient for review and referral to Town staff, consultants and other referral agencies (CDOT, Colorado Parks and Wildlife, USFS, for instance), the referral period starts.

**Issue:**

The Code does not provide a clear or consistent purpose, process or timeframes for this critical step in the review of new development applications. Proposed amendments to this section of the Code will be important to provide predictability for developers and citizens in the process (ensuring that everyone involved knows who gets to review the application, how long they will be given to review the application, and what happens after the referral agencies or consultants provide their comments or recommendations).

**Recommendation:**

Staff is proposing the addition of several steps and timeframes (based on business days) in the Code to clearly outline the process involved in sending referrals to consultants and other referral agencies, receiving their comments, and working with Applicants to ensure that issues and comments are addressed prior to setting a date for public hearings.

- 4. Post-Referral Period:** This is also an important aspect of the review process where applicants are given a specific amount of time (typically 180 days) to respond to comments, concerns, as well as recommended revisions or requests for further information by Town staff, consultants or other referral agencies.

**Issue:**

While there are sections of the Code that do outline the basics of a referral and post referral response period, this section lacks adequate details outlining the steps necessary to ensure due process. Meaning, the current Code does not specify what happens when an applicant doesn't adequately address referral comments, or how much time the Town will allow the applicant to remedy deficiencies; it also does not clearly set forth processes and timelines necessary for determination that an application is ready for a public hearing.

**Recommendation:**

Staff proposes to add several sections to the Code outlining additional steps and timelines to clearly communicate the post-referral process.

Over the past several years, the amount and types of land use applications have increased and have become increasingly complex. As the Town continues to receive more and, in some cases, larger and more complex applications, amending these chapters is important to:

- Ensure adequate time for staff to adequately and accurately review new applications prior to scheduling public hearings.
- Ensure proper, predictable and consistent due process for applicants, referral agencies, and citizens.
- Promote accurate and informed decision making by the Planning Commission and Town Council when considering land use applications by ensuring that applications are complete and that issues identified during completeness and referral review periods are addressed to the highest extent prior to presenting applications to either decision making body.

With the Planning Commission’s recommendation, staff is presenting the ordinance to the Town Council at their regularly scheduled meeting of Wednesday, January 6, 2021.

**ANALYSIS:**

In reviewing the Ordinance, the Planning Commission considered the viability of different lengths of time attached to different processes. In the draft ordinance all proposed time frames were based on a 7 day week (14 days, 21 days, etc.), however all time frames were specified to be business days which would then mean that 14 days is actually 2 work weeks and 4 days. As such, the Planning Commission recommended that all time frames should be in increments of 5, to better represent a working week.

**COMMUNITY INPUT:**

Tim McGuire with Battle North had several clarifying comments and questions about the number of days allotted to each process step. In addition to that, he discussed with the Planning Commission and Staff the merits of using ‘business days’ versus ‘calendar days’ within the ordinance. 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.

**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:

Chapter 16 Land Use Process Amendment Ordinance

### **ATTACHMENTS:**

- Chapter 16 Land Use Process Amendment Ordinance
- Email comments from Tim McGuire

**From:** [Scot Hunn](#)  
**To:** [Madison Harris](#)  
**Subject:** Fwd: Code Revisions  
**Date:** Wednesday, December 30, 2020 9:59:18 AM

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**Scot Hunn, AICP/MPA**  
**Principal/Owner**  
**Hunn Planning & Policy LLC.**  
[scot@hunnplanning.com](mailto:scot@hunnplanning.com)  
(970) 343-2161

----- Forwarded message -----

**From:** **Tim McGuire** <[tmcguire@battlemountainresort.com](mailto:tmcguire@battlemountainresort.com)>  
**Date:** Tue, Dec 22, 2020 at 12:42 PM  
**Subject:** Code Revisions  
**To:** Scot Hunn <[scot@hunnplanning.com](mailto:scot@hunnplanning.com)>

Scot,

Thanks for letting me participate in the review of the code revisions at last nights planning commission meeting. Here is a copy of my comments from last night:

Sec 16-15-130 (c) – currently the code states 30 business days plus an additional 14 business days if needed – I would propose this go to 30 business days and then another 10 business days if required. – 45 business days (over 2 months time) seems excessive.

Sec 16-15-130 (d) – This states 21 business days – I would like to see this 15 or 20 business days at the most – please don't use minimum as that provides no time limit, a maximum makes more sense.

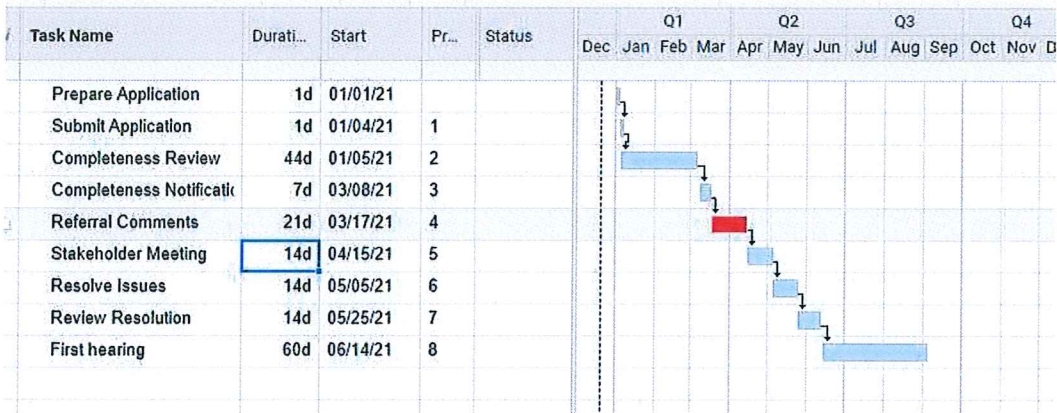
Sec 16-21-180 1.a – this paragraph says the notice shall be mailed – could we say mailed and emailed to speed up the process?

Sec 16-21-180 2.a – in this section it states the referral period is 21 calendar days, not consistent with 16-15-130 (d) above – again I would propose 15-20 business days (maximum).

Sec 16-21-180 4 – still have concerns which reference the timeline of 60 days for Section 16-

21-200, but from last night I now understand you will be updating this section of the code to eliminate the 60 day period in the future.

FYI – this is a quick process chart I put together (and this is a best case scenario if there are not any comments from referral agencies which I realize is very unrealistic, but even in a best case scenario an application submitted on the first of the year may not have it’s first hearing until September....



Tim

Timoth McGuire

**Battle North LLC | Minturn, CO**

c: (802)473-0275 | o: (970)827-4609

440 Eagle Street, PO Box 56 Minturn, CO 81645



**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 01 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO PROVIDING FOR THE CONSISTENCY OF  
LAND USE APPLICATION REVIEWS IN THE TOWN'S  
LAND USE AND SUBDIVISION CODES, CHAPTERS 16  
AND 17.**

**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**, Minturn Municipal Code (the “Code”) Chapter 16, Zoning and Chapter 17 Subdivisions contain various inconsistent timeframes and procedures for the Planning Director and staff to conduct reviews of land use applications; and

**WHEREAS**, Town planning staff and applicants require more consistency in review procedures and timeframes for complex land use applications; and

**WHEREAS**, on December 21, 2020 the Minturn Planning Commission recommended approval of this ordinance; and

**WHEREAS**, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Municipal Code to provide for consistency and additional time in the determination of completeness for land use applications made under Chapter 16.

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. Section 16-15-80 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**Sec. 16-15-80. - Fees.**

- (a) The application fee for a Planned Unit Development and for amendments to a PUD shall be set by the Town Council by resolution. Applications deemed by the Planning Director to have significant design, land use or other issues that may have a significant impact on the Town may require review by consultants other than Town staff. ~~When a determination is made by the Town staff that outside assistance is needed to review any PUD application, the Town staff shall obtain approval of the Town Council for hiring outside consultants.~~

- (b) ~~Upon approval of the Town Council to hire outside consultants, t~~The Town staff shall estimate the amount of money necessary to pay the consultant, and this amount shall be forwarded to the Town by the applicant prior to undertaking substantive review of the application. ~~scheduling the application for Planning Commission hearing.~~ Upon completion of the review by the consultant, any of the funds forwarded by the applicant for payment of the consultant, which have not been paid to the consultant, shall be returned to the applicant. Expenses incurred by the Town in excess of the amount forwarded by the applicant shall be paid by the applicant within thirty (30) days of notification by the Town.

