



## **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 20, 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/85697288368>

**Or join by phone:**

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

**Webinar ID: 856 9728 8368**

### **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?*

- January 6, 2021 Meeting Minutes Pg 4
- Letter of Support – VVMTA Pg 14

**4. Approval of Agenda**

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

**5. Special Presentations**

- Sara Thompson Cassidy – Colorado Midland Pacific Railroad Pg 18
- Council Comments/Committee Reports
  - Water Committee update – Brodin Pg 21

**PUBLIC HEARINGS AND/OR ACTION ITEMS**

6. **Public Hearing/Action Item:** Resolution 02 – Series 2021 a Resolution adjusting water rates for the FY2021 Fee Schedule – Metteer/Mann Pg 23
7. **Public Hearing/Action Item:** Resolution 03 – Series 2021 a Resolution appointing Board Members to the ECRTC Board – Metteer Pg 27
8. **Public Hearing/Action Item:** Resolution 04 – Series 2021 a Resolution adopting the Second Amendment and restated IGA for cooperative law enforcement services – Metteer Pg 29
9. **Public Hearing/Action Item:** Ordinance 01 – Series 2021 (Second Reading) An Ordinance Providing for the consistency of completeness reviews in the Town’s Land Use Code, Chapter 16. – Hunn Pg 40

**COUNCIL INFORMATION / UPDATES**

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

- Manager’s Report
- Future Agenda Items Pg 52

## MISCELLANEOUS ITEMS

### **11. Future Meeting Dates**

- a) Council Meetings:
- February 3, 2021
  - February 17, 2021
  - March 3, 2021

### **12. Other Dates:**

- February 15, 2021 – President’s Day (Office Closed)

### **13. Adjournment**



## OFFICIAL MINUTES

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### MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center 302 Pine Street  
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Wednesday January 6, 2021

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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

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**Regular Session – 5:30pm**

#### 1. Call to Order

- Roll Call

The meeting was called to order by Mayor John Widerman at 5:31pm 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, Town Planner Madison Harris, 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 16, 2020 Meeting Minutes
- Resolution No. 01 – Series 2021 A Resolution setting a Resolution setting the official posting sites for the Town of Minturn – Brunvand

Motion by George B., second by Terry A., to approve the Consent Agenda of January 6, 2021 as presented. Motion passed 7-0.

**4. Approval of Agenda**

- Items to be Pulled or Added

Motion by George B., second by Brian E., to approve the Agenda of January 6, 2021 as presented. Motion passed 7-0

- Declaration of Conflicts of Interest

**5. Special Presentations**

- Council Comments/Committee Reports

George B. noted the icy spots and to be careful. As well he encouraged everyone to be neighborly.

Earle B wished all a Happy New Year.

Terry A. updated on the shooting range. The committee meets this coming Monday at 5:30pm via zoom. This will be to discuss next steps with the USFS and will include all stakeholders.

Brain E. stated he will attend the Monday shooting range meeting. Mentioned the COVID virus vaccination protocol. Vaccination reservations need to be made on line. 970-328-9750 is the number to call for reservations and additional information.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

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

Michael S. presented to the Council the Ordinance. The issues causing this to come forward are due to large PUD submittals and how they require more time to review and process. The proposed modifications will allow appropriate time to review the submittals. Michael S. reviewed in detail the proposed changes.

George B. noted the concerns expressed by Mr. Greg Sparhawk (Note: Mr. Sparhawk’s emailed comments are included as Attachment A of these minutes). He noted the changes are an effort to get it right, not to unduly extend the review process; Michael S. confirmed the proposed changes are an attempt to recognize the volume of a large project and the work necessary to properly review each project.

Brian E. asked as we move from conceptual to the PUD, how can we set up the applicant for success as we provide requests for information from the applicants? He asked also if this is in-line with the county and other communities review time lines? Michael S. noted that the PUD code has very detailed requirements as to what should be supplied. He stated concerns from developers has not been an issue. He said the County is pretty close to what we are proposing. It may be slightly different but not materially different. The question on contract review would take the needs of the town out of the purview of the town. An application processed without the institutional knowledge of Staff would not be effective and could even extend the timeframe of the review process. Brian E. asked for clarification on some of the time frames. Michael S. and Michelle M. noted the times are set to be achievable and to shorten them would potentially affect the quality of staff comments.

Earle B. asked about other entities and their time lines. Michael S. stated that several of the larger PUD’s he has worked on for clients have taken over a year, our time frames are not unusual. He expressed concern that when a PUD is proposed to double the size of the town it does take time to review it well.

John W. asked should there be any consideration to a tiered concept whereby the size would dictate the timeframe? Michael S. stated this change does anticipate larger proposals.

Earle B. asked how smaller projects can avoid being placed a year out because a larger project in front is being reviewed. Madison H. stated the proposed timelines would provide a better management of time to keep large and small projects moving forward in a timely manner.

Public Hearing Opened

No Public Comments

Public Hearing Closed

Terry A. expressed best practices that would allow the capture of what is expressed as needs during the various staff meetings. Michael S. noted a meeting summary of items is written and mailed to the applicant as part of the review. Discussion ensued as to how this is currently handled and could be changed to accommodate.

Eric G. was in support of the changes as it would lend to a more quality product. He noted this is a maximum time frame, it is intended to be best managed to take less time based on the project.

George B. noted the larger projects are normally submitted by experienced developers who understand the time frames. He was in favor of the proposed changes.

Brian E. was in support of the changes. He encouraged the importance of timeliness of the entire process.

John W. expressed time frames are a concern and noted the Ordinance provides that some requirements are calendar days and some are business days. He was concerned this might be confusing to have two standards.

Motion by Earle B., second by George B., to approve Ordinance 01 – Series 2021 (First Reading) An Ordinance Providing for the consistency of completeness reviews in the Town's Land Use Code, Chapter 16 as presented. Motion passed 7-0.

## DISCUSSION/DIRECTION ITEMS

### **7. Discussion/Direction Item:** Local Business grant support program – Metteer

Michelle M. outlined the program proposal. She noted this somewhat follows the Eagle County Grant program recently released. At the December 16, 2020 Council Meeting direction was given to devise a short-term committee of Earle B., George B. and Staff for the purposes of creating, reviewing and approving COVID relief funds to affected small businesses.

The committee met with the goal of creating qualifying criterion for Minturn businesses to apply for a grant to provide 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 County requirements and 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.

George B. stated his concern was to not use Enterprise Funds and to be inclusive of the businesses that appear to be most affected. He noted if an applicant does not completely fit the categories they should still apply and they will be evaluated.

Earle B. noted the application window starts tomorrow, January 7, and closes at the end of January. The intent is that this be a quick turn around in order to best and quickly assist those in need.

John W. asked how this will be provided to the public; Michelle M. stated newsletter, emails and US Mail.

Brian E. asked about lodging businesses. Earle B. stated if there is a business that has been affected, they are encouraged to apply regardless of the business category. The intent is to help those in most need. Michelle M. stated we should remove section 7 or to have an "Other" category. Brian E. felt the amount was appropriate and encouraged applications. He was in support of the funding coming from the General Fund.

Gusty K. thanked the sub committee for their work, and was in support of the funding from the General Fund.

Public Comment Opened

No Comments

Public Comment Closed



Motion by Gusty K., second by Brian E., to approve the program as proposed. Motion passed 7-0.

**8. Discussion/Direction Item: Business License/Marijuana Sales Discussion – Metteer**

Michelle M. noted this is a Council request to review a previous Council action. She noted the history of events within the town pertaining to marijuana and noted we currently do not allow any medical or retail sales of marijuana.

