



Wednesday February 16, 2022
Executive Session – 4:30PM
Regular Session – 5:30PM

AGENDA

Town Council Meeting
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate. This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/83232876078>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 832 3287 6078**

Please note: all virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

CALL TO ORDER

The Minturn Town Council will open the Regular Meeting at 4:30 for the purpose of convening into Executive Session. The Regular Meeting will convene in public at approximately 5:30 pm.

ROLL CALL & PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

1. Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) for the purpose of consulting with our attorney – Minturn Historical Preservation and water taps/sfe – Metteer/Sawyer

APPROVAL OF CONSENT AGENDA *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. February 2, 2022 Meeting Minutes
2. Rocky Mountain Tacos LLC annual renewal of a Beer and Wine Liquor license; 291 Main St; Chris McGinnis, Owner/President – Brunvand

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

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENT *Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

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

COUNCIL COMMENTS & COMMITTEE REPORTS

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

1. Resolution 05 – Series 2022 a Resolution instructing the Minturn Town Clerk to cancel the April 5, 2022 Town of Minturn Municipal Election and declaring the candidates for the office of Mayor and Councilmember elected – Brunvand
2. Resolution 06 - Series 2022 a Resolution terminating the emergency declaration – Metteer
3. Motion to renew a moratorium on the allocation of water taps for new build construction projects requiring more than three single family equivalent units – Sawyer
4. Final Subdivision PUD Plan, Plat, SIA – Belden Place – Hunn/Harris
 - a. Final PUD Plan via Ordinance continued to 3/2/22
 - b. Final Plat and SIA via Resolution continued to 3/16/22

DISCUSSION / DIRECTION ITEMS

1. Pine Street Repairs and Construction Phasing update – Spanel/IME Engineering
2. Water Tap Moratorium Request – Belden Place/Allison Perry – Hunn/Harris

STAFF REPORTS

1. Town Manager Update
 - Water Conservation Planning

FUTURE AGENDA ITEMS

ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- February 16, 2022
- March 2, 2022
- March 16, 2022
- April 6, 2022



Wednesday February 2, 2022 – 5:30PM

OFFICIAL MINUTES

**Town Council Meeting
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

CALL TO ORDER

The meeting was called to order by Mayor Earle Bidez at 5:35pm using the ZOOM on-line meeting format.

ROLL CALL & PLEDGE OF ALLEGIANCE

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

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer (via zoom) and Meghan Winokur (via zoom), and Town Treasurer/Town Clerk Jay Brunvand.

CONSENT AGENDA *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. January 19, 2022 Meeting Minutes
 2. January 25, 2022 Special Meeting Minutes
 3. Golden Aspen Leaf Inc, DBA Gourmet Cowboy Bar, annual renewal of a Hotel and Restaurant Liquor license; 455 Main St; Clifford Dorn III, Owner/President – Brunvand
 4. 542 Main St LLC, dba Sunrise annual renewal of a Hotel & Restaurant (City) Liquor license; 132 Main St; Doug McAvity, Owner/Manager
- Pull Golden Aspen Leaf Inc for separate consideration.

Motion by Earle B., second by Terry A., to approve the Consent Agenda for February 2, 2022 as amended. Motion passed 7-0.

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

- Add consideration of Golden Aspen Leaf Inc to end of Business Items

Motion by Eric G., second by George B., to approve the agenda of February 2, 2022 as amended. Motion passed 7-0.

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENT *Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

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

COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. noted a public meeting to be held on Tuesday, February 15th from 5:30pm to 8:00pm for an interactive ONLINE workshop focusing on the future of the 100 Block. Our standards for new development are outdated and hard to understand and administer, which can cause confusion and disagreement. It's time to update the code to responsibly plan for future development while protecting the beloved character that we all cherish. This process will review uses you would like to see more of, and where? How tall should future development be along Main Street versus other areas of the 100 Block? How can future development benefit the community? Our goal is to gain consensus on important decisions that will provide direction for an update to our zoning code's standards and guidelines for the 100 Block.

Terry A. updated on a High Five Board meeting she attended where new board members were seated. She also reminded all to drive safely and remember animals are crossing the roads.

George reminded not to allow ice and snow to block your gas meter or nearby fire hydrants and

to be aware of winter conditions.

Lynn F. stated the possibility the railroad is still talking about reactivating the rail line through town. She felt we should be following this issue closely as it has little regard to the environment. Terry A. stated Eagle County will be filing a more thorough review due to safety concerns. She stated all counties along the Tennessee Pass line are expressing concern and working together. The transit product is stated to be oil that is not able to be trucked.

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

1. Ordinance 02 – Series 2022 (Second Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code for the purpose of aligning with state statute concerning day care homes – Hunn

Michael S. presented there were no changes from First Reading and that this is a review of the Chapter 16 Amendment to provide for the rezoning of residential zone districts in relation to day care homes recommended to Council by the Planning Commission from their regular meeting of January 12, 2022 and that this change will bring Minturn into compliance with recent state law. The attached ordinance is presented for consideration by the Town Council. The ordinance addresses amendments/additions in the following sections of the Minturn Municipal Code, Chapter 16 – *Zoning*:

- Section 16-2-20 – Definitions
- Section 16-6-80 - Old Town Character Area limited use standards
- Section 16-7-70 - South Town Character Area limited use standards
- Chapter 16, Article 17 - Supplemental Regulations and Standards

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Terry A., second by Eric G., to approve Ordinance 02 – Series 2022 (Second Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code for the purpose of aligning with state statute concerning day care homes as presented. Motion passed 7-0.

2. Ordinance 03 – Series 2022 (Second Reading) an Ordinance approving an Intergovernmental Agreement between The Town of Minturn, Eagle River Water and Sanitation District, and Upper Eagle Regional Water Authority regarding Bolts Lake – Metteer

Meghan W. noted from first reading two concerns:

1. Require in the IGA that ERWSD will notify the Town when the lake is up and running as that begins the clock for scheduled dates within the agreement, this was agreed to and added to the IGA for second reading.
2. Recreational use IGA, a site specific separate IGA would be required to cover this and would be negotiated prior to the completion of the lake and dam construction; this was agreed to and added to this IGA for second reading.

It was noted the IGA Exhibits have been included for second reading's approval.

Minturn staff, consultants and attorneys request the Town Council consider an Ordinance for an Intergovernmental Agreement (Agreement) between the Town of Minturn, Eagle River Water and Sanitation District (District), and the Upper Eagle Regional Water Authority (Authority).

A proposed agreement between Minturn and the Eagle River Water District would provide for Minturn to receive significant valuable water rights, which rights would provide important water security to Minturn. Minturn will also receive a Recreational Covenant for Use of the Lake, when completed. In exchange, the District would get the use of Minturn's Bolt's Lake Easement and the cooperation of the Town.

If Minturn does not enter into this agreement, The District will, in all likelihood, obtain the easement by condemnation and Minturn would then be entitled to only the value of the easement as determined in Court. Minturn is currently in the process of obtaining an appraisal of the value of its Bolt's Lake Easement, and that appraisal will be available before the proposed agreement goes before Council for final consideration.

Battle North (formerly Battle Mountain or Ginn) signed a contract last year to sell land for Bolts Lake reservoir to the District and Authority via the "[Agreement Pertaining to Acquisition for Bolts Lake Reservoir Project](#)." This Agreement includes a one-year due diligence period prior to execution. The due diligence period will be complete as of February 9, 2022.

Long-time residents may recall the multiple agreements with Battle North's predecessor, which voters approved in 2008 as part of the annexation procedures for the Battle North property to be incorporated into the Town of Minturn. Among other promises, the 2008 Agreements included Minturn acquiring an [easement for the Bolts Lake area](#), and Battle North developing the reservoir for use by a future Battle North project and the Town of Minturn, primarily for augmentation purposes.

The Town has provided legal notice of its intention to sue Battle North for breach of the various agreements pertaining to the Battle North property and [development approvals](#). Prior to filing the lawsuit, the Town and Battle North have agreed to mediation which will begin in March of 2022. The Town of Minturn, in all likelihood, does not have the ability to stop the sale of the Bolts Lake parcel because the District and Authority are prepared to file a condemnation act if necessary. The Town is still entitled to sue Battle North for damages.

If Minturn's easement is condemned, Minturn will receive the value of the easement as determined by the court. Minturn is in the process of obtaining an appraisal of the easement which should be received by early February.

The District and Authority want to proceed with construction of Bolts Lake reservoir as quickly as possible, and to do so, have sought Minturn's cooperation. To this end, the District and Authority are willing to commit, among other things, certain augmentation use rights to Minturn. Staff and Council have been involved in intense negotiations with the District and Authority to obtain the best agreement possible. In exchange for the easement, Minturn will obtain the

following benefits.

If the public is not supportive of the proposed Agreement the deal does not have to be finalized.

BENEFITS:

- The District and Authority are offering Minturn a permanent supply of augmentation water not offered to other entities outside of their service area.
- Waiver of purchase price for 20-acre feet of permanent augmentation water (this is an \$860,000 cash value).
 - The 20-acre feet is a perpetual augmentation supply as opposed to Minturn's current 40-year contract with the Colorado River Water Conservation District.
 - The reduction in annual operation, maintenance, and repair costs between the District/Authority supply and Minturn's current augmentation water contract over a 99-year time period equates to approximately \$280,000.
- Eagle River Surface diversion water right for 4.0 cfs – Case 21CW3030
 - With the approval of a Water Court Case 21CW3030 submitted by the District and Authority, Minturn will receive a surface diversion water right in the area of the confluence of Cross Creek and the Eagle River. This would allow Minturn to develop a fully redundant back up raw-water supply that could serve the entire Town and infill growth.
 - With the approval of Water Court Case 21CW3030 submitted by the District and Authority, Minturn would receive a water right at Dowd Junction (well field or surface diversion to still be determined).
 - The District and Authority are paying for all fees associated with the Water Court application process (including attorney fees) at an estimated value of \$100,000 to \$250,000.
- Option to Purchase Augmentation Water Supply
 - 55-acre feet will be held in reserve by the District and Authority for up to 30-years from the date of the IGA for Minturn's right to purchase. The option to purchase will be phased as follows:
 - 30-acre feet will be made available when the District and Authorities decrees are entered by the Water Court.
 - 25-acre feet will be available once Bolts Reservoir is operational
 - This allows Minturn to reduce its current augmentation water contracts and direct the savings to other water system improvements.
- Environmental Remediation of the Old Tailings Pile (part of the Eagle Mine Superfund Site)
 - The District and Authority have agreed to pay for the remediation of the Old Tailings Pile.

- Recreational Use at Bolts Reservoir
 - The District and Authority would issue Minturn a recreational use covenant to allow public summer-time (approximately May – November) non-motorized use of the reservoir. This would include such activities as stand up paddleboarding, swimming, canoeing, and fishing.
- Cooperation with the District & Authority
 - The IGA would provide for cooperation between the Town and the District and Authority on a number of topics including: administration of water rights on Cross Creek, environmental remediation in the Bolts Lake area, provision of water to Dowd Junction, and a commitment that the District and Authority will not claim that Minturn has abandoned any portion of its water rights.