SECTION 3. Section 16-15-130 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**Sec. 16-15-130. - PUD preliminary development plan application.**

- (a) The purpose of the preliminary plan review is for the applicant to specifically respond to the issues and concerns identified during concept plan review and to propose detailed, properly engineered solutions to those problems that conform in all respects to the approved concept plan. The burden at the preliminary plan stage is on the applicant to provide detailed information and mitigation proposals to be evaluated by the Town. The preliminary plan shall include a Community Plan and Development Guidelines to the development of the PUD (hereinafter the "PUD Community Plan and Development Guidelines"), specifying the standards and limitations that will guide the future development of the property.
- (b) A preliminary development plan application and checklist shall be submitted to the ~~Town Planner~~ Planning Director no more than ~~ninety (90) days one year~~ after the approval of the concept plan, along with the required fee. The preliminary development plan application shall be accompanied by an application for an amendment to the Official Zone District Map as well as a preliminary plat application in accordance with the requirements and provisions of Section 16-15-140(b)(1) of this Code.
- (c) Within ~~(40)~~ thirty (30) business days of receipt of the land use application form and fee, the Planning Director shall determine if the application is complete and includes sufficient data to evaluate the application to determine general compliance with the requirements of this Code. For large applications, the Planning Director may extend the completeness review period by an additional ten (10) business days by sending notice to the applicant. Upon acceptance of the application as complete, the Planning Director shall refer the application to Town staff, consultants ~~the Town Council, the Planning Commission~~ and other agencies as provided in Section 16-21-180 of this Code ~~deemed appropriate.~~
- (d) Within five (5) business days following the Planning Director's determination of completeness, the Planning Director shall provide notice to the applicant specifying

any changes needing to be made to the application prior to commencing the public referral process as well as notifying the applicant of the number and manner of public referral copies of the application are required for Town staff to facilitate the public referral. The public referral period shall be a maximum of twenty (20) business days.

SECTION 4. Section 16-21-180 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strike through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**Sec. 16-21-180. - Determination of completeness; Referral.**

(1) Within ~~fourteen (14)~~ thirty (30) business days of receipt of the application, the ~~Town Planner~~ Planning Director shall determine if the application is complete and includes sufficient data to evaluate the application to determine general compliance with the requirements of this Code. ~~data in sufficient detail to evaluate the application, and determine whether it complies with the appropriate substantive requirements of these Land Use Regulations. For large applications, the Planning Director may extend the completeness review period by an additional ten (10) business days by sending notice to the applicant. Upon acceptance of the application as complete, the Planning Director shall refer the application to Town staff, consultants, and other agencies as provided herein.~~

(a) Determined incomplete. If the ~~Town Planner~~ Planning Director determines that the application is incomplete, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within one hundred eighty (180) calendar days, the Planning Director may determine the application is withdrawn and be returned to the applicant. The applicant may appeal the Planning Director's determination to the Town Council pursuant to these Land Use Regulations.

(b) Determined complete. ~~When the application is determined complete, the Town Planner shall notify the applicant, in writing, of the application's completeness and of the date set for the first public hearing for the application, which shall be no later than sixty (60) calendar days after the date the application was determined to be complete.~~

Within five (5) business days following the Planning Director's determination of completeness, the Planning Director shall notify the applicant specifying any changes needing to be made to the application prior to commencing the public referral process and specifying the number and manner of public referral copies of the application required for Town staff to facilitate the public referral.

(2) Referral distribution. Within five (5) business days from the date that the requested number and type of referral copies are received by the Planning Department, the Planning Director or assigns shall distribute the application materials provided to the appropriate review agencies.

(a) Referral time period. The length of the referral period shall be a maximum of twenty (20) business days for: PUD Preliminary Development Plan applications; PUD Final Plan applications; Preliminary Subdivision Plat applications; Final Subdivision Plat applications; Minor Type ‘B’ and Minor Type ‘A’ Subdivisions; Amended Final Plat applications; Correction Plat applications; Conditional Use Permit applications, Zone District Map Amendment applications; and Amendments to the Text of the Land Use Regulations applications.

(3) Post referral period.

(a) Within ten (10) business days following completion of the referral period, if the referral responses disclose deficiencies in the application, the Planning Director or assign will schedule a stakeholder meeting with the applicant and appropriate Town staff, consultants, or agency representatives deemed appropriate by the Planning Director. The purpose of the stakeholder meeting will be to discuss identified concerns of the Planning Department and/or referral agencies, and to determine the applicant’s necessary course of action to adequately respond to and remedy identified concerns prior to establishment of the first public hearing date for the application.

(b) Within ninety (90) business days, the applicant shall respond to and/or remedy all concerns, deficiencies and recommendations set forth in the referral responses received within the referral period and shall submit a written response to the Planning Director or assign. If the applicant fails to submit a thorough response within ninety (90) business days, and has not communicated a viable reason for delay to the Planning Director or assign, then the application may be considered withdrawn and returned to the applicant.

(c) Following receipt of the applicant’s response the Planning Director or assign and any other Town staff, consultant, or other referral agency representatives who provided referral response shall review the resubmitted application materials and prepare written comments for the applicant clearly delineating which concerns, deficiencies and/or recommendations have been adequately addressed or remedied and which, if any, outstanding concerns, deficiencies and/or unsatisfied recommendations remain.

(d) Upon written request of the applicant, the Planning Director may provide additional time to the applicant to address any concerns, deficiencies and/or

recommendations that the applicant has not adequately addressed during the first post referral remedy period.

(e) In the event the Planning Director and the applicant are not able to resolve deficiencies as delineated in Section 16-21-180 7-9 above, the applicant may request in writing that the application be scheduled for a public hearing. The applicant shall provide the Town with a written response detailing how referral comments have been addressed, or, if not addressed to the satisfaction of Town staff, consultants or other referral agencies, why the applicant was unable to address or remedy outstanding concerns, deficiencies or recommendations.

(4) Following a determination by the Planning Director or assign that the applicant has successfully and adequately addressed or remedied all concerns, deficiencies and recommendations set forth in the referral responses; or, in the event the Planning Director or assign has received a written request by the applicant, the Planning Director or assign will schedule a public hearing as provided in Section 16-21-200 of this Code.

SECTION 5. Section 16-15-90 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**Sec. 16-15-90. - Concept development plan application and checklist.**

\* \* \*

(b) Concept development plan application. A concept plan application and checklist shall be submitted to the Planning Director. Within ~~(40) thirty (30) business calendar~~ days of receipt of the application, the Planning Director or assign shall determine if the application is complete and includes sufficient data to evaluate the application to determine general compliance with the requirements of this Code.

SECTION 6. Section 17-5-20 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 17 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**Sec. 17-5-20. - Staff review.**

The Planning Director shall distribute copies of the preliminary subdivision plat to Town staff and other agencies as he or she deems appropriate and as provided in Section 16-21-180 of this Code. They shall review the plat with site visits as needed to determine whether the proposal conforms with the Town's regulations, goals, policies and plans in their areas of responsibility. They shall submit their comments to the Project Planner at least ten (10) business days before the appropriate Planning Commission meeting. The Project Planner shall compile their comments and

prepare for the Planning Commission a summary of the issues which it should consider in reviewing the proposal.

**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 6<sup>th</sup> DAY OF JANUARY, 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 20<sup>TH</sup> DAY OF JANUARY, 2021 AT 5:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**John Widerman IV, 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 20<sup>TH</sup> DAY OF JANUARY, 2021.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**John Widerman IV, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Jay Brunvand, Town Clerk**



To: Mayor and Council  
From: Jay Brunvand  
Date: January 6, 2021  
Agenda Item: Council Direction for the Town Small Business Relief Program

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**REQUEST:**

Staff is requesting Council to approve the proposed Small Business Relief program.

**INTRODUCTION:**

At the December 16, 2020 Council Meeting direction was given to devise a short-term committee of Earle B., George B. and Staff to the purposes of creating, reviewing and approving COVID relief funds to affected small businesses.