In 2000 an amendment was passed by the voters of the State of Colorado approving medical marijuana sales, growth, etc. This eventually was changed to allow retail sales as well.

On November 2, 2010 Minturn voters agreed to allow the sale of medical 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 within the Town of Minturn, they did not restrict personal freedoms of possession or consumption as allowed by state law.

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 by Council 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 in the Meadow Mtn Business Park as an outlet is restricted by proximity to another store and to any residential unit and would be regulated by the local and State. This ordinance died 3-4.
- Ord 07-2012 - Ordinance to ban medical marijuana sales within town passed 4-3.
- Ord 02-2013 - An emergency Ordinance to ban retail sales of marijuana for 90days.
- Ord 05-2013 - An Ordinance to ban retail establishments 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.

Prior to the passage of any Ordinance to ban a business license was not considered as there is 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 in Eagle Vail. Most shops 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 providing any additional 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.

Eric G. felt it should be discussed because it would provide a positive revenue stream for the town, it was approved by the Minturn voters, it is legal in the state, it is well monitored as a controlled substance by the State, and would provide resources for our limited budget. He was very much in support.

Michael S. stated we can regulate hours, where, and how many can be in a jurisdiction.

Gusty K. stated he is in support as long as we can develop the proper regulations.

Earle B. was in support and noted the vote by the citizens was in strong support. Earle B. reviewed the process and how much time was spent by the Staff for the Council to overturn the work and the public vote. He is opposed to holding another public vote. This is a Council decision with public input and should be decided by the Council.

George B. was opposed. He expressed there are several within a few miles and this is not something he would like in the town.

Terry A. stated she was opposed to lifting the ban but is willing to explore the regulations that would be in place. She noted she had reversed her stance since she voted for it during the public election. She felt this was one more issue that parents face with their children. She noted the close proximity of such sales just outside of the town. She felt our time could be better spent addressing options for our children that express a more positive social norm.

Brian E. stated this has been requested to discuss for several months. He feels this could be a problem for tourists to maneuver the town while looking for parking and a shop. He felt if this is a big influx of cash for the town then perhaps, if this is not sufficient to overcome the safety issues it would create in the town then no. Minturn is about the neighborhood feel and fears this may change that feel.

John W. feels it is in support of what the people voted and it could be restricted to limited locations. He did not feel it to be such a major issue.

Terry A. asked if the election was for medical or retail marijuana sales; it was only for medical because that was what was legal at the time. Once retail was legalized the ban was extended to that as well. Michael S. stated there are separate licenses for medical and retail operations.

Medical does not provide sales tax revenue.

#### Public Comment Opened

Ms. Lynn Teach, 253 Pine St, is opposed and feels it is a gateway drug. She feels this is a family community and marijuana is available just a couple miles away. We do not need it and the income would not out weigh the costs.

Mr. Chris Phillip, 301 Main St, felt it could be monitored and regulated to be a positive for Minturn. He expressed he is open to the discussion by the Council.

#### Public Comment Closed

Earle B. commented on the potential process. He wanted a better process than last time which was way to consuming of staff time and council effort. It should not take 6months of back and forth.

Terry A. expressed she felt times have changed and that the community should be heard. She would like to gage public interest. We contract with the ECSO for police. Asked if there was staff time to follow this up, what revenue could we be looking at, etc.

Michelle M. stated we could apply some Staff time to bring forward options and possible expectations.

Eric G. noted this is just a look at a diversification of revenue, we have liquor establishments and wanted to see what a well-regulated establishment could do. He felt funds could be utilized to help further projects we have long been looking at.

Terry A. suggested we table this to allow time to hear public comment and input.

George B. suggested a note in the newsletter asking for input. Discussion ensued as to tabling for two meetings and including it in the newsletter as well as other ways to move forward. It was expressed that we do a minimal impact on staff.

Direction to staff was to bring back in February with public comments and background work.

### COUNCIL INFORMATION / UPDATES

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

- Manager's Report

Michelle M. noted discussions are picking up on potential railroad activity. She noted that Terry A. and Gusty K. are on the RR Committee. The county is working at a county wide committee too.

- Future Agenda Items

Mr. Jim Mann, Elher's Consulting, will be at the next meeting to address water rates in comparison to the CIP as it stands.

Terry A. asked for an update on the powerline. Michelle M. noted with the fires last summer and the change in USFS staffing locally they have been swamped. She will look into the matter and report back.

## 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

Motion by Earle B., second by Terry A., to adjourn the meeting at 8:05pm. Motion passed 7-0.

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John Widerman, Mayor

ATTEST:

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Jay Brunvand, Town Clerk

## Jay Brunvand

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**From:** Madison Harris  
**Sent:** Thursday, December 31, 2020 10:46 AM  
**To:** Jay Brunvand  
**Subject:** FW: Letter for the Town Council meeting  
**Attachments:** ToM-PUD process.pdf

Since this concerns the next Council meeting, I'm looping you in on this. Should I send this along to Council, or does this need to come from Michelle?

Thanks,  
Madison

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**From:** gregory sparhawk <gregs@gpsdesigns.com>  
**Sent:** Thursday, December 31, 2020 10:35 AM  
**To:** Scot Hunn <scot@hunnplanning.com>; Scot Hunn <planner@minturn.org>; Madison Harris <planner1@minturn.org>  
**Cc:** Michelle Metteer <manager@minturn.org>  
**Subject:** Letter for the Town Council meeting

Good morning to you all.

I hope your Christmas' were wonderful and that you have a safe and fun New Year.

I have attached a letter here that I would like to please be distributed to Council members for the meeting next week. I plan to attend the meeting as well, but would like for these points to be taken into consideration. The gist of the letter is that these time frames are too long and will jeopardize projects. Don't worry, my solution isn't to beat you all into submission with more work in a shorter timeframe, it is to hire a third party reviewer for PUD submittals and make the developer pay for it.

The town needs to grow to meet CIP needs and nobody will win if projects go off the tracks by drawing out the timeline. I also feel that PUD projects should take priority as these will be what provide major financial income to the town.

Please don't be offended, I am not trying to suggest that you all are not doing your job or that you are not working hard enough. The current code is not very clear on time limits and I know I have pushed on my project to try to get these as aggressive as possible, in part to try to make up for the 4 months I lost this year with Covid. I know for a fact that you all work extremely hard.

Please understand that I am just trying to figure out a method to benefit growth and not delay or jeopardize projects that bring massive investment to Town.

thank you all for all that you do for our town.  
have a great new year!  
Greg

Gregory Sparhawk, aia  
**gps designs, llc**  
co . dc . md . wa . va  
425 495 7241



### **Trail Conservation Crew (TCC) Executive Summary:**

Created and Managed by: Vail Valley Mountain Trails Alliance (VVMTA)

#### **Executive Summary:**

The Trail Conservation Crew (TCC) is a seasonal full time trained trail crew of six (6) employed by the VVMTA from April 1 - October 31. The TCC will create six seasonal full time jobs for Eagle County locals who want to improve the public lands and trails that they and our community love.

The VVMTA's Adopt A Trail (AAT) and Wildlife Trail Ambassador (WTA) programs have been incredibly successful maintaining trails, protecting wildlife, and creating local trail stewards. Volunteer stewardship is important and will continue to be a large part of sustaining recreation in Eagle County. However, the pandemic significantly increased trail use and a pure volunteer model cannot keep up with the current and future impacts. At the same time, land managers' staffing, resources, and funding continue to decline and trails and public lands struggle to be maintained.

The development of the TCC is a necessary expansion and natural progression of the AAT and WTA programs to meet the demands of the growing number of trail users and impacts on trails due to the pandemic.