WHAT MINTURN IS GIVING TO THE DISTRICT

- The right to enforce Bolts Lake Easement
 - Minturn will still have the right to sue Battle Mountain in the 2008 Water Services Agreement
- Minturn would commit to not develop its conditional water right as it pertains to Bolts Reservoir in a way that would interfere with the operation of Bolts Reservoir.
- Release of the 2008 Water Service Agreement from the Bolts Lake Property
- Minturn would cooperate with the District and Authority with respect to the construction of Bolts Reservoir.

Public Comment Opened

No Comments from the public (There were 7 attendees on zoom and zero in the audience)

Public Comment Closed

Gusty K. thanked all involved with the IGA negotiations and was glad all parties are working together.

Motion by Terry A., second by Gusty K., to approve Ordinance 03 – Series 2022 (Second Reading) an Ordinance approving an Intergovernmental Agreement between Minturn, Eagle River Water and Sanitation District and Upper Eagle Regional Water Authority as presented. Motion passed 7-0.

3. Resolution 04 – Series 2022 a Resolution of support and authorization for grant submittal of an application to the Colorado Dept of Transportation (CDOT) for commitment of funding for CDOT revitalizing main streets for construction of pedestrian and non-motorized forms of transportation along U.S. Highway 24 within the Town of Minturn – Metteer

Staff is requesting Council to approve Resolution 04 - Series 2022 a Resolution in support of a Colorado Dept of Transportation Financial Grant for use in extending the sidewalk in the South Minturn area from where it currently ends, approximately the 950 area of Main St and extending

to approximately the Boneyard Park, approximately 1351 Main St. During the April 7, 2021 Council Meeting, Council approved the original application for this grant and the allocation of the 20%, \$400,000, grant match. Resolution 11-2021 memorializes this Council direction. The town anticipates applying for a DOLA EIAF grant to apply toward the 20% required match. This Resolution directs support of the application of a CDOT Grant to assist in funding for this project. The intent is to match Town funds with available grants for the installation of sidewalk/curb/gutter an additional approximate three blocks south from where it currently terminates. This project will formalize parking, drainage, and sidewalk as well as open up safe pedestrian traffic to the Boneyard Park and river access for recreation. The project will add additional safe areas for school and ECO Transit buses as well as access north into the main part of town and Little Beach Park. The community has had ample input in previous comments, community surveys, and the project is in line with our adopted Strategic Plan. Up to \$440,000. It is anticipated these funds will come from existing unrestricted savings and additional grants available that we might qualify for.

Terry A. asked when the awards would be made, spring 2022. She asked about the project. Michelle M. stated it is similar to the Phase 1 with parking and sidewalks on both sides of the street. Discussion ensued about how the drainage will be handled from the Martin Creek area.

Lynn F. stated how much the sidewalks improve the town. She stated the importance of working together to minimize the impacts on driveways and access to private properties.

Grant process and applications were discussed regarding timing, planning, phase 3 planning and construction.

Public Comment Opened

No Comments from the public (There were 4 attendees on zoom and zero attendees in the audience)

Public Comment Closed

Motion by Gusty K., second by George B., to approve Resolution 04 – Series 2022 a Resolution of support and authorization for grant submittal of an application to the Colorado Dept of Transportation (CDOT) for commitment of funding for CDOT revitalizing main streets for construction of pedestrian and non-motorized forms of transportation along U.S. Highway 24 within the Town of Minturn as presented. Motion passed 7-0.

Liquor Authority:

Note: this item was pulled from the Consent Agenda for specific consideration.

1. Golden Aspen Leaf Inc, DBA Gourmet Cowboy Bar, annual renewal of a Hotel and Restaurant Liquor license; 455 Main St; Clifford Dorn III, Owner/President – Brunvand

Jay B. presented that the existing lease expires on 12/31/22 and with this renewal the liquor license would expire on 3/2/23. The applicant has received an email extending the lease to 3/31/23. The condition requested would require the proposed extension to be signed within 30days (by 3/4/22).

Motion by George B., second by Terry A., Golden to approve the Aspen Leaf Inc, DBA Gourmet Cowboy Bar, annual renewal of a Hotel and Restaurant Liquor license; 455 Main St; Clifford Dorn III, Owner/President the extension be signed and returned within 30days. Motion passed 7-0.

DISCUSSION / DIRECTION ITEMS

STAFF REPORTS

1. Town Manager Update

Bolts Ditch Headgate

Work continues on the 299-Permit for the USFS toward Minturn's use of the Bolts Ditch Headgate. Metcalf Archaeological Consultants have been reviewing the headgate and ditch since the summer of 2021 and their initial report has determined the structure contains historical significance. They are tentatively recommending the structure and ditch be listed on the State Historic Register. As of right now, I do not believe this would stop Minturn from utilizing the structures. More to come.

Colorado River District

The River District had to postpone their January Board meeting due to COVID. This means Minturn's grant application will be reviewed and considered during the rescheduled meeting in February.

Congressionally Directed Spending

Minturn's request for \$1,000,000 of congressionally directed spending is expected to be taken up by Congress in mid-February as part of the larger appropriations bill. These would be federal funds that we could accept without compromising the Enterprise Fund. This request has been supported by both senator Bennett and Hickenlooper and would go toward offsetting the cost of the new water tank.

Revitalizing Main Streets Grant (Round II)

Minturn is in the process of applying for another round of Revitalizing Main Street grant application – which would encompass Phase II of the Main Street sidewalk project. The applications are due in early February and since we scored very well on the last round (just not well enough to receive any funds) we're hopeful for a positive outcome.

Historic Preservation Committee

Work continues toward the creation of an Ordinance to form an Historic Preservation Commission. I expect the work of the Committee will be completed in the next meeting and the draft Ordinance will then move to the Planning Commission for one meeting where I will get additional feedback before coming to Council.

Snowmobiles & the Shooting Range

The USFS Road to the Shooting Range is closed to motorized access in the winter months due to the wintering elk. We've had several calls about snowmobiles not respecting the signs and utilizing the railroad tracks for traveling to the shooting range. A sign has gone up on the RR tracks identifying no motorized access, the USFS has been notified and the ECSO is doing additional

patrols of the area. Ideally it would be great if these snowmobilers would respect our local wildlife but after at least one verbal warning the behavior has not stopped.

Community Plan Downtown Area Sub-Committee

The SE Group is currently prepping for a subcommittee meeting next month to review and determine final take-aways for the 100-block design review. The subcommittee will be working from the materials created at the charrette last year and this will be the groundwork for the Old Town Character Area/Downtown Design Guideline booklet. Terry Armistead & Gusty Kanakis represent the Council on the Community Plan Steering Committee and Tom Sullivan is representing the Council for the Downtown area sub-committee.

Planning Commission Openings

There will be two planning commission seats open in March. If anyone you know is interested in submitting a letter of interest, please keep the mid-March deadline in mind.

Water Line Leaks

Minturn has identified four water leaks over the course of the last several weeks. One leak is on a main line and is being repaired. The rest of the leaks are on service lines (private property). Arnold is working with the property owners to get the service line leaks repaired as quickly as possible. This is the type of issue that creates an increased monthly water loss rate. We'll continue to work with property owners in hopes they will get these repairs made as quickly as possible.

Water Tank RFP

The updated RFP for the new water tank goes out this week. Of note, the tank will be sized to NOT accommodate any future growth in the Battle Mountain area of Maloit Park. Expect to have SGM come before the Town Council in early March for approval of a bid award.

Michelle M. reported that after the approval of Ordinance 03 – Series 2022 reference the IGA that she received an email from the ERWSD Manager Lynn Brooks which also thanked all involved with the successful negotiations.

Michelle M. again reminded all of the February 15 Feb 15 design 100 block planning. The event is open to any and all residents, businesses, and property owners. Tom S. and Lynn F. will represent the Town Council at the event.

Terry a thanked the Public Works crew for all the snow removal and clear sidewalks. She noted Maloit Park Road is a private (school district) road and it is not as clear by the town.

FUTURE AGENDA ITEMS

Council Retreat end of April or May. Remind Michelle to set dates early.

ADJOURN

Motion by Terry A., second by Gusty K., to adjourn at 6:30pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Council Meetings:

- February 2, 2022
- February 16, 2022
- March 2, 2022
- March 16, 2022



To: Mayor and Council

From: Jay Brunvand

Date: February 16, 2022

Agenda Item: Annual renewal of Beer and Wine Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached annual renewal of a Beer and Wine Liquor License for the Rocky Mountain Taco llc located at 291 Main St.

INTRODUCTION:

This establishment has an existing B&W License and this is the annual renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$125.00.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved on the Consent Agenda, no separate motion is required.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Submit to Local Licensing Authority

Fees Due	
Annual Renewal Application Fee	\$ 50.00
Renewal Fee	500.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 550

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <i>Rocky Mountain Tacos LLC</i>			Doing Business As Name (DBA)		
Liquor License # <i>03-13037</i>	License Type <i>Beer and Wine (city)</i>	Sales Tax License Number <i>30860025</i>	Expiration Date <i>2/4/22</i>	Due Date	
Business Address <i>291 main Street Minturn Co 81645</i>				Phone Number <i>9704014443</i>	
Mailing Address <i>P.O. Box 1402 Minturn Co 81645</i>			Email <i>Rocky Mountain Tacos@gmail.com</i>		
Operating Manager <i>Chris Mignais</i>	Date of Birth <i>7/9/81</i>	Home Address <i>301 Boulder Street Minturn Co 81645</i>		Phone Number <i>970-393-5187</i>	
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <i>1/25</i>					
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery					
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Chris McGinnis</i>	Title <i>Owner</i>
Signature <i>[Signature]</i>	Date <i>1/29/22</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For <i>Town of Manitou</i>	Date <i>2/16/2022</i>
Signature <i>[Signature]</i>	Title <i>Mayor</i>
	Attest

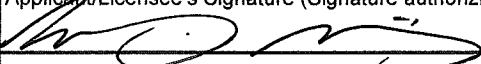
Tax Check Authorization, Waiver, and Request to Release Information

I, Chris McGinnis am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Rocky Mountain Trco (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Rocky Mountain Trco LLC</u>		Social Security Number/Tax Identification Number <u>47-3896405</u>	
Address <u>291 main Street</u>			
City <u>Monte Vista Co</u>		State <u>CO</u>	Zip <u>81645</u>
Home Phone Number <u>970-401-4443</u>		Business/Work Phone Number <u>970-393-5187</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Chris McGinnis</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>1-29-22</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).