**ANALYSIS:**

The committee met with the goal of creating qualifying criterion for Minturn businesses to apply for a grant to provide some impact relief caused by the COVID pandemic on town businesses. Eagle County is providing a similar grant program on a much larger scale. The Committee proposed to modify the requirements and the application to best fit the Minturn Proposal.

The Committee proposed the following:

- This program will be funded from the General Fund using unappropriated revenue or reserves.
- The program will cover 10 months to include 2020 months June-December and 2021 months January-March.
- The grant is available to Restaurant/Bar, Gym or Fitness Center, or Retail establishments.
- The application will be available on-line or by request, completed by the applicant, and returned for review.
- Applications must show proof of hardship due to the state and county COVID restrictions.
- Applications will be accepted between 1/7 and 1/31/2021 at which time the process will be closed. Once closed the Committee will review all applications received and awards will be distributed in late February or early March.
- The total relief package shall not to exceed \$30,000 but it is not required to award the fully funded amount.
- The application is specific that this is a need driven basis in which the applicant must prove hardship due to the COVID regulations through loss in year over year gross sales, the number of employees affected, and itemized COVID expenses, in addition to complying with all state and local public health orders related to the COVID pandemic.

**COMMUNITY INPUT:**

Each business that qualifies will have an opportunity to demonstrate need based on their specific need as identified in the application.

**BUDGET / STAFF IMPACT:**

The total amount awarded will be supplementally added into the existing 2021 budget. There is a not-to-exceed total award amount of \$30,000 and all funding will come from the General Fund.. The town is not required to fund any or all applications and awards will be based on the decision of the relief committee.

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #3 to sustain and invest in the things that define Minturn as a proud, sturdy, mountain town to “Keep Minturn Minturn”.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve the proposal as laid forth.

**ATTACHMENTS:** Minturn Small Business Relief Grant Application





## Minturn Grant Application

Minturn recognizes the challenges that the COVID-19 pandemic and related public health orders have placed on local businesses. The Minturn Bridge Grant program's goals are to:

1. Provide economic relief to any locally-owned restaurant/bar, gym/fitness, or retail establishment that is operating at a reduced capacity due to public health orders, with the goal of keeping businesses operating while waiting for orders to lift.
2. Keep our downtowns and main streets active and energized by assisting small brick and mortar businesses that may be on the brink of closing.

Minturn and the selection committee reserve the right, in their sole discretion, to reject any and all applications submitted in response to this grant program, to waive or not waive informalities or irregularities in proposals received. Minturn may, at its sole discretion, modify or amend the eligibility requirements or funding of the grant program at any time.

All applications will be reviewed by a selection committee and any other review as determined to be necessary. Applicants may be asked to supplement their initial application with additional written material.

Applicants are encouraged to clearly identify any proprietary or confidential financial data or information submitted with the application. Regardless of whether or not so marked, Minturn will endeavor to keep financial information confidential except as necessary to evaluate the proposal by Minturn staff or selection committee members. Notwithstanding the foregoing, respondent acknowledges that Minturn may be required to release the information in accordance with the Colorado Open Records Act or order of the court.

### **\* Required**

1. Business address \*

Business Name: \_\_\_\_\_ DBA Name: \_\_\_\_\_

Owner/Primary Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_ Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

2. Has the business been operating in Minturn since March 10, 2020? \* \_\_\_\_\_  
*If NO, Thank you for your time. Unfortunately your business is not eligible for this program. Please email [treasurer@minturn.org](mailto:treasurer@minturn.org) with questions or concerns.*
  
3. Date the business began operating in Minturn. \* \_\_\_\_\_
  
4. Is the business owned by at least one resident of Eagle County or a contiguous county? \* \_\_\_\_\_  
*If NO, Thank you for your time. Unfortunately your business is not eligible for this program. Please email [treasurer@minturn.org](mailto:treasurer@minturn.org) with questions or concerns.*
  
5. Is the business complying with all executive, statewide, and local public health orders, including capacity restrictions and face coverings? \* \_\_\_\_\_ (Would a surprise walk through support this?)
  
6. Briefly describe the nature of your business:  


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7. Choose the category that best describes your business. If more than one is applicable, choose the one that generates the largest portion of the business's revenue. \*  

Restaurant or Bar: \_\_\_\_\_

Gym or Fitness Center: \_\_\_\_\_

Retail Shop: \_\_\_\_\_
  
8. How many full-time employees does your business have (including owners, but not including independent contractors or 1099 workers)? \* \_\_\_\_\_
  
9. How many part-time employees does your business have (including owners, but not including independent contractors or 1099 workers)? \* \_\_\_\_\_

10. Which of the following had a greater impact on your operations? \*

*Mark only one oval.*

Capacity limits due to public health orders

Lack of demand for product due to public health orders

11. Briefly describe the COVID-19 related interruptions and hardships impacting your business. Include specifics about how adherence to public health orders impacted your operations and/or demand. (2,000 character limit) \*

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12. What was the business's gross revenue from March 1, 2020 to October 31, 2020? \*

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13. What was the business's gross revenue from March 1, 2019 to October 31, 2019? \*

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14. Did the business apply for or receive any other local, state, or federal funding related to the COVID-19 pandemic? \*

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15. What is the total amount of funds the business was awarded? \* \_\_\_\_\_

16. What is the total amount of funds the business has received? \* \_\_\_\_\_

17. Please describe the total dollars received for each of the programs above. Include whether the funds were grant funds or loan funds and indicate whether dollars received have been spent. If no applications were made, please describe why. If you received grants or loans through other programs, please describe below. \*

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18. What are your expectations regarding the health and longevity of your business knowing operational results from the last nine months of the COVID-19 pandemic and expectations of the next six months? Please address how the potential receipt of these grant funds would impact your expectations. \*

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NOTICE: Please email all required attachments as outlined below to [Treasurer@minturn.org](mailto:Treasurer@minturn.org). Applications without all required attachments may not be considered for funding. Please be sure to use the business's full mailing address on the W9 as that is where an award check will be sent.

19. By clicking on each box below, I agree to send an email with each of the following documents and understand that my application may not be considered without this information. \*

*Check all that apply.*

- Attach backup for your 2020 revenue number. Backup must be in one pdf may include point of sale revenue reports, accounting software reports, or copies of financial ledgers. We reserve the right to request tax returns and other applicable documentation. Label attachment "2020 Revenue".
- Attach backup for your 2019 revenue number. Backup must be in one pdf and may include point of sale revenue reports, accounting software reports, or copies of financial ledgers. We reserve the right to request tax returns and other applicable documentation. Label attachment "2019 Revenue".
- Attach backup for your 2020 asset number. Backup must be in one pdf and a balance sheet dated November 30, 2020 is preferred, but bank statements can be substituted. Label attachment "2020 Assets".
- Attach backup for your 2019 asset number. Backup must be in one pdf and a balance sheet dated November 30, 2019 is preferred, but bank statements can be substituted. Label attachment "2019 Assets".
- Please attach a Certificate of Good Standing from the Colorado Secretary of State or a copy of identification for a sole proprietor. Label attachment "Certificate of Good Standing".
- Please attach a completed W9. To avoid delays in receiving funding, please ensure that the mailing address on the W9 is correct. (A blank W9 can be found here: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>). Label attachment "W9".

By submission of this application, the applicant agrees to all of the following certifications as indicated by checking each box. Further, the applicant acknowledges that he/she has the authority to submit this grant application and bind the business named within the application. The applicant further acknowledges that Minturn and its selection committee has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the application and related documents, and authorizes release to Minturn and its selection committee of any and all information sought in such inquiry or investigation.

20. Please check each box to certify the following: \*

*Check all that apply.*

- The business has been complying and will continue to comply with all state and local public health orders related to the COVID-19 pandemic, including capacity restrictions and face coverings.
- The business will offer sick leave to employees as required by law.
- The business will require all employees to follow quarantine and isolation orders.
- The business will meet the program requirements and submit to an audit and/or provide additional documentation to support this application upon request.
- The applicant acknowledges the right of Minturn and its selection committee members, in their sole and complete discretion, to reject any or all applications, and that an award may be made to any applicant for any reason deemed relevant by Minturn and its selection committee.
- The applicant acknowledges and agrees that the discretion of Minturn and its selection committee in selection of the successful applications shall be final, not subject to review or attack.
- The applicant acknowledges that this application is made with full knowledge of the foregoing and full agreement thereto.
- The applicant acknowledges that all information submitted is true and accurate to the best of applicant's knowledge.