The TCC will lead volunteer AAT teams part-time but also collaborate with local land managers and partner organizations to perform and execute recreation and conservation projects throughout all of Eagle County. Their focus will be trail maintenance, protecting seasonal wildlife closures, closing illegal/social trails, designating campsites and closing illegal campsites, communicating fire restrictions, educating trail users at trailheads, removing garbage, and overall mitigating the impact increased recreation is having on trails and our public lands.

The VVMTA will host a collaborative meeting with all supporting local land managers to finalize a project list to schedule and guide the TCC's work plan. The work plan will be strategic based on the time of the year, weather, and identified priority projects. Examples include but are not limited to:

- ***April/May:*** TCC will begin their work down valley and in areas that dry out early to mitigate impacts of the increased recreation use in these places during this time



Vail Valley Mountain Trails Alliance  
PO Box 3986  
Avon, CO 81620  
[www.vvmta.org](http://www.vvmta.org)

- **May/June:** Positioning themselves at seasonally closed trailheads for extended periods of time with informational and educational materials
- **July/August/September:** Perform trail maintenance projects, reroutes, and spend a significant amount of time at busy trailheads during our peak season educating trail users on trail etiquette and Leave No Trace Principles
- **September/October:** Finish trail and conservation projects and prep trailheads, signage, etc. for the winter season

### **GOCO Resilient Communities Grant:**

This grant is “In response to the unprecedented disruption caused by the COVID-19 pandemic, Great Outdoors Colorado (GOCO) is launching a one-time, \$15 million Resilient Communities Program to help partners advance outdoor recreation, stewardship, and land protection projects in a manner that best reflects community needs and priorities at this moment in time. Through the Resilient Communities Program, GOCO will fund one-time, immediate needs or opportunities that have emerged in direct response to the pandemic all within the context of GOCO’s five program values: resource conservation, outdoor stewardship, community vitality, equitable access, and youth connections.” More information on their [website here](#).

The final round of funding is due on February 2, 2021 for a decision March 12, 2021. GOCO requires a 10% match (cash and/or in-kind) of which VVMTA is committed to providing with cash and volunteer in-kind hours. The VVMTA is partnering with Eagle County, through their Open Space department, to submit the application for the Trail Conservation Crew. GOCO requires the applicant to be a municipality, county government, and/or land trust. They encourage these applicants to partner with other local organizations and nonprofits to execute and implement programs and projects.

### **VVMTA Will Oversee All Aspects of the Grant and Administration:**

- Write and submit the grant application
- Administer all elements of the grant & TCC: hire/pay/manage, coordinate and schedule, insurance/workers comp, provide tools and supplies, etc.

### **Next Steps:**

As a partner of the VVMTA and a local land manager, we would greatly appreciate your support for the Trail Conservation Crew. If you are on board to support the important and needed addition to our community, please provide a Letter of Support (template and talking points attached) by end of day January 28, 2021.



Vail Valley Mountain Trails Alliance  
PO Box 3986  
Avon, CO 81620  
[www.vvmta.org](http://www.vvmta.org)

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If you have any questions or concerns please reach out to me at any time. Thank you!

Sincerely,

Ernest Saeger  
Executive Director  
Vail Valley Mountain Trails Alliance  
[ernest@vvmta.org](mailto:ernest@vvmta.org)  
607-778-0337



Town of Minturn  
301 Boulder St. #309  
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[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

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Mr. Chris Yuan-Farrell  
Great Outdoors Colorado  
1900 Grant Street #725  
Denver, CO 80203

Dear Mr. Yuan-Farrell and GOCO,

The Town of Minturn strongly supports the efforts of the Vail Valley Mountain Trails Alliance (VVMTA) and Eagle County to obtain grant funding for the Trail Conservation Crew through the GOCO Resilient Communities grant program.

The Town of Minturn saw a significant increase in recreation use on trails in and connecting to our community due to the COVID-19 pandemic. On a daily basis trailhead parking lots were full and overflowing onto main streets and neighborhoods which rarely happened in the past.

Minturn residents and visitors highly value trails, recreation opportunities, and the surrounding public lands. Outdoor recreation and access to trails directly contribute to the improved physical and mental health of our community. Additionally, recreation directly contributes to the economic vitality of our community and businesses.

We see the immediate need to ensure these amenities are maintained and improved. The Town of Minturn does not have an Open Space, Trails, or Recreation staff and the Trail Conservation Crew would immediately fill this role while providing jobs to local residents.

The VVMTA has been and continues to be a trusted partner within our community. Thank you for your consideration and we strongly support GOCO awarding these funds to the VVMTA and Eagle County.

Sincerely,

John Widerman  
Mayor  
Town of Minturn

January 13, 2021

Meeting with Minturn Councilmembers Terry Armistead and Gusty Kanakis, Minturn Town Manager Michelle Metteer and CMP Community Liaison Sara Cassidy

Introductions and background:

Colorado Midland & Pacific Railway Company (CMP) entered into a commercial agreement with Union Pacific Railroad (UP) for the majority of the Tennessee Pass rail line owned by UP. CMP has filed for common-carrier authority to operate the Tennessee Pass Line with the U.S. Surface Transportation Board, the federal agency that regulates railroads. (RGPC and CMP STB filings: Notice of Exemption [FD #36470](#) and [#36471](#). Searchable data base of other filings, decisions and comments found here: <https://prod.stb.gov/search-stb-records/> )

By way of introduction, CMP is a wholly owned subsidiary of Rio Grande Pacific Corporation (RGPC), which owns or operates freight and passenger railroads in eight states including the DCTA Commuter Rail “A” Train between Denton and Carrollton, Texas.

Contacting Minturn for the purpose of introductions. Our next step is to listen and learn – to begin assessment of local community needs and interest in commuter rail service between residential areas and workplaces of Eagle County – as well as Lake, Chaffee and Fremont counties.

We look forward to engaging in the transportation planning work already underway to determine how the Tennessee Pass might play a role. We appreciate all of the state and local agency transit efforts already in progress. We seek to work with these efforts to evaluate the feasibility of rail service in this area.

If there is a need and desire for this type of partnership, CMP will assist public agencies in obtaining funding for establishing passenger rail services as track and other infrastructure will require rehabilitation before any service can begin.

We also intend to explore development opportunities for freight rail services on the Tennessee Pass Line.

There has been false speculation reported about RGPC's interest in the corridor. To confirm, our plan is to work with communities to determine commuter and local freight rail service needs.

To be clear, Colorado Midland & Pacific has no plan, intention, or means to operate oil trains across the Tennessee Pass line. CMP has an agreement for a portion of the Tennessee Pass only -- that is from Sage to Parkdale. CMP seeks to explore and develop commuter/passenger rail and local freight opportunities within that ~160-mile corridor, and we wish to do so in coordination and consultation with communities and planning agencies in the area. Any speculation scenarios or misinformation about oil or other commodities moving on the Tennessee Pass is simply rumor, conjecture and assumption. CMP has no plan whatsoever to operate oil trains on Tennessee Pass.

Comments, feedback, questions, concerns and items for future attention:

1. Environmental considerations are utmost priority – still contending with EPA superfund site; concerns about past and future mine activity – tailings in the river, pollution, water quality, etc.
2. Noise
3. Railroad ROW attention needed – copper towers stripped, storage and waste materials left in ROW, real estate issues, etc. How to improve going forward?
4. What types of freight are planned to move on the line?