To: Mayor and Council
From: Jay Brunvand
Date: January 5, 2022
Agenda Item: Resolution 05 – Series 2022

REQUEST:

Council is asked to approve Resolution 05 – Series 2022

INTRODUCTION:

The Town is scheduled to hold its regular Municipal Election on April 5, 2022. This year we are scheduled to seat three council members and the mayor. On January 4, 2022 the window to circulate nomination petitions. This window closed on January 24 and the window for write-in candidates closed on January 28. By the close of business on January 28 the Clerk's Office had received only nomination petitions, there were no write-in requests, and had received three petitions for the three council seats and one petition for the mayor seat.

Colorado law and Minturn Municipal Code allows the town to cancel an election in cases where there is no contest such as in this case. The Code requires a Resolution to be passed canceling the election and declaring the candidates elected.

ANALYSIS:

N/A

COMMUNITY INPUT:

N/A

BUDGET / STAFF IMPACT:

The adopted FY2022 Budget includes \$2,500 to cover the cost of the scheduled April election. By canceling the election, the town will save approximately \$2,000 after advertising for candidate nominations.

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 05 – Series 2022.

ATTACHMENTS:

- Resolution 05 – Series 2022

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 05 – SERIES 2022**

**A RESOLUTION INSTRUCTING THE TOWN CLERK TO CANCEL THE
APRIL 5, 2022 TOWN OF MINTURN MUNICIPAL ELECTION AND
DECLARING THE CANDIDATES FOR THE OFFICES OF MAYOR AND
COUNCILMEMBER ELECTED**

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

WHEREAS, The Town Council for the Town of Minturn consists of one (1) Mayor and six (6) Councilmembers; and,

WHEREAS, The deadline for filing Nomination Petitions for the April 5, 2022 election was January 24, 2022.; and,

WHEREAS, The deadline for filing Affidavits of Intent for write-in candidates for the April 5, 2022 election was January 28, 2022.; and,

WHEREAS, Only one candidate for Mayor submitted the appropriate petition to be included on the April 5, 2022 ballot (the Ballot), which petition has been found to be in substantial compliance with the Colorado Municipal Election Code; and,

WHEREAS, Only three candidates for Councilmembers submitted the appropriate petitions and paperwork to be included on the Ballot, which petitions have been found to be in substantial compliance with the Colorado Municipal Election Code; and,

WHEREAS, Pursuant to its authority under Section 2-1-30 of the Minturn Municipal Code, the Town Council desires to instruct the Town Clerk to cancel the April 5, 2022 election and declare the candidates elected when the only matter before the voters is the election of persons to office and, if at the close of business on the deadline for filing Affidavits of Intent for write-in candidates, there are not more candidates than offices to be filled at such election; and,

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

Section 1. The Town Clerk is hereby directed to cancel the April 5, 2022 municipal election for the Town of Minturn.

Section 2. The following individuals are hereby declared elected to the respective offices for the terms indicated:

- | | | | |
|----|--------------------|---------------|------------------|
| 1. | Earle Bidez | Mayor | 2-year term, |
| 2. | Lynn Feiger | Councilmember | 4-year term, |
| 3. | Tom Sullivan | Councilmember | 4-year term, and |
| 4. | Katherine Schifani | Councilmember | 4-year term. |

Section 3. The Town Clerk is hereby directed to publish notice of said cancellation in the *Vail Daily* and to post the notice at the designated polling place, Public Notice Boards, and on the Town website to inform the electors of the Town of the cancellation.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this
16th day of February, 2022.**

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



PUBLIC NOTICE
TOWN OF MINTURN

**Notice of Cancellation of The Town of Minturn Regular Municipal Election and declaring elected those individuals to the respective offices
By the Designated Election Official**

I, Jay Brunvand, Town Clerk/Treasurer for the Town of Minturn, State of Colorado have been authorized and directed to, and does hereby cancel the Town of Minturn regular municipal election scheduled for April 5, 2022 by the Minturn Town Council per C.R.S. Section 31-10-507 and Minturn Municipal Code Section 2-1-30. There are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, and there are no ballot issues to be decided at said election. As a result the following candidates are hereby declared elected:

- | | | | |
|----|--------------------|---------------|------------------|
| 1. | Earle Bidez | Mayor | 2-year term, |
| 2. | Lynn Feiger | Councilmember | 4-year term, |
| 3. | Tom Sullivan | Councilmember | 4-year term, and |
| 4. | Katherine Schifani | Councilmember | 4-year term. |

Such terms are scheduled to commence upon such candidates being sworn into office at the regular meeting of the City Council on April 6, 2022.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Town of Minturn at Minturn, Colorado this 16th day of February, 2022.

 /s
Jay Brunvand, Treasurer/Clerk



To: Mayor and Council
From: Jay Brunvand
Date: February 16, 2022
Agenda Item: Resolution 06 – Series 2022

REQUEST:

Council is asked to approve Resolution 06 – Series 2022

INTRODUCTION:

Throughout the COVID epidemic, the Town of Minturn has mirrored Eagle County's lead as we navigate the on-going pandemic. During the last week of December 2021, the County issued updated declarations due to the presence of the Delta and Omicron COVID variants. The County recently rescinded the County wide declarations and Minturn is following suit.

ANALYSIS:

N/A

COMMUNITY INPUT:

The outlined actions implementing and rescinding the County lead is necessary for the public health, safety, and welfare of our Minturn community.

BUDGET / STAFF IMPACT:

N/A

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 06 – Series 2022

ATTACHMENTS:

Resolution 06 – Series 2022

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 06 - SERIES 2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COLORADO, REPEALING
RESOLUTION NO. 02, SERIES 2022, DECLARING A
LOCAL DISASTER EMERGENCY.**

WHEREAS, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, on March 16, 2020 the Town Council passed Resolution No. 02, Series of 2022, declaring a local disaster emergency and authorizing the Town Administrator to exercise the Town Council's police powersto suppress the transmission of disease; and

WHEREAS, the declaration is effective until the Town Council determines an emergency no longer exists; and

WHEREAS, the Town Council has determined that a local disaster emergency no longer exists and desires to repeal Resolution 02, Series 2022 and the powers and authorizations granted in connection therewith.

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

Section 1. The above recitals are hereby incorporated as findings by the Town Council of theTown of Minturn.

Section 2. The Town Council of the Town of Minturn hereby repeals Resolution 02, series 2022.

INTRODUCED, READ, APPROVED, ADOPTED, AND RESOLVED THIS 16TH DAY OFFEBRUARY, 2022.

TOWN OF MINTURN

**By: _____
Earle Bidez, Mayor**

ATTEST:

Jay Brunvand, Town Clerk

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[**Direct Mail to Glenwood Springs*](#)

DATE: February 11, 2022
TO: Minturn Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Extending and modifying water moratorium

In May of 2020, the Town Council enacted a moratorium on the issuance of new water taps due to limitations on the Town’s legal water rights and physical water treatment/delivery system. The moratorium ordinance (attached) limits the Town to issue no more than three (3) Single Family Equivalents (SFEs) for new water use on a property or collection of properties owned by the same or related owners. The moratorium ordinance also allocated 70 SFEs of remaining water service for potential use in the Minturn North development. This allocation was made because the Minturn North developer had submitted a land use application *prior to* the enactment of the moratorium.

The moratorium ordinance contemplates that every 12 months it will be renewed “by a majority vote” of the Council. The moratorium remains necessary given continuing limitations on Minturn’s ability to reliably provide water service. These limits stem from:

1. A single source of water for the potable water system given that drought year low flows in Cross Creek may constrain raw water supply into the treatment plant.
2. A lack of augmentation supplies along Cross Creek which may be needed if the water right limitations on Minturn’s senior water rights for monthly consumptive use and/or annual consumptive use from the wells are exceeded.
3. Limitations on the treatment plant to process adequate water to meet additional physical needs.
4. Limitations on storage capacity to support additional water service.

As Council is aware, the Town is actively working to address each of the limiting factors. The Town is in the process of obtaining bids to build a new water storage tank. The Town is pursuing legal water rights and a physical diversion structure for supplemental water from the Eagle River. The Town is also actively addressing system loss through leak detection and improved meter data with the goal of reducing the losses to consistently below 20%.

Staff strongly recommends that Council vote to renew the moratorium to allow additional time for the water limitations to be addressed. Simply put, the Town does not have additional water supplies that it can make available without risking potential water usage curtailment in times of shortage.

In the short term, there are two things that the Town can do to “free up” some additional water supply for new users. First, the Town has aggressively worked to reduce “system losses” resulting from leaks in the Town’s distribution pipes and is working to improve data quality regarding customer deliveries. Reducing system loss helps the Town stretch its water supplies in winter months when physical supplies in Cross Creek may be the limiting factor and reduces stress on the water treatment plant during high-use months or high-turbidity months when the plant is strained to meet demand. Second, the Town may adopt outdoor watering restrictions, changes to the landscape requirements in the zoning code, or other changes resulting in lower water use. By restricting outdoor water usage particularly in the late summer months, the Town can effectively serve more SFEs and remain in compliance with the consumptive use limitations in the Town’s water right decrees. Implementing such restrictions and understanding the degree to which that would allow more SFEs to be served, requires additional study and formal consideration by the Council.

Staff has been asked whether a modification is needed to the ordinance at this time. Staff believes that the moratorium does not need current modifications, but that Council can consider in its vote whether to provide Minturn North with notice that the set aside of the 70 SFEs will only be honored for an additional 1-year period, unless a final development approval is obtained for the Minturn North property.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 05 – SERIES 2020**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO ENACTING A MORATORIUM ON THE
ALLOCATION OF WATER TAPS FOR NEW BUILD
CONSTRUCTION PROJECTS REQUIRING MORE
THAN THREE SINGLE FAMILY EQUIVALENT UNITS.**

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

WHEREAS, new construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to a water service application review pursuant to Section 13-2-10 et.seq. of the Minturn Municipal Code (“Code”) and to pay a water system improvement fee in order to connect to the Town’s water system; and

WHEREAS, the Town Council approved Resolution 40 – Series 2019 A Resolution to approve a Capital Improvements Plan (CIP) for the Minturn Water Plant and system within the Town of Minturn to address water system capacity issues; and

WHEREAS, the 2019 Water System CIP Table 3 Development Summary acknowledges approximately 70 remaining water taps, or Single-Family Equivalent (“SFE”) units for use within the Town of Minturn with the current water infrastructure and single water source utilized; and

WHEREAS, the 2019 Water System CIP Table 3 Development Summary acknowledges the approximately 70 remaining taps are in addition to the already allocated 120 remaining taps to be designated for the Eagle County School District Maloit Park area as outlined in Ordinances 1-4, Series 2011; and

WHEREAS, Resolution 40 – Series 2019, Section 1 acknowledges the adoption of “Option 2” by the Minturn Town Council to implement water system capital improvements that will support the growth scenario of an additional 330 SFEs; and

WHEREAS, Ordinance 11 – Series 2019 An Ordinance adopting the fee schedule for fiscal year 2020, adopted the water utilities fee schedule based on the Option 2 growth scenario water rate modeling conducted by Ehlers Municipal Financial; and

WHEREAS, in recognition of the capacity issues associated with the Town’s water system, Council passed Resolution 22 – Series 2019 limiting new water uses to meet water rights dedication requirements by paying a cash in lieu of fee.