Eagle County Bridge Grant Scoring Matrix		La Matriz de Calificación del Programa de Subvenciones El Puent
<p>The scoring matrix is to ensure that each awardee aligns with the county's goals and intent of the grant program. Scored will be averaged across more than one reviewer. If business answers yes to all eligibility questions, scoring will be based upon the following five criteria:</p>		<p>La matriz de calificación asegura que cada adjudicatario se alinee con las metas de condado y la intención del programa de subvenciones. Los puntajes se promediarán más de una persona del comité de selección encargada de revisar la información Si empresa responde afirmativamente a todas las preguntas de elegibilidad, la puntuar basará en los siguientes cinco criterios:</p>
<p><b>Priority Level 1</b></p>	<p><b>Score Ranges</b></p>	<p><b>Nivel de Prioridad 1</b></p>
<p>Impact of public health orders on business operations</p>	<p>10-30</p>	<p>Impacto de las ordenes de Salud Pública con respecto a las operaciones de los neg</p>
<p><b>Priority Level 2</b></p>		<p><b>Nivel de Prioridad 2</b></p>
<p>Change in business revenue from 2019 to 2020</p>	<p>0-10</p>	<p>Variación de los ingresos de los negocios de 2019 al 2020</p>
<p>Change in liquid assets from 2019 to 2020</p>	<p>0-10</p>	<p>Variación de activos líquidos de 2019 a 2020</p>
<p>Effort by business to receive other funding</p>	<p>0-5</p>	<p>Esfuerzo de las empresas para recibir otros fondos</p>
<p>Health and longevity of business</p>	<p>0-10</p>	<p>Salud y longevidad del negocio</p>
<p><b>Total Points Available</b></p>	<p><b>65</b></p>	<p><b>Total de Puntaje Disponibles</b></p>
<p>Awards will be determined based upon the final score and overall number of awards and total funding available. Awards will not exceed a business's documented revenue loss plus other funds awarded. Eagle County reserves the right to adjust scoring criteria to ensure program goals are met.</p>		<p>La concesión de las subvenciones se determinarán en función del puntaje final y el número total de concesiones y la financiación total disponible. La concesión de las subvenciones no excederán la pérdida de ingresos documentada de una empresa n otros fondos otorgados. El condado de Eagle se reserva el derecho de ajustar los ci de puntuación para garantizar que se cumplan las metas del programa.</p>

Matrix for info



To: Mayor and Council  
From: Jay Brunvand  
Date: January 6, 2021  
Agenda Item: Status and update of Marijuana

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**REQUEST:**

Staff is requesting Council discussion and direction regarding the sale in Minturn of Medical Marijuana and/or Recreational Marijuana.

**INTRODUCTION:**

In 2000 an amendment was passed by the voters of the State of Colorado approving medical marijuana sales, growth, etc.

On November 2, 2010 Minturn voters agreed to allow the sale of marijuana within the Town of Minturn. As of June, 2012, the town has had a completed ban for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, an optional premises cultivation operation, or a medical marijuana-infused products manufacturing facility in the Town.

In September 2013 this ban was extended to recreational marijuana. It should be noted that both of these Ordinances only pertained to the outlets, they did not restrict personal freedoms of possession or consumption as allowed by law.

**ANALYSIS:**

Previously the Council considered this matter as follows:

- Ord 06-2009 - An emergency Ordinance placing a 90-day moratorium on medical marijuana was passed. (Aug 19, 2009)
- Res 14-2010 - A Resolution setting ballot language to ban medical marijuana was passed setting ballot language for the county coordinated election held November 2010. This question failed meaning the citizens did NOT want to ban medical marijuana sales, infused products, assessor growth, etc. The vote total was 132 voting for the ban and 208 voting against the ban. (38% to 62%)
- Ord 09-2011 - Ordinance was issued but no action was ever taken by Council and the Ordinance died.
- Ord 03-2012 - Ordinance to allow for the regulation and sale/grow/manufacture/etc. of medical marijuana in Town. This Ordinance would allow essentially one store in Town and would be regulated by the local and State. This ordinance died 4-3.
- Ord 07-2012 - Ordinance to ban passed 4-3.



- Ord 02-2013 - An emergency Ordinance to ban. This was good for 90 days.
- Ord 05-2013 - An Ordinance to ban indefinitely.
- Ord 08-2013 -An Ordinance that would reconcile Town law with State law by allowing the possession of less than an ounce by adults over 21 years of age.

Other actions have been considered and not considered resulting on a period of time where no action was taken and no business licenses were issued based on a citation in the Municipal Code that states the Town would not issue a business license on an activity that was Federal, State, or locally illegal; marijuana is federally illegal.

Currently the nearest dispensary is just over 3-4 miles away. Most locals in Eagle County are in the County; therefore, sales taxes do not include municipal taxes of 4%. This cost savings to the consumer would negatively affect municipal sales. Further, the Town does not have in place a Use or Excise Tax for the sale of marijuana. This would result in a reduced cash incentive for the town by not supplying any off-setting revenue for potential regulation or enforcement costs. On the other hand, this has been the state law for years and many of the larger pitfalls have been resolved by others. With our Sheriff's contract, deputies that would be policing an establishment in Minturn are well versed on the law as it applies to the dispensaries located in the County areas.

#### COMMUNITY INPUT:

This is only a discussion requested by Council to revisit the existing Town laws. In the event Council directs to move forward the Ordinance process allows for extensive public input.

#### BUDGET / STAFF IMPACT:

The Town would receive 4% sales tax on recreational sales of product and consumption devices as well as licensing fees.

#### STRATEGIC PLAN ALIGNMENT:

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

#### RECOMMENDED ACTION OR PROPOSED MOTION:

This is a discussion item, only direction will be given to the Staff.

#### ATTACHMENTS:

- Memo: Amendment 20-Medical Marijuana; Karp.Neu.Hanlon (1/25/16)
- Memo: Application of Clean Indoor Air Act to Marijuana; Karp.Neu.Hanlon (1/25/16)
- Memo: Amendment 60 Recreational Marijuana
- Ord 03-2012 allowance of Medical Marijuana (FAILED TO PASS ON A 3-4 VOTE)
- Ord 07-2012 Ban of Medical Marijuana (passed 4-3)
- Ord 05-2013 Ban of Recreational Marijuana (passed 7-0)
- Ord 08-2013 Reconcile Municipal Code with State Law re Marijuana

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January 25, 2016

TO: MAYOR FLAHERTY AND MINTURN TOWN COUNCIL  
FROM: TOWN ATTORNEY  
RE: AMENDMENT 20 - MEDICAL MARIJUANA

- 
- I. Local Option. “The operation of [the Colorado Medical Marijuana Code] shall be statewide unless a municipality . . . by either a majority of the registered electors of the municipality . . . voting at a regular election or special election called in accordance with the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S., . . . or a majority of the members of the governing board for the municipality . . . vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses.
- II. Local Option Prohibition.
- a. Moratorium – A temporary ban on medical marijuana related businesses giving the Town time to see how Amendment 20 continues to be implemented by the state and in other municipalities, particularly in light of the emerging recreational marijuana landscape, or how the federal government treats such medical marijuana related businesses going forward. Moratorium must be accomplished by Ordinance.
  - b. Ban – Under the local option, the Town Council can vote to permanently ban all forms of medical marijuana businesses within Town boundaries (subject to the ban being lifted by a future Council). Ban must be accomplished by Ordinance after notice and public hearing, unless the ban is enacted by a majority of the registered electors of the Town.
  - c. Ban Does Not Impact Personal Grow and Use Rights – A Ban under the local option only impacts medical marijuana based businesses operating within the Town’s jurisdiction. The following individual rights related to medical marijuana are “matters of statewide importance” which cannot be contravened by a municipality:

- i. to grow up to 6 marijuana plants, with three or fewer being mature, flowering plants that are producing usable medical marijuana
- ii. possess and transport up to two ounces of medical marijuana
- iii. consume medical marijuana and medical marijuana related products