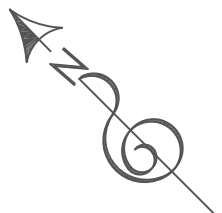
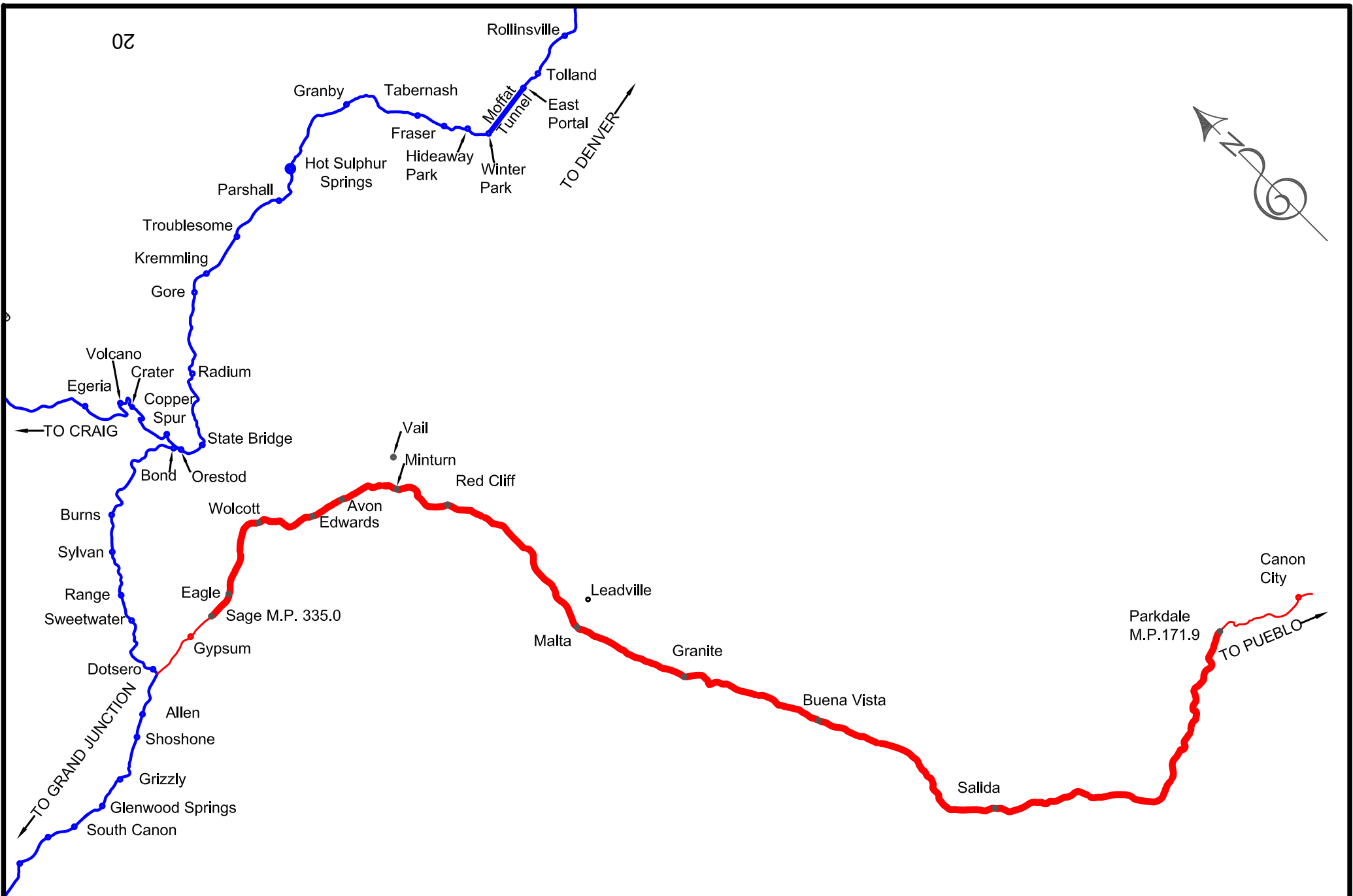
5. Lease terms – is anyone else allowed to operate? If rehabbed, will it open to other potential freight with larger impact? Concerned about high volume through freight and hazardous cargo.
6. Don't want to jeopardize two large parcels UP has under contract with a private developer (18 acre and 40 acre sites)
7. Where/how will the train turn?
8. Sustainable energy goals – railway could replace some cars, but how much of a benefit to offset the disruption? Need more info about commuter activity – and train speed. Will this be a commuter option, or more of a scenic, tourist train?
9. Trails – recreation, bike path, access to public lands is important
10. Crossings – three existing crossings; safety; potential new access desired to well near Battle Mountain.

Next steps:

- Sara will attend Minturn Town Council meeting on Wednesday, January 20, 2021 via zoom.
- Sara will share STB filings per the request of Michelle and members.
- Minturn notified CMP it will file comments opposed to Uinta Basin oil project.

Sara Thompson Cassidy  
CMP Community Liaison for Tennessee Pass  
[srtcassidy@rgpc.com](mailto:srtcassidy@rgpc.com)

02



— Tennessee Pass Line

← TO CRAIG

TO DENVER →

TO GRAND JUNCTION

TO PUEBLO →

## Water Report 20 January 2021 R

### I.) Operational and infrastructure update

#### System Water Loss

**Water loss percentage for November was 4.2%.**

December water loss will be noted in the February water report.

#### Water Leak Detection System

Leak Detection System is operational with no recent leaks detected.

#### Water Meter Replacement

There are **541 meters in Town** and approximately 80 have been replaced. The Public Works Crew is working generally north to south through Town replacing meters, also replacing obviously malfunctioning meters as they arise wherever they are in Town.

**22** meters replaced in November.

**28** meters replaced in December.

#### Road and Tank farm site improvements and Soil Testing

All physical infrastructure construction work is on hold until after Elk calving season in June.

### PLANNING FOR 2021 CONSTRUCTION SEASON

#### Tank Selection and Funding

Ryan Gordon from SGM has determined the Tanks we need to construct are **two (2) 375,000 gallon tanks.**

**An RFP is ready to draft.**

#### Funding: Champagne Tastes on a Beer Budget

We continue to seek Grant Opportunities.

We will be seeking Grant opportunities for planning of the new WTP (Water Treatment Plant).

#### MW 3 Monitoring Well 3

Testing on MW 3 is ongoing.

### Completed Items 2020

- 1.) Location and water testing started MW 3.
- 2.) Raw water line.
- 3.) Leak Detection Installed and operational.
- 4.) Major leaks discovered and repaired. System loss reduced from 50%+ to under 10% loss.
- 5.) SUE survey: sub underground survey. Cross Creek Road.
- 6.) Cultural survey: Cross Creek Road.
- 7.) Water Meters selected and being installed.
- 8.) Road created to Water Tank Farm.
- 9.) Water Tank Farm Platform Groundwork for soil testing.

- 10.) Well 4 pipeline extension 900 feet excavated, new pipe installed, backfilled, and road levelled. This included conduit for data lines connecting well head and WTP.
- 11.) Soil testing and results for Tank Farm

### Next Steps

Water Tank Construction RFP

Select Contractor (We need to know price to apply for grants)

**There is a bit of a conundrum with grants and our current water tank construction process: – The tank construction process is moving too quickly to apply for grants. Process would need to SLOW DOWN for this to happen. Grant cycles are typically 6-9 months. Slowing down would put us back at least one construction season and in more jeopardy with CDPHE Compliance and system risk. Costs increase yearly as well, so a slow down now will likely mean the tanks are more expensive to build in 2022. We will continue to work on this.**

Funding and Timing Discussion

Grant Applications for WTP Construction: The WTP Planning and Construction as well as other needed pipelines and wells fall within the scope of future Grant Cycles.