WHEREAS, Minturn Crossing LLC (the “Applicant”) conducted pre-application meetings for the Minturn Crossing Conceptual Development Plan for Planned Unit Development with the Town on September 4, 2019 and October 24, 2019; and

WHEREAS, the Applicant submitted a Conceptual Development Plan for PUD application (the “Concept Plan”) to the Town on November 18, 2019; and

WHEREAS, the Applicant participated in required public conceptual plan review meetings during regularly scheduled Minturn Planning Commission meetings on the following dates: December 11, 2019 and January 8, 2020 and received approval; and

WHEREAS, the Applicant participated in a voluntary public conceptual plan review meeting at a regularly scheduled Minturn Town Council meeting held on December 18, 2019 and received conceptual level support; and

WHEREAS, at its regularly scheduled meeting of January 8, 2020, the Minturn Planning Commission voted unanimously to recommend to the Town of Minturn Planning Director that the Conceptual Plan met the standards for a Conceptual Development Plan for PUD pursuant to the Code, and that the Applicant should proceed to Preliminary Plan for PUD application; and

WHEREAS, the Town received an application (the “Application”) for the Minturn Crossing Preliminary Plan for PUD (the “PUD”) on March 13, 2020; and

WHEREAS, the Code requires the Town to determine completeness of the Application within ten (10) business days following receipt of a land use application; and

WHEREAS, the Application is for a residential PUD in general conformance with the Concept Plan and proposes up to 162 SFEs or a total buildout of 184 single-family, duplex, and multi-family dwelling units to be constructed in multiple phases, with the first phase to consist of a maximum of 70 dwelling units or SFEs; and

WHEREAS, based upon water system capacity, the water necessary to serve the first phase of the PUD is currently available; and

WHEREAS, should the Application be approved by the Town Council following the processes for review and approval of Preliminary Plan for Planned Unit Development outlined within the Code, the Town may enter into an Agreement with the Applicant that commits the Town water system to serve the first phase of the PUD up to 70 SFEs in exchange for the pre-payment of water system improvement fees by the Applicant; and

WHEREAS, the pre-paid water system improvement fees shall be used in accordance with the provisions of Resolution 40 – Series 2019; and

WHEREAS, due to water system limitations, the Town lacks the water system capacity to serve additional multiple SFE development projects until such time that capital improvements are completed and the Town of Minturn in conjunction with its water consultants determine quantifiable increases in water capacity and ability to serve new building construction projects; and

WHEREAS, Minturn desires that landowners and developers understand that they may

process land use development applications during the term of this moratorium so that development can occur as soon as sufficient water capacity exists to serve new multi-SFE projects; and

WHEREAS, municipalities have the authority to enact moratoria in order to preserve the status quo and promote orderly development so long as it is not contrary to a statewide regulatory scheme or policy; and

WHEREAS, the Town Council hereby finds and determines that a moratorium on the issuance of water taps for new projects requiring more than 3 SFEs after April 8, 2020 preserves the status quo in such a manner as to promote orderly development within the Town and is not contrary to any statewide regulatory schemes or policies, and furthermore provides sufficient assurance as to the availability of water taps for a pending application while protecting the Town's ability to adequately serve existing utility customers, thereby protecting the Town's water infrastructure and water source.

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

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

SECTION 2. A moratorium commencing on April 8, 2020 is hereby imposed on the acceptance and processing by the Town of land use development applications submitted pursuant to Minturn Municipal Code Chapter 16 for new construction projects within the Town's water service area that will require more than three (3) new Single Family Equivalents, as defined in Minturn Municipal Code Chapter 13, Article 1, unless the applicant signs an agreement with the Town acknowledging that physical water service for the proposed development may not be available in sufficient quantity to serve all lots or development proposed in the application and that the Applicant assumes such risk.

SECTION 3. The acceptance of applications for connection to the Town's water system as provided in Section 13-2-10 et. seq. is limited to no more than three SFEs for new water use for an entire property or collection of adjoining properties as legally configured on the date of this Ordinance that are owned by the same or related owners. This limitation may be modified on a case-by-case basis by the Town Council based upon a specific application.

SECTION 4: Until such time as this moratorium is lifted by Council, the terms of Section 3 in Resolution 22 – Series 2019 are hereby amended to state that “Cash in lieu fees may be approved by Town staff for new water use that does not exceed three SFEs for an entire property or collection of adjoining properties owned by the same or related owners.”

SECTION 5: This Ordinance shall be reviewed by Council every twelve months and may be continued (including continued with modifications) for an additional twelve month period by a majority vote.

SECTION 6: If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of

competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 15th DAY OF APRIL, 2020. 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 6TH DAY OF MAY, 2020 AT 6:30p.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 6TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO

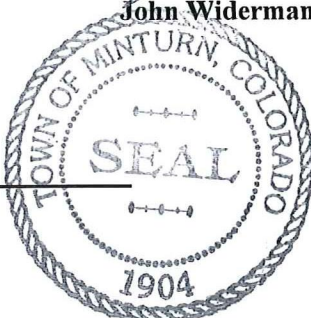


John Widerman IV, Mayor

ATTEST:

By: 

Jay Brunvand, Town Clerk





To: Mayor and Council

From: Scot Hunn, Planning Director

Date: February 11, 2022

Agenda Item: Belden Place PUD Final Plan, SIA and Final Plat Review - Recommendation for Continuance

REQUEST:

Continue the review of the Belden Place Planned Unit Development (PUD) Final Development Plan for PUD, Final Subdivision Plat, and Subdivision Improvements Agreement (SIA) to the regular meetings of March 2, 2022 and March 16, 2022.

INTRODUCTION:

The Town of Minturn Planning Department, Town Engineer and Town Attorney have been working with the Belden Place PUD Applicant, Miner’s Basecamp, to facilitate and finalize review of the Final Development Plan for PUD (including final construction plans, final PUD documents, Home Owners Association documents) as well as a Final Subdivision Plat document, and Subdivision Improvements Agreement (SIA) document in preparation for a public hearing - originally scheduled for Wednesday, February 16, 2022, to consider an ordinance on first reading to approve the Final PUD Development Plan as well as separate, subsequent hearings to consider resolutions to approve the Final Subdivision Plat and SIA documents.

At this time, staff does not believe that the above referenced documents or their corresponding ordinance and resolutions are ready for review. Therefore, staff is recommending that the Town Council continue the publicly noticed hearing(s) to dates certain, as follows:

Final Development Plan for PUD Ordinance No. (TBD):	March 2, 2022
Final Subdivision Plat Resolution No. (TBD):	March 16, 2022
Subdivision Improvements Agreement Resolution No. (TBD):	March 16, 2022

ANALYSIS:

As referenced above, there are numerous PUD-related documents (final construction plans, a final subdivision plat, final PUD development guidelines and HOA covenants, finalized cost estimates and subdivision improvements agreements) that must be presented to the Council in their final draft form and approved via ordinance (Final Development Plan for PUD) or resolution (Final Subdivision Plat and SIA).

While the Applicant and Town staff have been diligent in working to complete review and revisions to all necessary documents, staff does not believe the entire package of final plan documents is ready for review and action by the Council at the time of this writing.

It is imperative that the Town present documentation to the Council that has been fully vetted, edited/revised and ready for adoption as these documents - particularly the final subdivision plat, HOA

covenants, SIA, and PUD Guideline documents - will protect the Town's interests while dictating development and use within the Belden Place PUD in perpetuity.

COMMUNITY INPUT:

Public notice for the review of the Belden Place PUD Final Plan and Final Subdivision Plat was provided in accordance with the Minturn Municipal Code via newspaper, adjacent property owner mailings, and posting of sign(s) on the Belden Place PUD property. Additionally, notice was provided as a matter of posting of the official agenda and packet materials for public review prior to the hearing, as well as the requirements in Section 16-21-610 of the Minturn Municipal Code.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

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

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

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

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Open the public hearing for the Belden Place Planned Unit Development (PUD) Final Plan and Continue the public hearing to the regular Town Council meeting of Wednesday, March 2, 2022:

Belden Place Final Development Plan for PUD - Continuance Motion:

"I move that the Town Council continue the public hearing to consider the Belden Place Planned Unit Development Final Development Plan for PUD application and Ordinance No. (TBD) to the March 2, 2022 regular meeting of the Town of Minturn Town Council."

Belden Place Final Subdivision Plat - Continuance Motion:

"I move that the Town Council continue the public hearing to consider the Belden Place Planned Unit Development Final Plat application and Resolution No. (TBD) to the March 16, 2022 regular meeting of the Town of Minturn Town Council."

Belden Place Subdivision Improvements Agreement - Continuance Motion:

“I move that the Town Council continue the public hearing to consider the Belden Place Planned Unit Development Subdivision Improvements Agreement and Resolution No. (TBD) to the March 16, 2022 regular meeting of the Town of Minturn Town Council.”

ATTACHMENTS:

- None

February 10, 2022

Michelle Metteer
Town Manager
PO Box 309
302 Pine Street
Minturn CO 81645-0309

Via Email: manager@minturn.org

Re: Pine Street Improvements
Phase 2 & 3 Conceptual Plan Revisions per Council and resident input
Project No. 200068

Michelle:

Attached please find revised conceptual plans for Phase 2 & Phase 3 of the Pine Street reconstruction project. Sheet 1 shows the existing conditions for Pine Street north of Norman Avenue; the street measures 32.5' curb to curb. Based on input from the council & residents, this was the basis for the revisions to the Phase 2 & 3 conceptual design. This section allows parallel parking on both sides of the roadway; however, this street is quite narrow, not allowing much space between vehicles. Drivers will need to be careful, particularly exiting a parked car.

Sheets 2 & 3 present a conceptual design for Phase 2. The road cross section will be similar to the existing improvements on Pine, allowing parallel parking on both sides of the street. A new curb would be placed against the existing walk on the west. We understand the town would like to keep the existing walk, replacing broken & missing sections. The curb height will likely vary from 4 – 7 inches. This allows the flow line of the gutter to be constructed at a continuous grade to promote drainage. We used a concrete valley pan on the east side of the road. Most lots on the east slope away from the street. Eliminating the curb will allow for a smoother “catch” to existing grade, while still providing a positive location to catch drainage. Cars parked in the gutter may impede drainage, but additional inlets in the gutter will limit drainage flow.