III. Local Option Allowing Medical Marijuana Businesses.

- a. Three types of licenses – The Town can choose to exclude any type of license from its jurisdiction:
  - i. medical marijuana center – a facility that sells medical marijuana
  - ii. optional premises cultivation operation – a license issued only to a medical marijuana center licensee for cultivation of medical marijuana
  - iii. medical marijuana-infused products manufacturer – a manufacturer of medical marijuana edibles, ointments, tinctures or other similar products
- b. State licensing and optional local licensing – Unlike Amendment 64, Amendment 20 made no provisions mandating that the State set up a licensing procedure for medical marijuana related businesses. The Colorado General assembly enacted licensing related legislation in 2010 (HB 10-1284), likely in response to the proliferation of medical marijuana business around the state after the Department of Justice announced in 2009 that it would not focus federal resources on individuals whose actions were in compliance with state laws providing for the medical use of marijuana. The Colorado Medical Marijuana Code, §§12-43.3-101 - 1102, most of which was enacted by the passage of HB 10-1284, and the regulations adopted by the Colorado Department of Revenue implement the state licensing procedure. Unlike Amendment 64, if a local government does not prohibit medical marijuana sales, a local government must have its own licensing authority and process for medical marijuana related business licenses.
- c. The Town can enact reasonable regulations or other restrictions of medical marijuana businesses based on Town “zoning, health, safety, and public welfare” that are more restrictive than the provisions of the Colorado Medical Marijuana Code. Thus, the Town can address where a medical marijuana business may be located in its zoning code. The Town may designate when such businesses may be open and establish performance standards (i.e. security requirements). The Town may adopt penalties for failing to comply with its regulations. Unlike with recreational marijuana, the Town cannot set a regulatory cap on the total number of medical marijuana licenses that it can issue, but the Town can factor into its licensing decision on a medical marijuana related business license application the number of licensed medical marijuana related businesses operating within its jurisdiction.
- d. The Town cannot apply its municipal sales tax to transactions involving medical

marijuana, but it can do so to medical marijuana infused products.

IV. Required Town Actions.

- a. The Town has already acted to prohibit medical marijuana businesses, but nothing prevents the Town Council from repealing prohibition to allow all or certain types of medical marijuana related businesses. Unless the Town acts to repeal prohibition, action with respect to medical marijuana business licensing is limited to review of the prohibition language to assure that it is not in conflict with Amendment 20, the Colorado Medical Marijuana Code or the medical marijuana regulations.
- b. Review the Town's criminal code to delete provisions that conflict with Amendment 20. It appears that the Council amended Sec. 10-11-20 of the Town Code in 2013 to be consistent with the one ounce possession allowance of Amendment 64. Under Sec. 10-11-20, only persons possessing over one ounce of marijuana have committed an offense under the Town Code. Although there is no express provision in Sec. 10-11-20 providing for the possession of up to two ounces of medical marijuana by the holder of a valid medical marijuana registry identification card, Sec. 10-11-20 does provide that this fact is an affirmative defense to prosecution under it. The Town could opt to clarify this language.
- c. Review employment policy manual related to use of medical marijuana by employees. Amendment 20 states "Nothing in this section shall require any employer to accommodate the medical use of marijuana in any work place." One prominent case has held that an employer had the right to terminate an employee for failing a drug test as a result of his medical marijuana use, but this case will be heard by the Colorado Supreme Court this summer and the effect of the earlier decision is effectively in limbo.



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Matrimonial Lawyers

January 25, 2016

TO: MAYOR FLAHERTY AND MINTURN TOWN COUNCIL  
FROM: TOWN ATTORNEY  
RE: APPLICATION OF CLEAN INDOOR AIR ACT TO MARIJUANA

---

I. Colorado Clean Indoor Air Act

SB 283 implementing Amendment 64 amended the Colorado Clean Indoor Air Act (the "Act") found at CRS 25-14-201 et. seq. by including (1) a definition for Marijuana, (2) adding it to the definition of "smoking" under the Act, and (3) including it in the introductory section of the Act, as follows:

25-14-203. Definitions. As used in this part 2, unless the context otherwise requires:

(11.5) "Marijuana" shall have the same meaning as in section 16 (2) (f) of article XVIII of the state constitution.

(16) "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or medical marijuana. ~~as defined by section 12-43.3-104 (7), C.R.S.~~

25-14-204. General smoking restrictions. (1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted and no person shall smoke in any indoor area . . .

Therefore, the smoking of marijuana is restricted under the Act the same as tobacco smoke, which encompasses most public places. The general smoking restrictions under the Act are found at CRS 25-14-204 and include:

- (1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:
  - (a) Public meeting places;
  - (b) Elevators;
  - (c) Government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains;

- (d) Taxicabs and limousines;
- (e) Grocery stores;
- (f) Gymnasiums;
- (g) Jury waiting and deliberation rooms;
- (h) Courtrooms;
- (i) Child day care facilities;
- (j) Health care facilities including hospitals, health care clinics, doctor's offices, and other health care related facilities;
- (k) (I) Any place of employment that is not exempted.  
(II) In the case of employers who own facilities otherwise exempted from this part 2, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.  
(I) Any place of employment that is not exempted.  
(II) In the case of employers who own facilities otherwise exempted from this part 2, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.
- (l) Food service establishments;
- (m) Bars;
- (n) Limited gaming facilities and any other facilities in which any gaming or gambling activity is conducted;
- (o) Indoor sports arenas;
- (p) Restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, and other multiple-unit residential facilities;
- (q) Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;
- (r) Bowling alleys;
- (s) Billiard or pool halls;
- (t) Facilities in which games of chance are conducted;
- (u) (I) The common areas of retirement facilities, publicly owned housing facilities, and, except as specified in section 25-14-205(1) (k), nursing homes, but not including any resident's private residential quarters or areas of assisted living facilities specified in section 25-14-205(1) (k).  
(II) Nothing in this part 2 affects the validity or enforceability of a contract, whether entered into before, on, or after July 1, 2006, that specifies that a part or all of a facility or home specified in this paragraph (u) is a smoke-free area.  
(I) The common areas of retirement facilities, publicly owned housing facilities, and, except as specified in section 25-14-205(1) (k), nursing homes, but not including any resident's private residential quarters or areas of assisted living facilities specified in section 25-14-205(1) (k).  
(II) Nothing in this part 2 affects the validity or enforceability of a contract, whether entered into before, on, or after July 1, 2006, that specifies that a part or all of a facility or home specified in this paragraph (u) is a smoke-free area.
- (v) Public buildings;
- (w) Auditoria;
- (x) Theaters;
- (y) Museums;
- (z) Libraries;
- (aa) To the extent not otherwise provided in section 25-14-103.5, public and nonpublic schools;
- (bb) Other educational and vocational institutions; and
- (cc) The entryways of all buildings and facilities listed in paragraphs (a) to (bb) of this subsection (1).

II. Amendment 64/Interpretation of "Openly and Publicly"

Nothing in Amendment 64 permits the consumption of marijuana that is conducted openly and publicly. The Town has amended its Criminal Code to make it clear that it is a criminal act for any person to openly and publicly, consume, or grow marijuana in any public place. (Sec. 10-11-20 (6)). The State Legislature failed to define "openly and publicly" and unfortunately it may take years for the courts to tell us what the means.

As discussed, the Colorado Indoor Clean Air Act prohibits the consumption of marijuana in most public places of business. Amendment 64 expressly states that "Nothing in this section shall prohibit a person, employer, school, hospital, detention facility, corporation or any other entity who occupies, owns or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property." Therefore, the Town can prohibit marijuana consumption on public property. As for motor vehicles, SB 283 adopted the restrictions similar for marijuana to an open container of alcohol, set forth below:

42-4-1305.5. Open marijuana container - motor vehicle - prohibited. (1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Marijuana" shall have the same meaning as in section 16 (2) (f) of article XVIII of the state constitution.

(b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.

(c) "Open marijuana container" means a receptacle or marijuana accessory that contains any amount of marijuana and:

(I) That is open or has a broken seal;

(II) The contents of which are partially removed; or

(III) There is evidence that marijuana has been consumed within the motor vehicle.