Grant application for MW3 study for water analyses and treatment

Grant Application for planning pipeline from MW3 to new WTP

Grant Applications for Water Plant Planning

New Water Plant Design and System

Thanks

Water Committee:

George and Gusty



To: Mayor and Council  
From: Jay Brunvand  
Date: January 6, 2021  
Agenda Item: Resolution 02 – Series 2021

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**REQUEST:**

Staff is requesting Council to approve Resolution 02 – Series 2021 a Resolution to adjust specific water rates.

**INTRODUCTION:**

In December 2020 all fees were set via Ordinance. After review of the Enterprise Capital Improvement Plan and in consultation with the Water Committee it has been requested to reduce the current Debt Service Fee from \$20.32 per month to \$7.81 per month for each SFE in Town. This change is requested to better follow the revised CIP Plan and the anticipated issuance of bonds for the water plant

**ANALYSIS:**

It has been determined that the Town saved money by doing several projects in-house at the Water Plant. Additionally, although the town still anticipates issuance of bonds to fund further plant upgrades, the bonds issued will not require full payment of the annual debt service in 2021. In light of this, the Water Committee has requested to roll back the approved rate increase. This change, if approved, will be effective in the forthcoming monthly billing.

**COMMUNITY INPUT:**

The Community has provided input on the CIP and the water rates as they were reviewed.

**BUDGET / STAFF IMPACT:**

With this request, the Enterprise Fund will receive less income however, that income is not required in 2021 to meet our established goals at the water plant.

**STRATEGIC PLAN ALIGNMENT:**

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Motion to approve Resolution 02 – Series 2021 as presented.

**ATTACHMENTS:**

- Resolution 02 – Series 2021
- Memo: Jim Mann, Ehlers Public Finance Advisers, reference the Town of Minturn 2021 CIP/rate modeling

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 02 – SERIES 2021**

**A RESOLUTION SETTING AND APPROVING WATER  
FEES FOR THE TOWN OF MINTURN, COLORADO  
EFFECTIVE JANUARY 1, 2010.**

**WHEREAS,** The Town of Minturn reviews and approves such fees by Resolution annually and as necessary, and;

**WHEREAS,** The fees have been set for the Enterprise Fund and it is the desire of the Council to modify those established rates to better conform with the needs of the Enterprise Capital Improvement Plan schedule.

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

Section 1.

The following fees are hereby set and adopted as follows effective January 20, 2021:

Type of Rate	Adopted 2021	Revised 2021	Difference
Basic	\$90.41	90.41	No Change
Volumetric	6.83	6.83	No Change
Debt Svc Rate	20.32	7.81	(12.51)

Section 2.

All other rates previously adopted for the Fiscal Year 2021 will remain unchanged.

Section 3.

In the event of a conflict between the fees, rates and charges listed in Appendix A and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED  
THIS 20<sup>th</sup> DAY OF JANUARY, 2021**

ATTEST:

\_\_\_\_\_  
John Wderman, MAYOR

\_\_\_\_\_  
Jay Brunvand, TOWN CLERK



# MEMORANDUM

TO: Michelle Metteer, Town Manager  
 Jay Brunvand, Town Clerk/Treasurer

FROM: James Mann, Senior Municipal Advisor/Principal

DATE: January 12, 2021

SUBJECT: Town of Minturn - 2021 CIP/Rate Modelling

The Town has requested Ehlers evaluate the CIP and Rate Model projections based on the adoption of a revised CIP at the December 2, 2020 Town Board meeting. In updating the overall model, we also reviewed some of the base assumptions that were used in the original model.

One key consideration, which is a basic building block of the model, is the absorption of new users or growth. The original plan annually included 33 infill new connections and 12 new connections in Maloit Park. Based on conversations with staff we have modified the absorption to the following:

Growth Assumptions	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Total SFE	730	750.3	753.3	773.3	793.3	821.3	852.3	894.3	936.3	978.3	1020.3	1062.3	1104.3
New SFE (Infill)			3	20	20	25	25	30	30	30	30	30	30
New SFE (School - Maloit Park)			0	0	0	3	6	12	12	12	12	12	12

The key difference is the delay of the Maloit Park absorption commencement until 2023 and a reduction in the amount of infill absorption ramping up over time. A key consideration is to be relatively conservative in growth projections so that the overall rate structure doesn't provide any serious "surprises" if absorption is slowed.

Based on the capital plan adopted in December, we are using the following schedule for planned expenditures:

Projects	Category	Funding	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Totals
Tier 1														0
Construct a new Minturn Tank	Tank	Revenue Debt		2,010,000										2,010,000
Maloit Park Pumping Station	Water Supply	Revenue Debt		320,000										320,000
Connect Well 4 to existing clearwell	Treatment	Revenue Debt												0
Construct new membrane plant	Treatment	Revenue Debt			4,540,000									4,540,000
Eagle River Pre-Treatment Facility	Treatment	Revenue Debt			429,000									
New Well Field and pipeline to connect wells to WTP	Water Supply	Revenue Debt					5,220,000							5,220,000
Connect Maloit Park Service Area to Town Service Area	Pipeline	Revenue Debt								310,000				310,000
Repairs and Modifications to the clearwell	Treatment	Revenue Debt												0
Replace waterline in Eagle River at Bellum Bridge	Pipeline	Revenue Debt										320,000		320,000
Annual Replacement of Main	Pipeline	Cash		250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	2,500,000
Water Meter Replacement	Distribution	Revenue Debt		139,500										139,500
Loop Taylor Street	Pipeline	Revenue Debt											130,000	130,000
Raw Water Intake Improvements	Treatment	Revenue Debt					25,000							25,000
Tier 3														0
<b>Actual CIP Costs</b>			<b>0</b>	<b>2,719,500</b>	<b>5,219,000</b>	<b>250,000</b>	<b>5,495,000</b>	<b>250,000</b>	<b>250,000</b>	<b>560,000</b>	<b>250,000</b>	<b>570,000</b>	<b>380,000</b>	<b>15,514,500</b>

As you will note, the expenditures are heavily weighted to the first four years of the plan. Also, the water main replacement/upgrade line item was listed as a \$2.5 M cost in years one through three, however we are showing a methodical replacement over the course of the ten years. We have continued to utilize cash to undertake that portion of the project list, so those expenditures are fungible from one year to the next.

Based on the above capital plan, we have planned out three borrowings in 2021, 2022, and 2024. We assume that the Town will utilize the Colorado Water Resource and Power Development Authority (CWRPDA) to issue the debt. While we show that the first interest payment comes due in November of each of the issuance years, there is the possibility that the payments could be deferred interest free until the asset being constructed in place. For the purposes of planning, we have taken a more conservative approach.

As you may be aware, the CWRPDA has two loan programs that you can access, the first being for loans under \$3.0 M and then the second for larger loans. The first is a direct loan where there are no issuance expenses other than Ehlers/Bond Counsel with the attractive current interest rate of 2.25%. The second larger loan program has some additional issuance expenses, however, still maintains a relative attractive rate at 70% of the market value rate.

With the changes in absorption and the CIP, we have updated the rate model to reflect the needs of the Town's Water Utility. It is our understanding that the following rates were put in place for 2021 and included is a recommended adjustment:

Type of Rate	Adopted 2021	Revised 2021	Difference
Basic	90.41	90.41	No Change
Volumetric	6.83	6.83	No Change
Debt Rate	20.32	7.81	(12.51)

Because the Town has not issued any water debt at this point, other than the small loan currently outstanding, there is not a need to generate that much cash for the utility at this point. Further, given that CWRPDA rules, you may be able to defer any payment from 2021 into 2022, and then a similar set-up for each subsequent issue if done with CWRPDA.