Phase 3 is presented on Sheet 4. The sidewalk would end at Meek Avenue. The west curb would be placed at the edge of the existing roadway, limiting disturbance to property west of the improvements. This requires the roadway to shift to the east to allow parking on both sides of the street. Other than deleting the sidewalk, the street section remains the same as Phase 2. Pine Street ends at the intersection with Mann Avenue. The current concept would

VAIL VALLEY OFFICE

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

DENVER OFFICE

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | info@inter-mtn.net

February 10, 2022

Michelle Metteer

Minturn Town Manager

Re: Pine Street Improvements

Phase 2 & 3 Conceptual Plan Revisions per Council and resident input

Project No. 200068

narrow the roadway keeping it to the west to allow a wider radius for the curve. While this keeps the roadway off the Dennis property, it does create a bit of a “no man’s land” between the roadway and the existing front yard. This area could be relandscaped or left for parking; however, if left for parking, we recommend running the gutter straight across the lot ending at a storm inlet.

The separate sheet is a turning analysis for a large school bus at the corner of Mann & Pine. The bus will cross the center line as it rounds the corner; this is the same condition as currently exists.

We believe the proposed conceptual roadway layout for Pine Street reflects the input from council and residents at the public hearing and look forward to your review and any additional input.

Thank you for this opportunity to be of service,

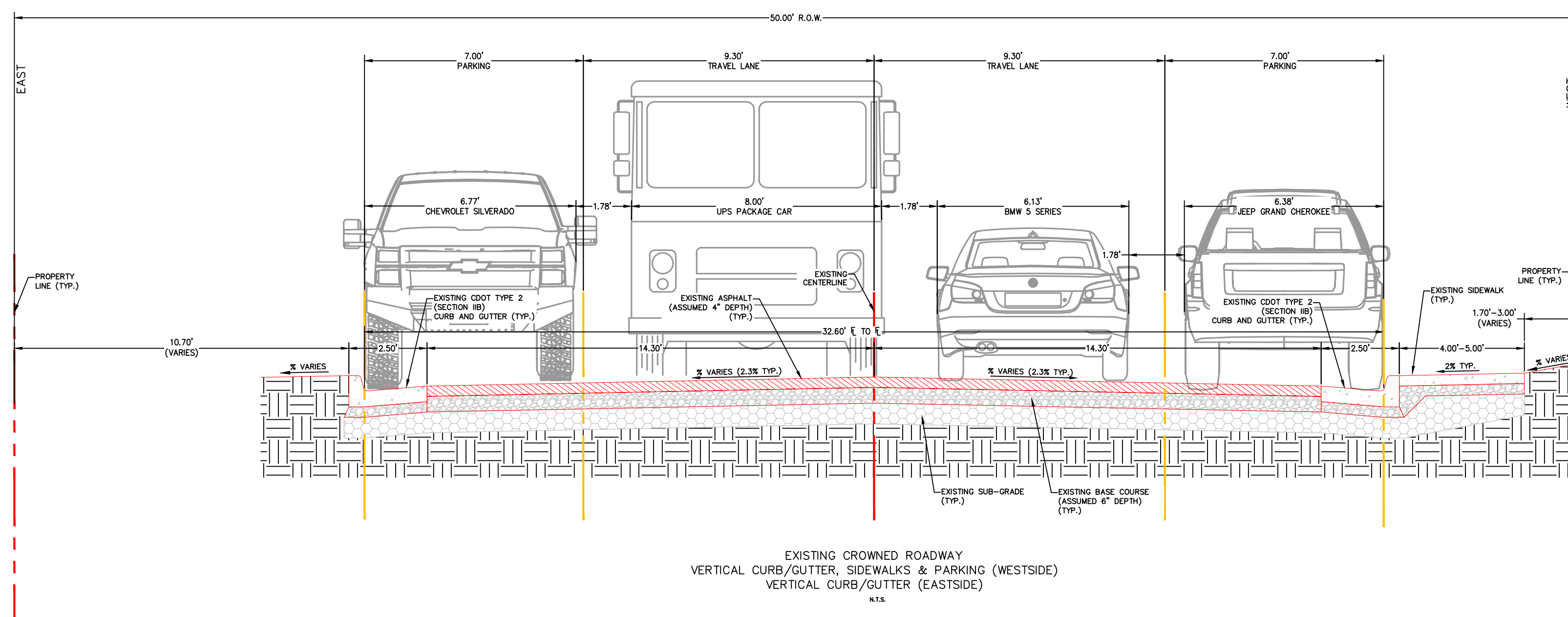
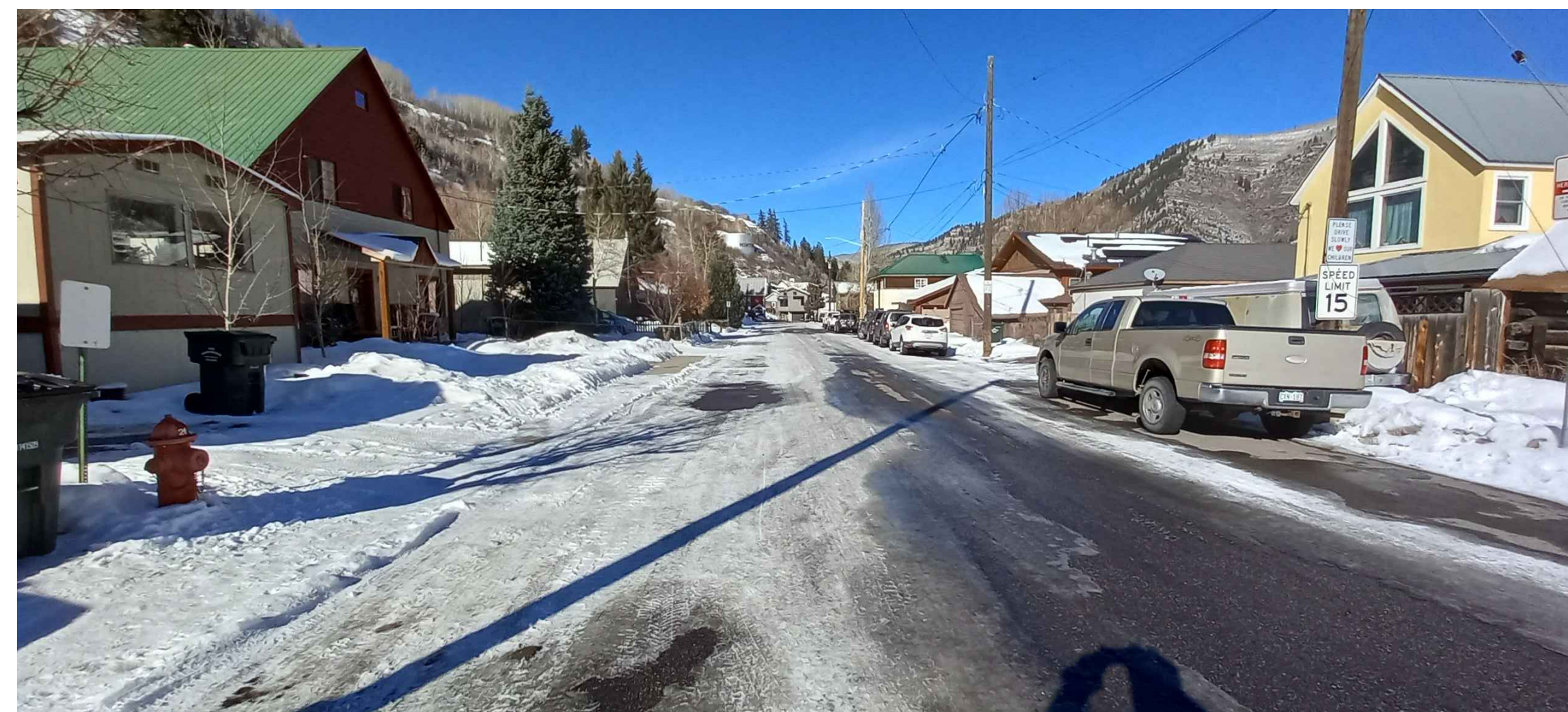
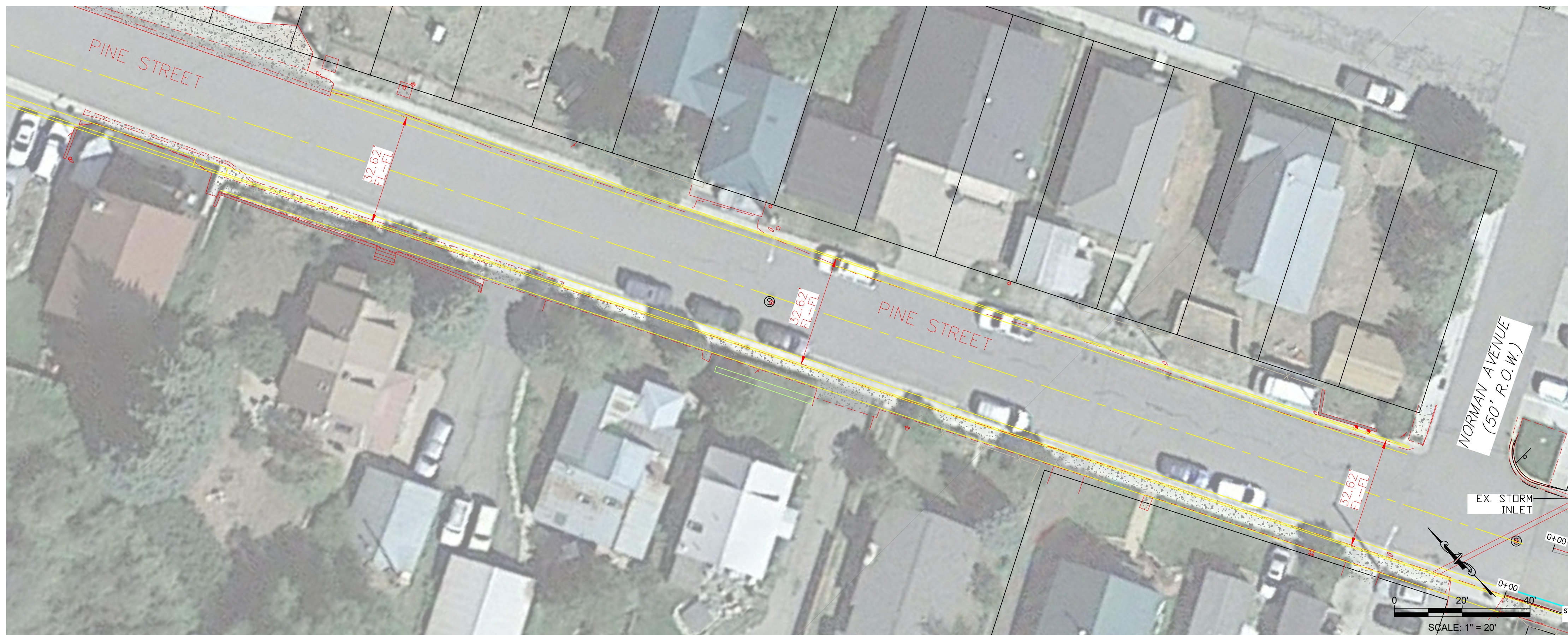
Inter-Mountain Engineering