(d) "Passenger area" means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.

(2) (a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a public highway of this state or the right-of-way of a public highway of this state may not knowingly:

(I) Use or consume marijuana; or

(II) Have in his or her possession an open marijuana container.

(b) The provisions of this subsection (2) shall not apply to:

(I) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;



(II) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a house coach, house trailer, motor home, as defined in section 42-1-102 (57), or trailer coach, as defined in section 42-1-102 (106) (a);

(III) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

(IV) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

(c) A person who violates the provisions of this subsection (2) commits a class A traffic infraction and shall be punished by a fine of fifty dollars and a surcharge of seven dollars and eighty cents as provided in this section and section 42-4-1701 (4) (a) (I) (N).

(3) Nothing in this section shall be construed to preempt or limit the authority of any statutory or home rule town, city, or city and county to adopt ordinances that are no less restrictive than the provisions of this section.



**Amendment 64**  
**Recreational Marijuana**

- I. Local Option. "A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure . . . provided, any initiated or referred measure to prohibit the operation . . . must appear on a general election ballot during an even numbered year."
  
- II. Local Option Prohibition.
  - a. Moratorium – a temporary ban on marijuana related businesses giving the Town time to see how Amendment 64 is implemented at federal and state levels and in other municipalities. Moratorium must be accomplished by Ordinance.
  
  - b. Ban – Under the local option, the Town Council can vote to permanently ban some or all forms of marijuana businesses within Town boundaries (subject to the ban being lifted by a future Council). Ban must be accomplished by Ordinance after notice and public hearing.
  
  - c. Ban Does Not Impact Personal Use Rights – a Ban under the local option only impacts marijuana based businesses operating within a municipality's jurisdiction. The following individual rights related to marijuana are "matters of statewide importance" which cannot be contravened by a municipality:
    - i. to grow up to 6 marijuana plants
    - ii. possess up to one ounce of marijuana
    - iii. gift up to one ounce of marijuana to someone over 21
    - iv. consume marijuana and marijuana related products
  
- III. Local Option Allowing Marijuana Businesses.
  - a. Four types of licenses. Municipality can choose to exclude any type of license from its jurisdiction:
    - i. Retail sales
    - ii. Marijuana cultivation
    - iii. Marijuana processing
    - iv. Marijuana testing lab
  
  - b. State licensing and optional local licensing. Amendment 64 mandates that the State set up a licensing procedure for marijuana related businesses. HB 13-1317 and regulations adopted by the Colorado Department of Revenue implement the state licensing procedure. A local government can defer to the state licensing procedure. Or, similar to liquor licensing, a municipality may enact its own licensing process.

- c. A municipality can regulate the “time, place, manner and number of marijuana establishment operations” within its jurisdiction. Thus, the Town can address where a marijuana business may be located in its zoning code. The Town may designate when such businesses may be open and establish performance standards (i.e. security requirements). The Town can also set a cap on the total number of marijuana licenses (by category) that can be issued within its jurisdiction. The Town may adopt penalties for failing to comply with its regulations.
- d. The Town can apply its municipal sales tax to transactions involving recreational (but not medical) marijuana. A local jurisdiction can also impose a special tax on the sale of recreational marijuana – subject to compliance with TABOR.

IV. Required Town Actions.

- a. If the Town decides to allow some or all of the marijuana establishments within the Town’s jurisdiction, the Council will need to adopt appropriate Code provisions related to: (a) licensing, (b) performance standards and restrictions on marijuana businesses, (c) fines and penalties for violating Town Code provisions, and (d) zoning for marijuana businesses (together with P&Z).

**TOWN OF MINTURN, COLORADO**

**ORDINANCE NO. 7 SERIES 2012**

**AN ORDINANCE PROHIBITING MEDICAL MARIJUANA CENTERS, INFUSED PRODUCT MANUFACTURERS AND OPTIONAL CULTIVATION OPERATIONS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

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

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

WHEREAS, the Colorado Legislature has adopted legislation which, in pertinent part, added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution, Article XVIII, §14, and at the same time authorizes a regulatory scheme for the retail sale, distribution, cultivation and dispensing of medical marijuana known as a "Medical Marijuana Center," and further authorizes licensing mechanisms known as an "Optional Premises Cultivation Operation" and a "Medical Marijuana-Infused Products Manufacturers' License"; and

WHEREAS, C.R.S. §12-43.3-106 specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses"; and

WHEREAS, C.R.S. §12-43.3-310 specifically authorizes a municipality "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses . . . based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana that are more restrictive than this article"; and

WHEREAS, C.R.S. §12-43.3-308(1)(c) provides that the state and local licensing authorities shall not receive or act upon a new application pursuant to the Colorado Medical Marijuana Code "for a location in an area where the cultivation, manufacture, and sale of medical marijuana as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county"; and

WHEREAS, the Council has carefully considered Article XVIII, §14 of the Colorado Constitution, the Colorado Medical Marijuana Code, and the secondary effects of medical marijuana centers, optional premises cultivation operations, and medical infused products manufacturing on the health, safety and welfare of the Town of Minturn and its inhabitants.



NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

**Section 1. Amendment.** The Municipal Code of the Town of Minturn is amended by the addition of a Chapter 10, Article 14 as follows:

**Sec. 10-14-10. Intent, authority and applicability.**

(a) Intent. It is the intent of this Article to prohibit certain land uses related to medical marijuana, and in furtherance of its intent, the Town Council makes the following findings:

(1) The Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., clarifies Colorado law regarding the scope and extent of Article XVIII, § 14 of the Colorado Constitution.

(2) The Colorado Medical Marijuana Code specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses."

(3) The Colorado Medical Marijuana Code specifically authorizes a municipality "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses...based on local government zoning, health, safety and public welfare laws for the distribution of medical marijuana."

(4) Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, § 14 of the Colorado Constitution, and the potential secondary effects of the cultivation and dispensing of medical marijuana, and the retail sale, distribution and manufacturing of medical marijuana-infused products, such land uses have an adverse effect on the health, safety and welfare of the Town and its inhabitants.

(5) As a matter of the Town's local land use and zoning authority, and consistent with the authorization provided by the Colorado Medical Marijuana Code, no suitable location exists within the Town for the operation of medical marijuana centers, medical marijuana cultivation operations or medical marijuana-infused products manufacturing.

(6) Patients and primary caregivers should otherwise be afforded the protections of Article XVIII, § 14 of the Colorado Constitution, pursuant to applicable law.

(b) Authority. The Town's authority to adopt this Section is found in: the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq.; C.R.S., the Local Government Land Use Control Enabling Act, Section 29-20-101, et seq., C.R.S.; Section 31-23-101, et seq., C.R.S. (municipal zoning powers); Sections 31-15-103 and 31-15-401, C.R.S. (municipal police powers); and Section 31-15-501, C.R.S. (municipal authority to regulate businesses).

(c) Applicability. This Article shall apply to all property within the Town.

**Sec. 10-14-20. Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

*Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.

*Medical marijuana center* means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, § 14 of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

*Medical marijuana-infused products manufacturer* means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

*Optional premises cultivation operation* means a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate marijuana for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

*Patient* has the meaning set forth in Article XVIII, § 14(1) (c) of the Colorado Constitution.

*Primary caregiver* has the meaning set forth in Article XVIII, § 14(1) (f) of the Colorado Constitution.

**Sec. 10-14-30. Uses prohibited, penalty, patients and primary caregivers.**

(a) Uses prohibited. It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation or a medical marijuana-infused products manufacturing facility in the Town.

(b) Penalty. A violation of the provisions of this Article shall be punishable as follows:

(1) Each and every day a violation of the provisions of this Article is committed, exists or continues shall be deemed a separate offense;

(2) The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate or remove the violation;

(3) Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity; and

(4) In addition to any other penalties that may exist under state, federal and local laws, violation of this Section shall be punishable by a fine not exceeding one thousand dollars

(\$1,000.00), or by imprisonment not exceeding one (1) year, or both such fine and imprisonment, as set forth in Section 1-4-20 of this Code.

(c) Patients and primary caregivers. Nothing in this Section shall be construed to affect the protections of the use of medical marijuana by patients as provided in Article XVIII, § 14 of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with Article XVIII, § 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and rules promulgated thereunder.