To: Mayor and Council  
From: Jay Brunvand  
Date: January 6, 2021  
Agenda Item: Resolution 03 – Series 2021

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**REQUEST:**

Staff is requesting Council to approve Resolution 03 – Series 2021 a Resolution appointing Board Members to the Eagle County Regional Transit Authority.

**INTRODUCTION:**

John Widerman and George Brodin are currently on the Eagle County Transit Board and this is reassigning them to that Board for 2021 per request of the Transit Board.

**ANALYSIS:**

N/A

**COMMUNITY INPUT:**

This project has been driven by the community at large.

**BUDGET / STAFF IMPACT:**

N/A

**STRATEGIC PLAN ALIGNMENT:**

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Motion to approve Resolution 03 – Series 2021 as presented.

**ATTACHMENTS:**

- Resolution 03 – Series 2021

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 03 – SERIES 2021**

**A RESOLUTION APPOINTING TOWN COUNCIL  
MEMBERS TO THE EAGLE COUNTY TRANSIT BOARD**

WHEREAS, The Minturn Town Council desires to appoint Mayor John Widerman to represent and Council Member George Brodin as alternate to the Eagle County Transit Board; and

WHEREAS, Mayor John Widerman and George Brodin have accepted the appointment to the Eagle County Transit Board.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT JOHN WIDERMAN IS APPOINTED TO REPRESENT AND GEORGE BRODIN IS APPOINTED AS ALTERNATE TO THE EAGLE COUNTY TRANSIT BOARD FROM THE TOWN OF MINTURN.**

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20<sup>TH</sup> day of January 2021.

TOWN OF MINTURN

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

*Glenwood Springs – Main Office*  
201 14<sup>th</sup> Street, Suite 200  
P. O. Drawer 2030  
Glenwood Springs, CO 81602

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

*Montrose*  
1544 Oxbow Drive  
Suite 224  
Montrose, CO 81402

Office: 970.945.2261  
Fax: 970.945.7336

*\*Direct Mail to Glenwood Springs*

DATE: January 15, 2021  
TO: Town of Minturn Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Second Amended IGA with Eagle County for Law Enforcement Services

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The attached Intergovernmental Agreement with Eagle County will amend the existing agreement between the Town and the County for the County Sheriff's law enforcement services to address certain issues raised by the General Assembly's passage last year of SB-217, an Act to Enhance Law Enforcement Integrity. SB-217 was passed in response to the increased scrutiny on law enforcement over the past year. It has several new provisions designed to discourage use of force by law enforcement officers, including requiring body-worn cameras on officers, imposing various reporting requirements, and establishing a decertification process for officers found to have engaged in unreasonable excessive force. The law's greatest impact is in the creation of a new state law cause of action for excessive force claims that had previously been brought almost solely in federal court due to state governmental immunity. The law also eliminates the defense of "qualified immunity" that is available in federal court and puts some liability personally on officers.

Minturn has contracted with the County since 2014 to have Sheriff's Deputies on patrol with authority to enforce the Town's traffic and criminal laws, in addition to state law jurisdiction. Because there has always been some risk in this arrangement that the County's insurance cannot cover, the Town has historically assumed and insured for the liability arising from an officer's enforcement of the Town code.

With the adoption of SB-217 we discussed with the County Attorney's Office how this risk sharing may have changed and agreed to add citations to the new SB-217 provisions into the agreement in order to avoid any doubt and ensure that insurance coverage was available. We also realized that there is a gap in insurance coverage for a specific low-probability series of events in which the Town will need to self-insure up to \$25,000 to cover an officer's personal liability. The amendment clarifies that this will be the Town's responsibility. That series of events would be 1) excessive force claim under state law arising from 2) enforcement of the Town code (not state law) where 3) the Sheriff determines the deputy did not act upon a good faith and reasonable belief that the action was lawful, and 4) the officer's portion of the judgment (5% or up to \$25,000, whichever is less) is uncollectible. In such a case the Town will pay that uncollectible portion of the judgment (5% or up to \$25,000, whichever is less).

The IGA further puts responsibilities for other matters of compliance with SB-217 on the County Sheriff, which retains supervisory control over the deputies.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 04 – SERIES 2021**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE  
TOWN OF MINTURN TO SIGN THE SECOND  
AMENDMENT TO AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN EAGLE COUNTY COLORADO  
AND THE TOWN OF MINTURN FOR COOPERATIVE  
LAW ENFORCEMENT SERVICES**

**WHEREAS,** The Town of Minturn agrees to and desires to sign the Second Amendment to an intergovernmental agreement with the Eagle County Sheriff's Office as set forth

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE MAYOR OR HIS DESIGNEE IS AUTHORIZED TO SIGN ON BEHALF OF THE TOWN OF MINTURN ANY AND ALL NEGOTIATED DOCUMENTS REQUIRED TO EXECUTE SAID AGREEMENTS.**

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20<sup>TH</sup> day of JANUARY, 2021**

TOWN OF MINTURN

By: \_\_\_\_\_  
John Widerman, Mayor

ATTEST:

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

**SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT  
FOR COOPERATIVE LAW ENFORCEMENT SERVICES**

This SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR COOPERATIVE LAW ENFORCEMENT SERVICES (the "Agreement"), made and entered effective the 1st day of January 2021~~19~~, between the Town of Minturn, Colorado, a municipal corporation, by and through its Town Council (the "Town"); and the County of Eagle, Colorado, a body corporate and politic, by and through its Board of County Commissioners (the "County"). The Eagle County Sheriff's Office (the "Sheriff") will administer this Agreement on behalf of the County and perform the obligations of the County described herein.

**WITNESSETH:**

**WHEREAS**, the Town and the County previously entered into and continue to be bound by, that certain Intergovernmental Agreement for Cooperative Law Enforcement Services dated as of August 1, 2014 ("Original Agreement"), and the Amended and Restated Intergovernmental Agreement for Cooperative Law Enforcement Services dated January 1, 2019 ("First Amendment") whereby the Town contracted with the County for provision of law enforcement services; and

**WHEREAS**, the Town and County now desire to amend, modify and restate their agreement and to the terms and conditions associated with the performance of law enforcement services within the Town as provided by the County through the Sheriff such that this Agreement shall replace the Original Agreement and First Amendment in its entirety as of the effective date stated herein; and

**WHEREAS**, such intergovernmental agreements are authorized and provided for under Section 29-1-201, *et seq.*, C.R.S.

**NOW, THEREFORE**, it is agreed as follows:

**I. Purpose of the Agreement**

This Agreement is made between the Town and County to provide for law enforcement services as described herein.

**II. Services to be Provided**

The County shall provide the following law enforcement services within the corporate boundaries of the Town, (hereinafter "Services"). Except as otherwise specifically set forth herein, the Services shall be those duties and functions coming within the jurisdiction of the County pursuant to Colorado law. The standards of peace officer performances, the discipline of deputies and other matters incident to the performance of law enforcement services and control of personnel so employed, shall remain in and under the sole control of the County.