Jeffery M. Spanel PE

Attachments: Phase 2 & 3 Conceptual Plans 2.4.22

Turning movement exhibit 2.2.22



PINE ST. TYP. SECTION
NORTH OF HARRISON AVENUE

PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISION	BY

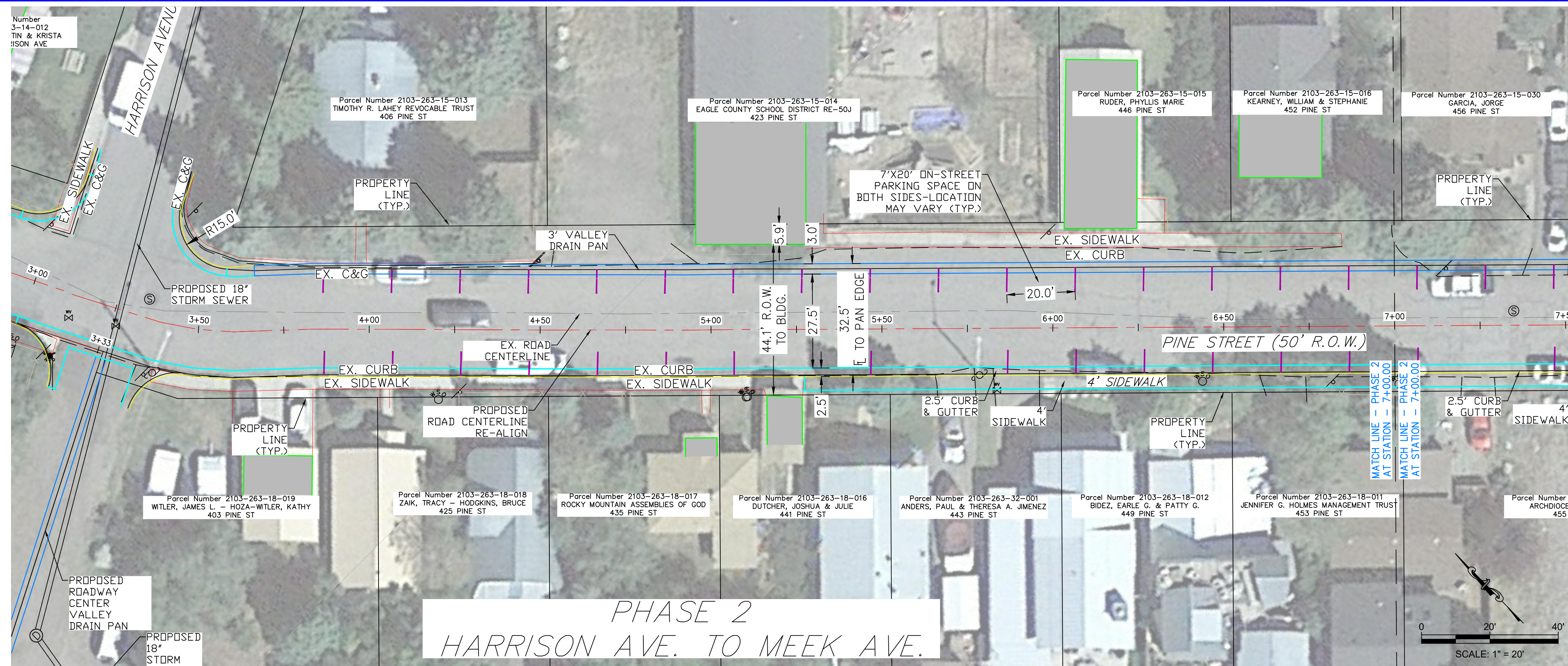
Inter-Mountain ENGINEERING
Civil Engineers & Surveyors
30111 PINEWOOD DRIVE, FORT COLLINS, CO 80504
TEL: (970) 225-5077 FAX: (970) 225-5078

CLIENT: TOWN OF MINTURN
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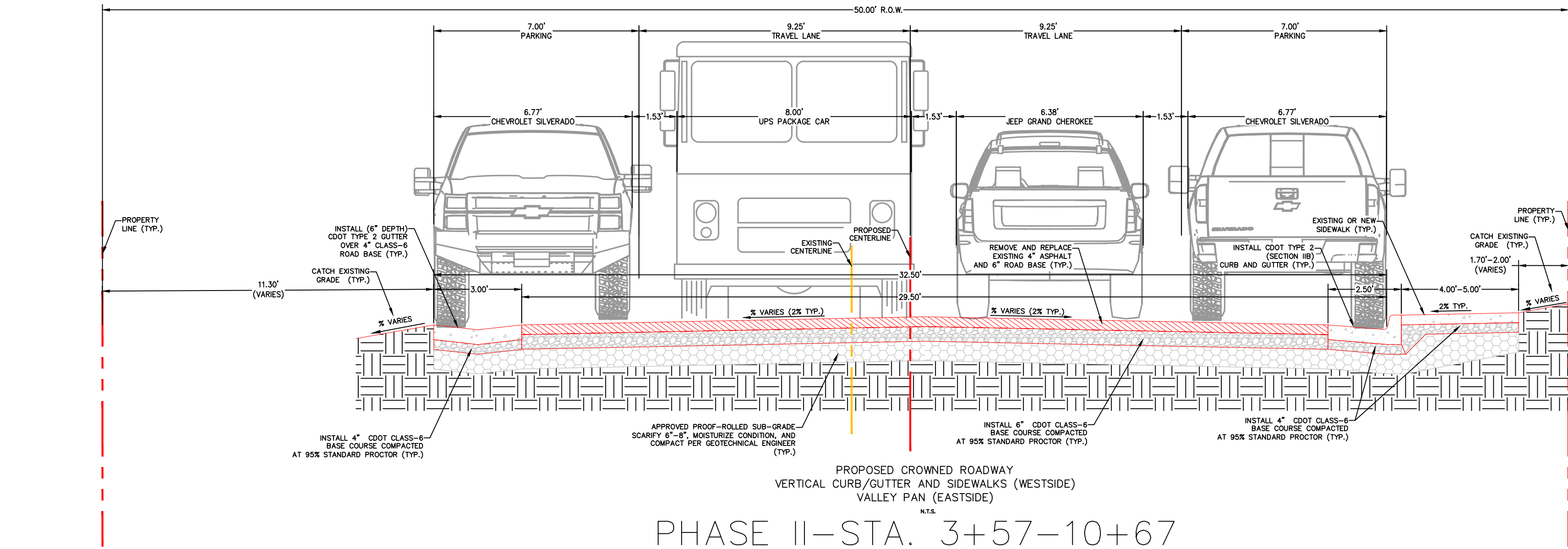
EXISTING ROAD CONDITIONS
PINE STREET - PHASE 1-3
TOWN OF MINTURN, COLORADO

DESIGNED BY:	ELS
DRAWN BY:	ELS
CHECKED BY:	BPS
DATE ISSUED:	2/4/2022
PROJECT NO:	200068
SHEET NO:	1 OF 4

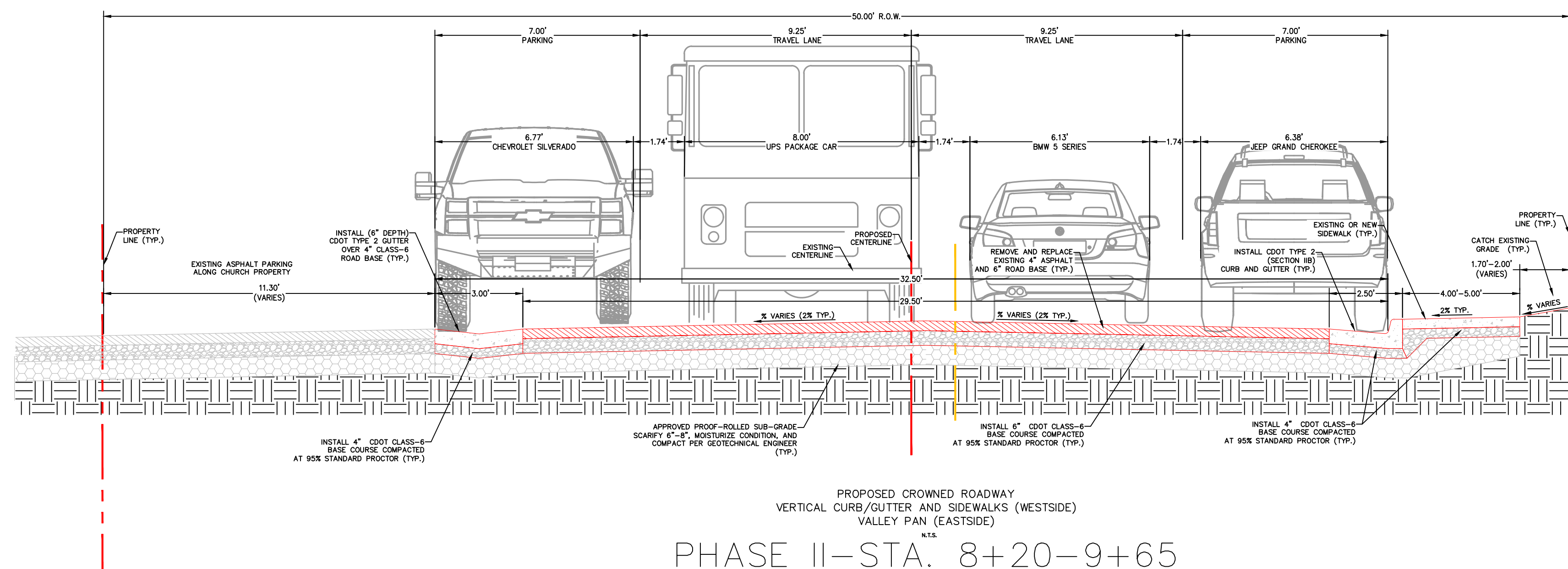
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THREE (3) BUSINESS DAYS
BEFORE YOU DIG
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OR 1-888-33-7400
UTILITY NOTIFICATION
CENTER OF COLORADO (UNCC)
WWW.811.CO.EDU



PHASE 2
HARRISON AVE. TO MEEK AVE.