**Section 2. Severability.** If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Minturn that the provisions of this Ordinance are severable.

**Section 3. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 16<sup>th</sup> DAY OF MAY, 2012. 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 20<sup>th</sup> DAY OF JUNE, 2012 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

TOWN OF MINTURN, COLORADO

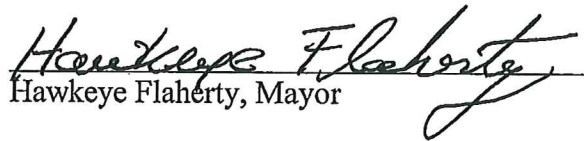
  
Hawkeye Flaherty, Mayor

ATTEST:

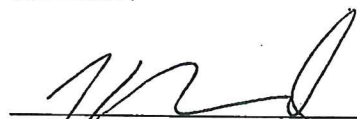
By:   
Jay Brunvand, Town Clerk



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 20<sup>TH</sup> DAY OF JUNE, 2012.

  
Hawkeye Flaherty, Mayor

ATTEST:

  
Jay Brunvand, Town Clerk





**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 5 - SERIES 2013**

**AN ORDINANCE TO AMEND CHAPTER 16 OF THE MINTURN  
MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW  
CHAPTER 16 – ARTICLE 24 PROHIBITING THE OPERATION OF  
MARIJUANA CLUBS, MARIJUANA CULTIVATION FACILITIES,  
MARIJUANA PRODUCT MANUFACTURING FACILITIES,  
MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA  
STORES**

WHEREAS, the Town of Minturn ("Town") is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town's Home Rule Charter effective April 6, 1982; and

WHEREAS, the Town, by virtue of its Home Rule status, may adopt such ordinances relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities.

WHEREAS, on November 6, 2012, the voters of the state of Colorado approved Amendment 64 enacted as Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64"), which authorizes the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores (collectively, "marijuana establishments") but allows municipalities to prohibit by ordinance the operation of marijuana establishments; and

WHEREAS, the Town Council has carefully considered the provisions of Article XVIII, Section 16 of the Colorado Constitution, and the impact of the operation of marijuana establishments on the health, safety and welfare of the Town and the inhabitants thereof, and has determined, as an exercise of its local land use authority, that such marijuana establishments shall not be located within the corporate limits of the Town; and

WHEREAS, Amendment 64 provides in part that the consumption of marijuana shall not be conducted openly and publicly; and

WHEREAS, the Town Council finds that the personal use of marijuana within the meaning of Amendment 64 does not contemplate the open and public consumption of marijuana for personal use in a place of assembly that allows members, their guests, and any other person to consume marijuana; and

WHEREAS, the Town Council finds and declares that it is necessary to the preservation and furtherance of the health, safety and welfare of the citizens of the Town to prohibit the operation of marijuana establishments within the Town of Minturn.



NOW, THEREFORE, be it ordained by the Town Council of the Town of Minturn, Colorado that:

Section 1. Adoption of Chapter 16 – Article 24 of the Town of Minturn Municipal Code:

The Town of Minturn Municipal Code is amended by the addition thereto of a new Chapter 16 Article 24 entitled "Marijuana Establishments" to read as follows:

**Chapter 16 - Article 24**

**MARIJUANA ESTABLISHMENTS**

**Sections:**

**16-24-10 Authority**

**16-24-20 Definitions**

**16-24-30 Uses Prohibited**

**16-24-40 Penalties; Nuisance Declared**

**Section 16-24-10 Authority**

The Town Council hereby finds and determines and declares that it has the power and authority to adopt this Chapter pursuant to the following:

1. Article XVIII, Section 16 of the Colorado Constitution;
2. The authority granted to home rule municipalities by Article XX of the Colorado Constitution;
3. The powers contained in the Town of Minturn Home Rule Charter;
4. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
5. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
6. Section 31-15-103, C.R.S. (concerning municipal police powers);
7. Section 31-15-401, C.R.S. (concerning municipal police powers); and
8. Section 31-15-501, C.R.S. (concerning municipal authority to regulate

businesses.

### **Section 16-24-20 Definitions**

The following words, terms and phrases when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

- A. "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seed of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- B. "Marijuana club" means an entity or place of assembly that allows members and their guests, or any other persons, to consume marijuana or marijuana products whether for-profit or not-for-profit. Marijuana clubs shall not include social gatherings within a residential zone of adults 21 years of age and older, where a fee is not charged, or goods are not sold, or no profit is made by the individual or entity hosting the gathering.
- C. "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- D. "Marijuana establishment" means a marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or a retail marijuana store.
- E. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- F. "Marijuana products" means concentrated marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
- G. "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.
- H. "Person" means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

I. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana products manufacturing facilities and to sell marijuana and marijuana products to consumers.

**Section 16-24-30 Uses Prohibited.**

A. It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana establishment or marijuana club within the Town, and all such uses are hereby prohibited in any location within the Town.

B. Marijuana establishments and marijuana clubs may not be operated as a primary land use, or as an incidental activity to another lawful land use, or as a home occupation.

**Section 16-24-40 Penalties; Nuisance Declared.**

A violation of the provisions of this Chapter shall be punishable as follows:

A. By a fine or imprisonment, or both, pursuant to Section 1-4-10 and 1-4-20 of this Code. Each day that a violation of any provision of this Chapter continues to exist shall be deemed a separate and distinct violation.

B. The conduct of any activity or business in violation of this Chapter is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of such nuisance as defined in the Minturn Municipal Code.

C. The Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation.

D. Any remedies provided for herein shall be cumulative and exclusive and shall be in addition to any other remedies provided by law or in equity.

**SECTION 2. Severability.** If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

**SECTION 3.** The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

**SECTION 4.** The repeal or the repeal and re-enactment of any provision of the Minturn Municipal code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof,

any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 1<sup>ST</sup> DAY OF MAY, 2013. 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 15<sup>TH</sup> DAY OF MAY, 2013 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

  
\_\_\_\_\_  
**Hawkeye Flaherty, 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 15<sup>TH</sup> DAY OF MAY, 2013.**

  
\_\_\_\_\_  
**Hawkeye Flaherty, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Jay Brunvand, Town Clerk**





9155521

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR  
**Client:**  
**Caller:** Jay

**Name:** Town of Minturn  
**Address:** P.O. Box 309

**City:** MINTURN  
**State:** CO

**Zip:** 81645

**Receipt**

**Ad Name:** 9155521A

**Editions:** 8VD/8VDI/

**Start:** 05/03/13

**Color:**

**Copyline:** 1- ORDINANCE NO. 5 - SERIES 201

**Original Id:** 0

**Class:** 0990

**Stop:** 05/03/13

**Issue** 1

**Rep:** Pam Schultz

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 5 - SERIES 2013

AN ORDINANCE TO AMEND CHAPTER 16 OF THE MINTURN MUNICIPAL CODE BY THE ADDITION THEREOF OF A NEW CHAPTER 16 - ARTICLE 24 PROHIBITING THE OPERATION OF MARIJUANA CLUBS, MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 1st DAY OF MAY, 2013. 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 15th DAY OF MAY, 2013 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

Published in the Vail Daily May 6, 2013. (9155521)

Ad shown is not actual print size

Lines:	33
Depth:	2.76
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>17.16</b>
Payment	0.00

9193167

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR  
**Client:**  
**Caller:** Jay Brunvand

**Name:** Town of Minturn  
**Address:** P.O. Box 309

**City:** MINTURN  
**State:** CO  
**Zip:** 81645

**Receipt**

**Ad Name:** 9193167A  
**Editions:** 8VD/8VDI/  
**Start:** 05/17/13  
**Color:**  
**Copyline:** ORDINANCE NO. 5 - SERIES 2013

**Original Id:** 0  
**Class:** 0990  
**Stop:** 05/17/13

**Issue** 1  
**Rep:** Pam Schultz

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 5 - SERIES 2013

Lines:	27
Depth:	2.26
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>14.04</b>
Payment	0.00

AN ORDINANCE TO AMEND CHAPTER 16 OF THE MINTURN MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW CHAPTER 16 - ARTICLE 24 PROHIBITING THE OPERATION OF MARIJUANA CLUBS, MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES

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 15TH DAY OF MAY, 2013.