- A. Except as otherwise specifically set forth, the Services shall be the same level of services which are provided for unincorporated areas of similar population density in Eagle County. Said Services shall include, but not limited to, the following:
1. From January 1, 2019 through December 31, 2022, the County will provide 300 hours of patrol services per month within the corporate limits of Town. These hours will include court time, up to 32 hours of training per month, and up to 96 benefit hours per month.
  2. On-call response to complaints and services from the Town or the public. On-call availability shall consist of all daily hours not covered by routine or random patrol and responses to request will be authorized by the on-duty supervisor.
  3. The actual time periods during each day spent in providing patrol services shall be dependent upon several factors including, but not limited to, the day of the week, the time of the month, school day versus non-school day, needs of the community, holiday, etc. These times will not include travel time to and from Eagle or briefing time. The County is allowed to use flexible scheduling to prevent the development of patrol hour patterns. Extra hours worked in any month will be applied to any month where the number of hours worked does not total the contracted requirement.
  4. Patrol services shall include, but not limited to, the following: general traffic enforcement, business checks by foot patrol or vehicle, vacation checks of private residences (as requested), development and maintenance of crime prevention programs for commercial and residential use, special events (Minturn Farmer's Market, Fourth of July, etc.), investigation of traffic accidents (excluding Hwy 24 which will be covered by the Colorado State Patrol), investigation of criminal offenses (including the use of criminal investigators and forensic laboratory capabilities), narcotics investigations and VIN checks.
  5. Patrol services shall also include the enforcement of Colorado state statutes and county and municipal ordinances which are of the same type and nature as Colorado laws enforced by the County within unincorporated Eagle County. The County shall enforce Title 8 (Vehicles and Traffic) and Title 10 (General Offenses) of the Town's Municipal Code. The County will not handle any non-hazardous animal calls under this Agreement. The County shall not act as a Code Enforcement Officer for the Town.



6. County deputies assigned to the Town will cooperate with state and federal officials with regards to enforcement of state and federal laws regarding immigration.
7. At the end of each single or multi-day shift, each deputy assigned to the Town will make reasonable efforts to send to the Town Manager a "Pass On" report, which briefly summarizes law enforcement contacts that occurred during that preceding shift.

### III. Municipal and County Court

- A. It is agreed the Sheriff's deputies making arrests or issuing summons to violators for appearance in court shall appear at the appointed time and date to give all evidence and testimony required by the court. Sheriff's deputies failing to comply with this requirement may be subject to disciplinary action by the County. The County shall notify the Town if any disciplinary action is taken by the County in the enforcement of this provision in the monthly report submitted pursuant to Section VI(A).
- B. It is agreed that deputies assigned to the Town will not act as court recorders and are not held responsible for scheduling or monitoring of community service sentenced by the court.
- C. It is agreed that deputies working in the town limits of Minturn, and only when issuing traffic citations, will cite such violations into Minturn Municipal Court (as opposed to state tickets). Deputies will maintain discretion on issuing municipal or state citations for other offenses.

### IV. Personnel and Equipment

- A. It is agreed that the County shall furnish and supply all labor, supervision, equipment, communication facilities for dispatching, cost of jail detention, and all supplies necessary to maintain services to be rendered, including, but not limited to, body-worn cameras as required by C.R.S. § 24-31-902.
- B. The Town will provide access to the Town Hall and/or other Town owned facilities and equipment for administrative use by the County in conjunction with this Agreement.

### V. Liability of the Parties

- A. Nothing in this Agreement shall constitute a waiver of any of the rights, remedies or obligations of the Colorado Governmental Immunity ~~Act~~ yes Act or other Colorado law.
- B. Any person employed by County for the performance ~~-of services~~ and functions pursuant to

this Agreement shall remain employees of the County on special assignment to the Town for the purposes of this Agreement, and shall not be considered employees of Town. The Sheriff, retains sole discretion to determine whether the acts and actions of his deputies were lawful, in good faith and/or consistent with the policies, procedures and standards of his Office. No such County employee shall have any entitlement to compensation, workers' compensation coverage, pension, or civil service benefits from Town. The Town shall not assume any liability for the direct payment of any salaries, wages or other compensation to any County personnel performing services hereunder for the Town, or any liability other than that provided for in this Agreement. Except for claims under C.R.S. § 13-21-131 arising out of the County's enforcement of the Town's Ordinance, or as herein otherwise specified, the Town shall not be liable for compensation or indemnity to any County employee providing services to the Town under this Agreement, for such employee's injury or sickness, whether or not such injury or sickness arises out of services provided to the Town. The County shall to the extent of County insurance cover such liability, defend and hold harmless the Town against any such claims and provide any required workers' compensation insurance program and unemployment insurance coverage for the County -employee. Any release, hold harmless and indemnity given hereunder shall not constitute a waiver of any rights or immunities afforded to the County under § 24-10-1071, *et seq.*, C.R.S.

C. The County and the Town shall each provide its own general liability and public officials' errors and omissions insurance coverage for claims arising from this Agreement. Further, the County and the Town, respectively as named insureds, shall include the other respective party, its officers, employees, and agents, as additional insureds under the named insured's insurance policies. The named insured's insurance shall be primary and non-contributory as respects any covered claim against an additional insured arising out of the premises or operations of the named insured. Except for acts or omissions that are willful and wanton, ~~or~~ which constitute gross negligence by the County, its agents, officers, or employees, or which the Sheriff determines was not conducted in good faith and reasonable belief that the action was lawful, the parties agree that a claim including a claim under C.R.S. § 13-21-131, arising out of the County's enforcement of the Town's ordinance in accordance with the terms of this Agreement shall constitute an operation of the Town for purposes of the indemnification requirements under C.R.S. § 13-21-131 and the County's additional insured status under the Town's insurance. A certificate of insurance consistent with the foregoing requirement is attached hereto as Exhibit A. This provision shall survive expiration or termination of this Agreement.

D. In the event that insurance coverage is not available for a claim under C.R.S. § 13-21-131(4) for which the peace officer was determined not to have acted upon a good faith and reasonable belief that the action was lawful and the peace officer's portion of the judgment is uncollectable from the peace officer, the Town agrees to assume such liability up to the maximum statutory indemnification requirement of five percent of the judgment or

settlement or twenty-five thousand dollars, whichever is less.

#### VI. Monthly Reports Provided to the Town

- A. It is agreed that the Sheriff or designee shall provide a monthly written report to the Town Manager detailing law enforcement and public services activities provided under this Agreement. Said report shall be submitted to the Town prior to the 15th of the following month. The contents of the report, or portions thereof, shall be released to the public only upon the written authorization of the Sheriff or when mandated to be released through any court order or provision of the Colorado Open Records Act. The report may also include suggestions and/or accommodation by the Sheriff's Office by way of joint efforts between the Town and the County for pro-active community policing programs where applicable.
- B. Prior to the first of each month, the Sheriff will provide to the Town, through the Town Manager, a schedule of the days and times to be worked in the month. This schedule may be modified during the month to conform to the needs of the community as expressed by the Town. The schedule is confidential and will not be released without the written authorization of the Sheriff.

#### VII. Payments for Services Delivered

- A. The parties acknowledge that the cost of law enforcement services predictably increases over time due to increases in employee pay & benefits, increases in Dispatch Center fees, as well as increases in motor vehicle maintenance and replacement costs and others. The Town hereby agrees to pay the County the following amounts during the term of this Agreement:

**2019: three hundred forty seven thousand, six hundred fifty one dollars (\$347,651);**

**2020: three hundred fifty eight thousand, eighty dollars (\$358,080);**

**2021: three hundred sixty eight thousand, eight hundred twenty two dollars (\$368,822); and**

**2022: three hundred seventy nine thousand, eight hundred eighty seven dollars (\$379,887)**

Eagle County reserves the right to adjust the yearly compensation amount set forth herein by providing written notice to the Town no later than September 1 of the year prior to the effective date of the change. Any such price change to the IGA shall be subject to the Town's right to terminate for non-appropriation as set forth in Section XI of this Agreement. For services provided each year, the Town will make equal payments quarterly to the Sheriff's Office. Payments are due on the 15<sup>th</sup> of the month in March;

June, September, and December each year.