PHASE II - STA. 3+57-10+67



PHASE II - STA. 8+20-9+65

NO.	DATE	REVISION	BY

Inter-Mountain ENGINEERING
Civil Engineers & Surveyors
30181 PINEWOOD DRIVE, SUITE 100
DENVER, CO 80238
TEL: (303) 557-1144 FAX: (303) 557-1145

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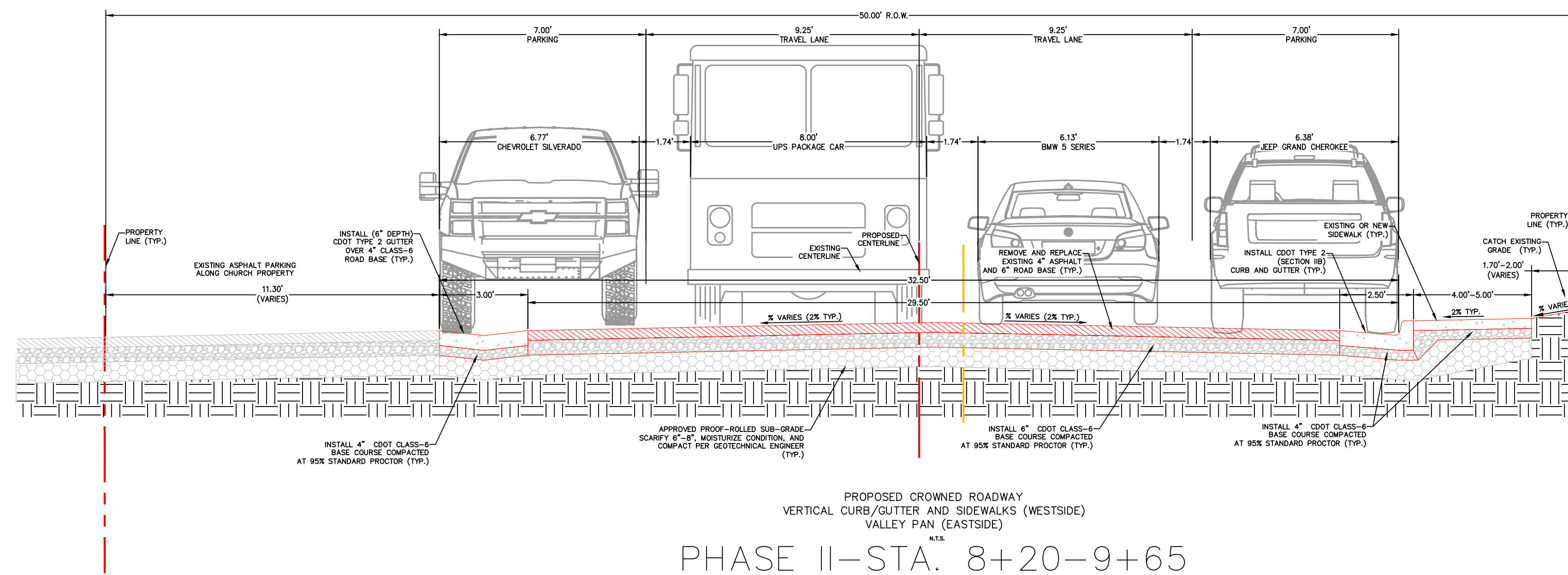
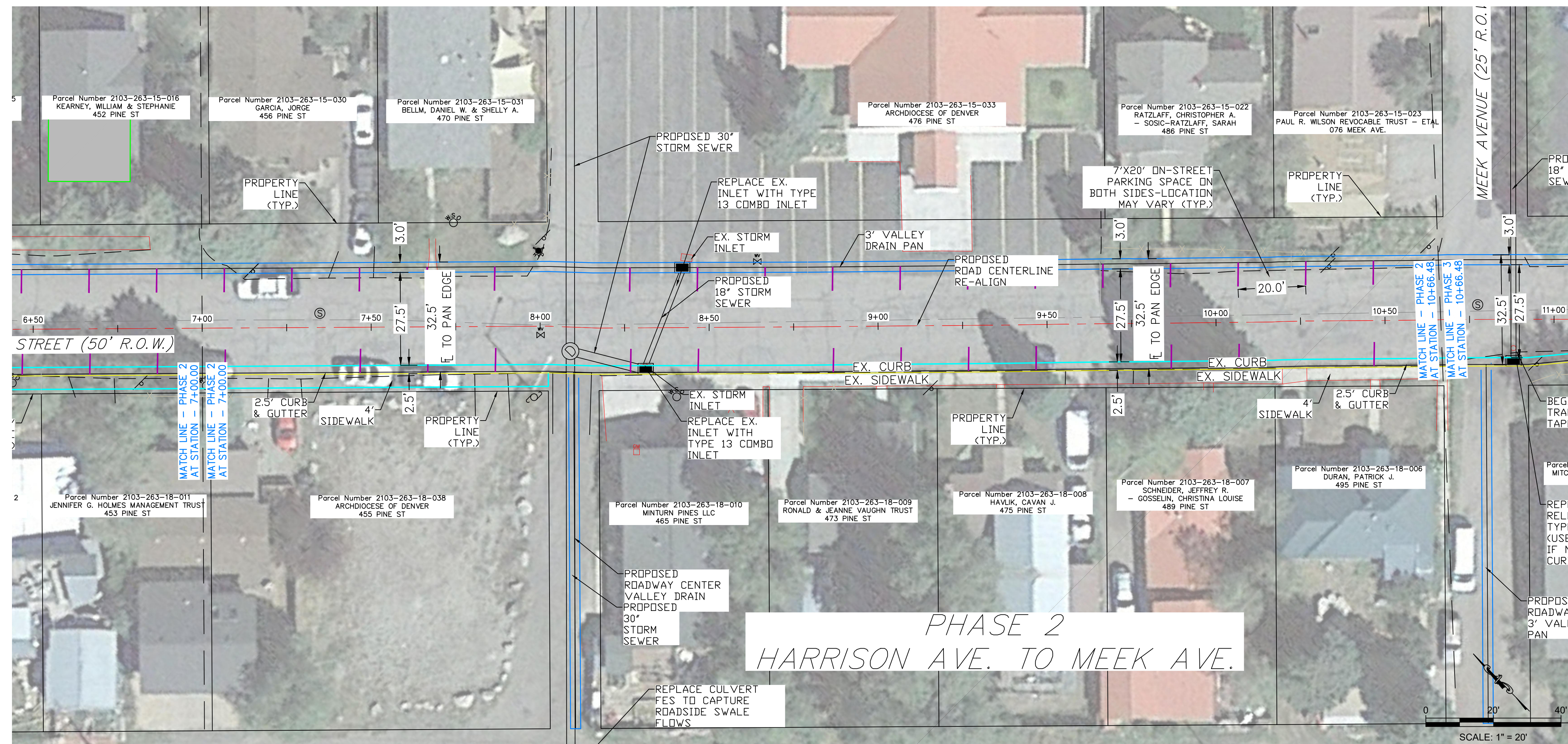
CONCEPTUAL ROAD PLAN
PINE STREET - PHASE 2
TOWN OF MINTURN, COLORADO

DESIGNED BY:	ELS
DRAWN BY:	ELS
CHECKED BY:	BPS
DATE ISSUED:	2/4/2022
PROJECT NO.:	200068
SHEET NO.:	2 OF 4

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C:\VIBORBOX (MKT)\CAD\CIVIL_3D\200068\UNCC\200068-5-SITE.DWG 2/4/2022 8:59 AM



PHASE II - STA. 8+20-9+65

NO.	DATE	REVISION	BY

Inter-Mountain
ENGINEERS & SURVEYORS
 Civil Engineers & Surveyors
 30181 POTOSI ST., FARMINGTON, UT 84201
 (435) 945-5077 FAX (435) 945-5078

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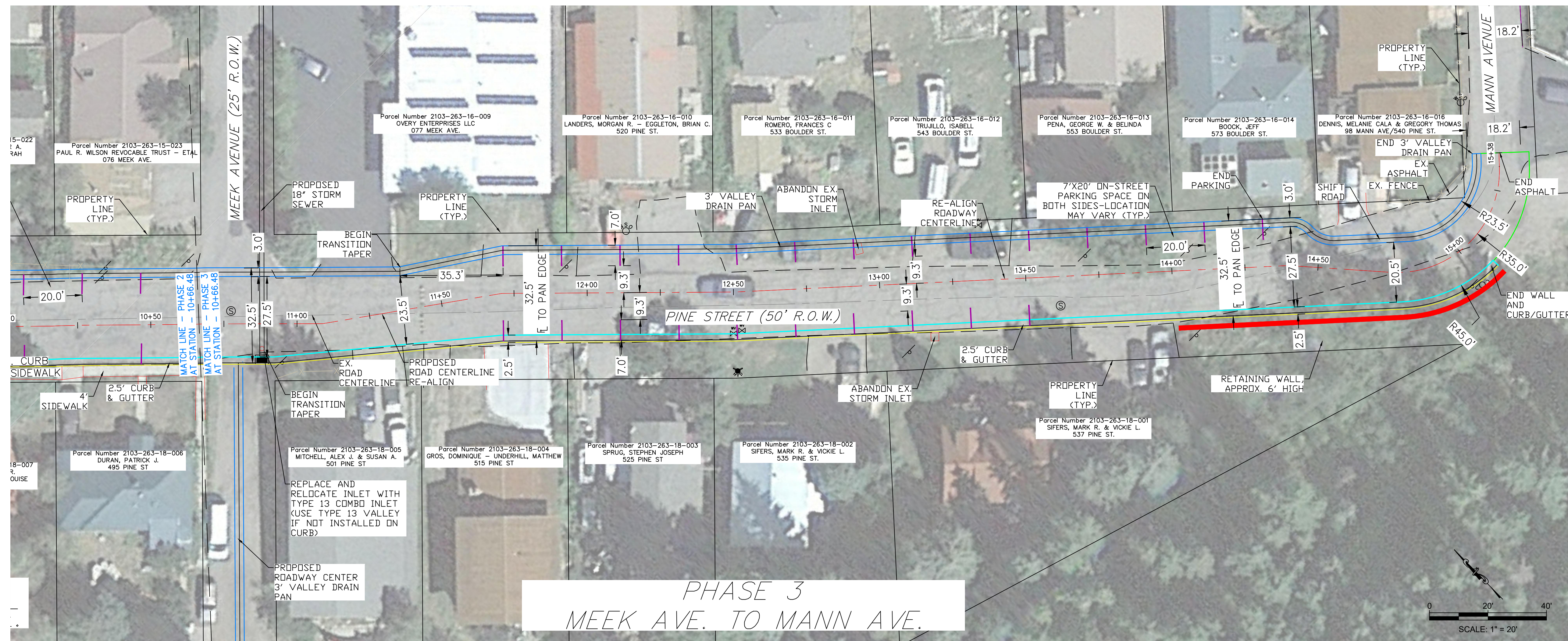
CONCEPTUAL ROAD PLAN
 PINE STREET - PHASE 2
 TOWN OF MINTURN, COLORADO