Hawkeye Flaherty, Mayor  
ATTEST:

Jay Brunvand, Town Clerk

Published in the Vall Daily May 17, 2013.  
(9193167)

Ad shown is not actual print size

**TOWN OF MINTURN, COLORADO**

**ORDINANCE NO. 8 – SERIES 2013**

**AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 10 OF THE MINTURN MUNICIPAL CODE TO RECONCILE THE MINTURN MUNICIPAL CODE WITH SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)**

WHEREAS, Colorado voters passes Amendment 64, which amended Article XVIII of the Colorado Constitution by the addition of a new Section 16 regarding the personal use and regulation of marijuana; and

WHEREAS, Amendment 64 permits the possession, use, display, purchase or transportation of marijuana accessories and one ounce or less of marijuana by persons 21 years of age and older; and

WHEREAS, Amendment 64 allows possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale; and

WHEREAS, Amendment 64 allows local governments to prohibit the possession of marijuana and marijuana accessories by persons under the age of 21 years and to prohibit the open and public consumption of marijuana by persons of any age; and

WHEREAS it is the desire of the Minturn Town Council to pass legislation reconciling the Minturn Municipal Code with Amendment 64 and to clarify and codify the Town's prohibition of medical marijuana businesses.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

**Section 1. Amendment.** Section 10-11-20 of the Minturn Municipal Code is repealed and re-enacted, as follows:

**Section 10-11-20:**

A. Definitions: For the purposes of Section 10-11-20, the following definitions shall apply.



1. Openly and Publicly:

The consumption or growing of marijuana in a place commonly or usually open to or accessible by the general public, or to which members of the general public may resort, including without limitation public ways, streets, sidewalks, alleys, bicycle paths, trails, public buildings, parks, open spaces, parking lots, shopping centers, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places, but excluding the interior or enclosed yard area of private homes, residences, condominiums or apartments. For the purposes of this Section, "openly or publicly" expressly includes the consumption or growing of marijuana in any place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place call itself private or public or charges and admission or membership fee.

2. Marijuana Products:

Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to edible products, ointments and tinctures.

3. Marijuana Accessories:

Equipment, products or materials of any kind which are used, intended for use or designated for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

B. Unlawful Acts: It shall be unlawful:

1. For any person to use, display, purchase, transport, possess or transfer more than one ounce of marijuana in the Town.
2. For any person to possess, grow, process or transport in the Town more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants. A person may possess the marijuana produced by these plants, provided that such possession is limited to the premises where the plants were grown and further provided that the growing takes place in an enclosed locked place and is not conducted openly or publicly or made available for sale.
3. For a person under the age of twenty-one (21) to use, display, purchase, transport, possess or transfer marijuana, marijuana products or marijuana accessories anywhere in the Town.



4. For a person twenty-one years of age or older to use, display, purchase, transport, possess or transfer marijuana, marijuana products or marijuana accessories in the Town for any reason other than personal use.
5. For a person twenty-one (21) years of age or older to purchase on behalf of, transfer to, or otherwise assist a person under the age of twenty-one (21) in obtaining marijuana, marijuana products or marijuana accessories in the Town.
6. For any person to openly or publicly consume or grow marijuana or to consume marijuana in a manner that endangers others in the Town.

C. Summons and complaint issuance and contents.

1. Whenever a person is arrested or detained for a violation of Section 10-11-20, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing, and the Town is able to provide such an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer.

D. Penalty:

1. Violations of this Section shall be punishable as set forth in Section 1-4-20 of this Code.
2. It shall be an affirmative defense to a prosecution under this Section that a person is in possession of a valid registry identification card authorizing the medicinal use of marijuana issued by the State of Colorado, so long as consumption does not occur in a public place.

**Section 2. Severability.** If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

**Section 3. Penalty.** It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one hundred eighty days or by both such fine and imprisonment; provided; no person under the age of eighteen years shall be punished by imprisonment.

**Section 4.** The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

**Section 5.** The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 21<sup>ST</sup> DAY OF AUGUST, 2013. THE 4<sup>TH</sup> DAY OF SEPTEMBER, 2013 AT 6:30 p.m. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

TOWN OF MINTURN, COLORADO

*Hawkeye Flaherty*  
Hawkeye Flaherty, Mayor

ATTEST:

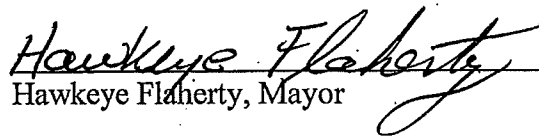
By:

*Jay Brunvand*  
Jay Brunvand, Town Clerk

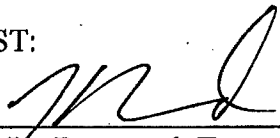


**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE  
ENACTED ON SECOND READING THIS 4<sup>TH</sup> DAY OF SEPTEMBER, 2013.**

TOWN OF MINTURN, COLORADO

  
Hawkeye Flaherty, Mayor

ATTEST:

By:   
Jay Brunvand, Town Clerk

9487832

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR  
**Client:**  
**Caller:** Jay Brunvand  
**Receipt**

**Name:** Town of Minturn  
**Address:** P.O. Box 309

**City:** MINTURN  
**State:** CO  
**Zip:** 81645

**Ad Name:** 9487832A

**Original Id:** 0

**Editions:** 8VD/8VDI/

**Class:** 0990

**Start:** 08/26/13

**Stop:** 08/26/13

**Color:**

**Issue** 1

**Copline:** Ordinance No. 8-2013

**Rep:** Pam Schultz

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 8 - SERIES 2013

Lines:	29
Depth:	2.43
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>13.92</b>
Payment	0.00

AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 10 OF THE MINTURN MUNICIPAL CODE TO RECONCILE THE MINTURN MUNICIPAL CODE WITH SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 21st DAY OF AUGUST, 2013. THE 4TH DAY OF SEPTEMBER, 2013 AT 6:30 p.m. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO  
Hawkeye Flaherty, Mayor

ATTEST:  
By: Jay Brunvand, Town Clerk

Published in the Vail Daily August 26, 2013.  
(9487832)

Ad shown is not actual print size



9529472

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR

**Name:** Town of Minturn  
**Address:** P.O. Box 309

**Client:**  
**Caller:** Jay Brunvan

**City:** MINTURN  
**State:** CO  
**Zip:** 81645

**Receipt**

**Ad Name:** 9529472A  
**Editions:** 8VDI/8VD/  
**Start:** 09/09/13  
**Color:**  
**Copline:** Ord 8-2013

**Original Id:** 9529375  
**Class:** 0990  
**Stop:** 09/09/13  
**Issue 1**  
**Rep:** Pam Schultz

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 8 - SERIES 2013

AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 10 OF THE MINTURN MUNICIPAL CODE TO RECONCILE THE MINTURN MUNICIPAL CODE WITH SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 4TH DAY OF SEPTEMBER, 2013.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

Published in the Vail Daily September 9, 2013.  
(9529472)

Ad shown is not actual print size

Lines:	25
Depth:	2.1
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>13.00</b>
Payment	0.00

Jay Brunvand  
 Clerk/Treasurer  
 301 Pine St #309 ♦ 302 Pine St  
 Minturn, CO 81645  
 970-827-5645 x1  
[treasurer@minturn.org](mailto:treasurer@minturn.org)  
[www.minturn.org](http://www.minturn.org)



Town Council  
 Mayor – John Widerman  
 Mayor Pro Tem – Earle Bidez  
 Council Members:  
 Terry Armistead  
 George Brodin  
 Brian Eggleton  
 Eric Gotthelf  
 Gusty Kanakis

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

<b>REGULAR TOWN COUNCIL MEETINGS</b>
<b>January 6, 2021</b>
Resolution establishing posting sites
Discussion/Direction – Business License Marijuana Sales Discussion
Local Business water bill relief program
<b>January 20, 2021</b>
Discussion/Direction – Water Supply Plan Proposal – Metteer
<b>February 3, 2021</b>
<b>February 17, 2021</b>
<b>DATE TO BE DETERMINED</b>
An Ordinance adopting Specified Sustainability Building Codes