- B. The Parties agree that in the event of a catastrophic event within the Town boundaries requiring extraordinary law enforcement response and/or resources, including but not limited to an event of large-scale flooding, wildland fire, riot, disease epidemic, acts of terrorism, etc., the parties will work in good faith to negotiate a cost-sharing agreement to fairly apportion between the Parties the additional costs associated with response to said catastrophic event(s).
- C. Vehicles used by deputies providing services under this Agreement will be marked as "Eagle County Sheriff's Office." The vehicles and equipment will remain the property of Eagle County Government at all times.

#### VIII. Termination of the Agreement

Either party shall have the right to terminate this Agreement at any time provided that the party wishing to terminate provides the other party at least one hundred eighty days (180) written notice of its intention to terminate. The Town shall be liable for payment in full to the County for its Services to the date of the termination of the Agreement.

#### IX. Liaison Between the Parties

- A. It is agreed that the Sheriff shall have full cooperation of the Town, its officers, agents, and employees, so as to facilitate the performance of this Agreement.
- B. It is agreed that for the purpose of maintaining cooperation, local control, and general information on existing complaints and problems in the Town, each party shall appoint a liaison through which written and oral communication between the parties shall be directed. The Town's liaison shall be the Town Manager. The Sheriff will appoint the Undersheriff as the liaison to the Town.
- C. It is agreed that the Town shall have full cooperation of the Sheriff and his representatives in response to pre-existing complaints and/or problems and they shall promptly take steps to resolve the situation in a manner mutually agreeable to the Town and the County, understanding that the Sheriff is the final authority on such issues.
- D. The Town shall have input into the deputies assigned to the Minturn Community, understanding that the Sheriff is the final authority on such assignments. Any disciplinary action against deputies will be by the Sheriff or his representative.
- E. The Sheriff will review this Agreement annually to insure that all elements of the Agreement are being met, and will meet with a representative of the Town to review and discuss the performance of the Agreement.

#### X. Renewal and Modification of the Agreement

- A. This Agreement may be renewed in writing signed by the parties. Renegotiation of the terms, payments, and services provided will be included in any renewal agreement.
- B. Any changes to this Agreement shall be made only by written amendment signed by the parties.

#### XI. Term of Agreement

This Agreement shall be effective from January 1, 2019 through December 31, 2022. Notwithstanding the foregoing and any other provisions of this Agreement, the terms and obligations of this Agreement are subject to annual appropriations by the parties so as to not create a multiple fiscal year obligation pursuant to Article X, Section 20 of the Colorado Constitution.

#### XII. Entire Agreement

This written Agreement embodies the whole agreement between the parties hereto and there are no inducements, promises, terms, conditions, or obligations made or entered into either by the County or the Town other than that contained herein.

#### XIII. Assignment

This Agreement shall be binding upon the respective parties hereto, their successors or assigns, and may not be assigned by anyone without the prior written consent of the respective parties hereto.

#### XIV. Severability

All agreements and covenants herein are severable, and in the event that any of them shall be held invalid by a Court of competent jurisdiction, this Agreement shall be interpreted as if such invalid agreement or covenant were not contained herein.

#### XV. Authority

The Town represents to the County and, likewise, the County represents to the Town that it possesses the legal ability to enter into this Agreement. In the event that a Court of competent jurisdiction determines that either of the parties hereto do not possess the legal ability to enter into this Agreement, this Agreement shall be considered null and void as of the date of such Court determination.

#### XVI. Termination of Original Agreement

This Agreement amends, supersedes and replaces in its entirety the Original Agreement

between the Town and the County. The Original Agreement, which has been continuously in effect since its date of execution, is hereby terminated without further action effective as of the date of this Agreement.

~~//REMAINDER OF PAGE INTENTIONALLY LEFT BLANK//~~

IN WITNESS WHEREOF, the Town of Minturn, by and through its Town Council, caused this Agreement to be signed by its Mayor and attested by its Town Clerk, and the County of Eagle, by and through its Board of County Commissioners, caused this Agreement to be signed by its

Chairman, attested by its Clerk, and approved by its Sheriff, all on the day and year first above written.

COUNTY OF EAGLE, STATE OF  
COLORADO, By and Through Its  
BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
Clerk to the Board of  
County Commissioners

By: \_\_\_\_\_  
Kathy Chandler-Henry, Chair

TOWN OF MINTURN, STATE OF  
COLORADO, By and Through Its  
TOWN COUNCIL

ATTEST:

\_\_\_\_\_  
Clerk to the Town Council  
Mayor

By: \_\_\_\_\_  
~~Matt Scherr~~ John Widerman IV,

APPROVED:

By: \_\_\_\_\_  
James Van Beek, Sheriff



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

---

**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

## Jay Brunvand

---

**From:** Madison Harris  
**Sent:** Tuesday, January 12, 2021 12:19 PM  
**To:** Jay Brunvand; Michelle Metteer  
**Cc:** Michael J. Sawyer  
**Subject:** Updated Ordinance  
**Attachments:** Ord 01-2021 Updated.pdf

Here is the updated ordinance for the packet. I added "or emailed" after mailed in the one section that specified mailed rather than written notice. Please let me know if I need to change anything else.

Thanks,  
Madison

**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 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. 16-15-130. - 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 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. 16-21-180. - Determination of completeness; Referral.**

~~(1)~~ Within 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 or~~ emailed 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 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. 16-15-90. - 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 ~~(10) 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.

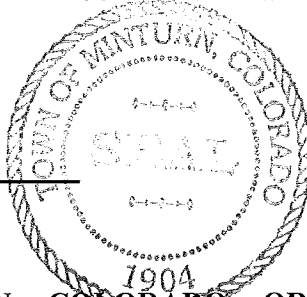
**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 6<sup>th</sup> DAY OF JANUARY, 2021. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO 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**

**Ad Number**      **Ad Type**  
 0000652500-01    CMN Legal Line

**Production Method**      **Production Notes**  
 AdBooker

**External Ad Number**      **Ad Attributes**      **Ad Released**      **Pick Up**  
 No

**Ad Size**      **Color**  
 1 X 32 li

**WYSIWYG Content**

TOWN OF MINTURN, COLORADO  
 ORDINANCE NO. 01 - SERIES 2021  
 AN ORDINANCE OF THE TOWN OF MINTURN,  
 COLORADO PROVIDING FOR THE CONSISTEN-  
 CY OF LAND USE APPLICATION REVIEWS IN  
 THE TOWN'S LAND USE AND SUBDIVISION CO-  
 DES, CHAPTERS 16 AND 17.

INTRODUCED, READ BY TITLE, APPROVED ON  
 THE FIRST READING AND ORDERED PUBLISH-  
 ED BY TITLE ONLY AND POSTED IN FULL ON  
 THE OFFICIAL TOWN WEBSITE THE 6th 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 20TH 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

Published in the Vail Daily on January 9, 2021.  
 0000652500

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Rate</u>	<u>Sched Cst</u>	<u>Disc/Prem</u>	<u>Color</u>	<u>Pickup</u>	<u>Tax</u>	<u>Subtotal</u>
01/09/2021	CMN Online Regional A	LEGALS CMN	\$0.00 per Inch	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
01/09/2021	CMN Vail Daily	LEGALS CMN	\$6.24 per Inch	\$16.64	\$0.00	\$0.00	\$0.00	\$0.00	\$16.64

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 20, 2021</b>
Resolution __-Series 2021 appointing ECRTC board members
<b>February 3, 2021</b>
Special Presentation – Vista Project
Discussion/Direction – Water Supply Plan Proposal – Metteer
<b>February 17, 2021</b>
<b>DATE TO BE DETERMINED</b>
An Ordinance adopting Specified Sustainability Building Codes