DESIGNED BY:	ELS
DRAWN BY:	ELS
CHECKED BY:	BPS
DATE ISSUED:	2/4/2022
PROJECT NO.	200068
SHEET NO.	3 OF 4

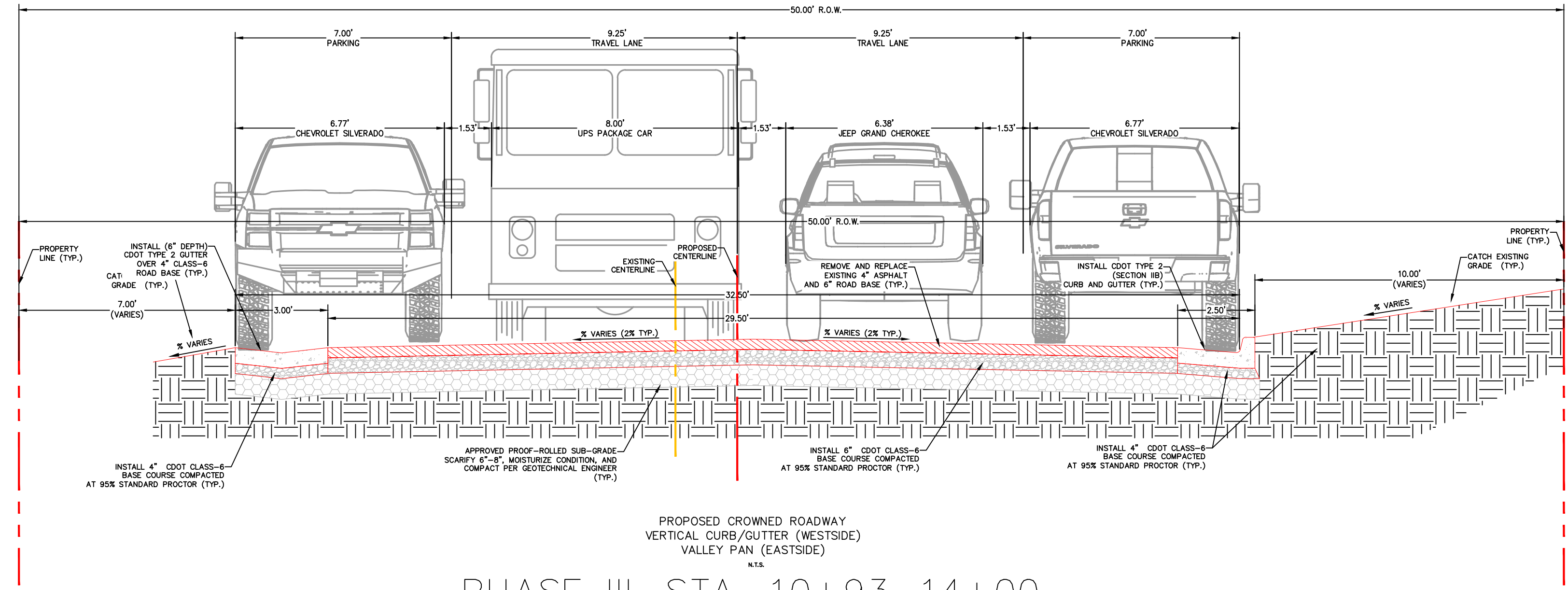
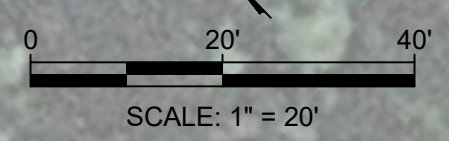
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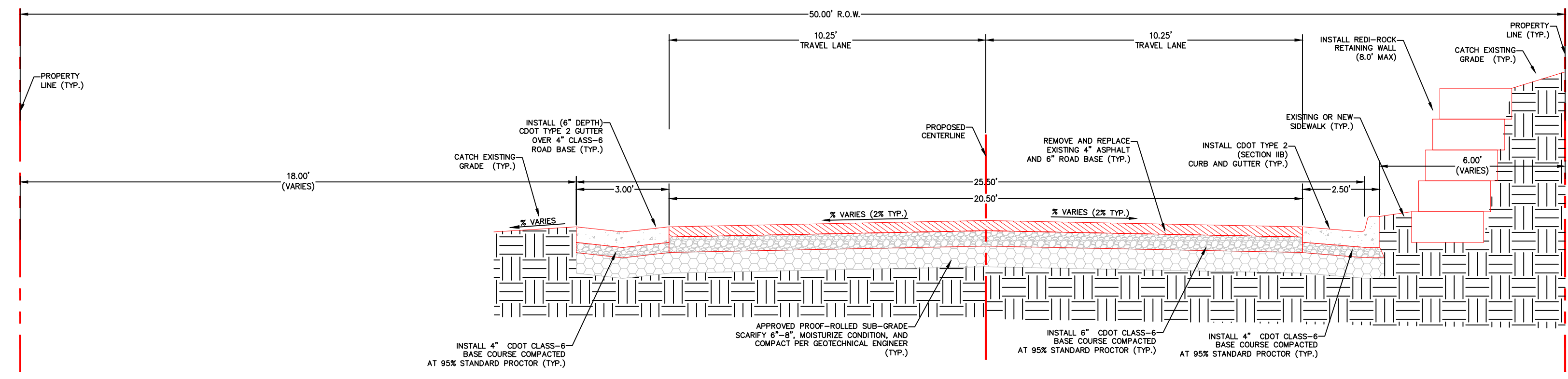
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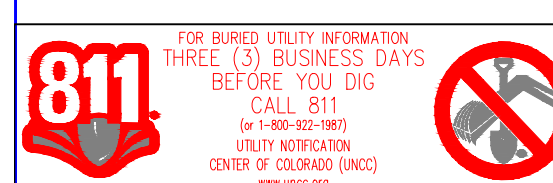
PHASE 3
MEEK AVE. TO MANN AVE.



PHASE III - STA. 10+93-14+00



PHASE III - STA. 14+00-15+00



PRELIMINARY
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NO.	DATE	REVISION	BY

Inter-Mountain ENGINEERING
Civil Engineers & Surveyors
30 BENJAMIN BLVD, STE 200, BOULDER, CO 80501
PH: (303) 440-0077 | EMAIL: INFO@INTERMOUNTAIN-ENG.COM

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CONCEPTUAL ROAD PLAN
PINE STREET - PHASE 3
TOWN OF MINTURN, COLORADO

DESIGNED BY:	ELS
DRAWN BY:	ELS
CHECKED BY:	BPS
DATE ISSUED:	2/4/2022
PROJECT NO.:	200068
SHEET NO.:	4 OF 4

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

*[*Direct Mail to Glenwood Springs](#)*

DATE: February 11, 2022
TO: Minturn Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Request from Belden Place to modify water moratorium

As discussed in a companion memorandum, in May of 2020, the Town Council enacted a moratorium on the issuance of new water taps such that no more than three (3) Single Family Equivalents (SFEs) for new water use on a property or collection of properties owned by the same or related owners would be provided. A property owner receives credit for any historic water service provided to the property. In the case of the Belden Place development, Staff determined that the property would qualify for 19 SFEs of service – including credits for the water service previously provided to the property.

Belden Place is requesting that the Town modify the water moratorium to grant that developer more SFEs of service. Belden Place has not specifically indicated in its request where the additional SFEs of service would come from. As noted in the companion memorandum, the Town does not currently have additional service capacity for Belden Place beyond the 19 SFEs. Alternatively, Belden Place may be asking the Town to take reserved SFEs away from Minturn North. Staff believes that Belden Place has been provided repeated notice of the existence of the moratorium and options that Belden Place could pursue to phase its development to the number of SFEs available to it under the moratorium.

The moratorium ordinance provides that any applicant who seeks land use approvals during the moratorium “assumes such risk” that water service will not be available. Belden Place filed its land use application after the moratorium was approved. In addition to the moratorium being a public document, the limitations imposed by the moratorium have been raised with Belden Place even since their application was received. Staff worked with Belden Place to identify the number of SFEs of historic service for which a credit would be given. Staff also agreed to provide an additional tap above the 3 allowed in the moratorium ordinance due to this historic existence of the Duran Subdivision lots. At all times, Belden Place has been told that there are insufficient SFEs available for all the lots Belden Place seeks to plat.

In the Town’s comments on the preliminary plan application for Belden Place, the Town articulated:

Phasing. The Applicant needs to contemplate its phasing plan, not only as it relates to the sequencing of residential construction, but also to the construction of improvements. The narrative states at various points that this is a single phase project, but being constructed in three phases. We acknowledge that due to the limitation on water taps, phasing of residential construction will be necessary. But, if the Applicant intends to construct all improvements in a single phase, then it must secure all improvements until constructed and accepted by the Town. Developing an infrastructure phasing plan for improvements that tracks residential construction may limit the Applicant's risk and better order the construction of improvements. An additional SIA would be necessary for the second phase of development.

Belden Place decided not to take the Town's advice on phasing its project. Specifically, Belden Place responded to the Town's comment with:

Given that the first lot to be developed- Lot 7 due to the largest need for excavation, it doesn't make sense to phase our utility/improvements. In fact, it would be even more costly to phase them as either we'd have to stockpile materials somewhere, or, we'd buy remaining materials at a different time in an unregulated building material market, thus affecting the prices of the units. We will install the utilities in one phase and stub out connections to each lot so as each is developed, the units can be connected and sold.

Belden Place's rational for not phasing the project is logical, but it does not excuse Belden Place from complying with the moratorium – of which it has been aware at every step of its approval process. The Town specifically recommended a phasing plan that only contemplated the construction of infrastructure for the number of units for which there were available SFEs and admonished Belden Place to “limit the Applicant's risk.” The Applicant, however, assumed the risk (as specifically described in the moratorium ordinance) and moved forward without a phasing plan. The fact that Belden Place now claims that it cannot obtain financing for infrastructure associated with lots for which water taps are not available is exactly the risk that Belden Place chose to take. The proper remedy for Belden Place is to break its infrastructure requirements into two phases so that its lender is not being asked to provide financing for infrastructure unrelated to lots where water service is currently unavailable.



February 10, 2022

Via Electronic Mail
manager@minturn.org

Michelle Metteer
Minturn Town Manager
PO Box 309
Minturn, CO 81645

Dear Ms. Metteer:

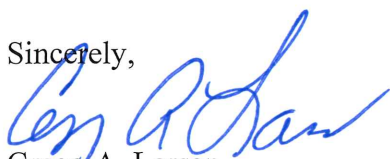
It has come to my attention as part of its February 16, 2022 presentation to Town Council, Belden Place will be requesting that Minturn Town Council vote not to continue Ordinance No. 05-Series 2020 for an additional twelve (12) months so the 70 SFE set aside in the Ordinance for Minturn North PUD can be instead applied to the Belden Place PUD.

Since October 2019, Union Pacific Railroad Company ("UPRR") and Minturn Crossing, LLC have worked in good faith with the Town of Minturn in seeking Town Council approval of the Minturn North PUD with the expectation the 70 SFEs set aside in the Ordinance will be available. Minturn Crossing, LLC has invested a large amount of time and capital into this project, and it would be an extreme disappointment at this stage of the PUD process for these 70 SFE to be reassigned elsewhere.

Therefore, this Letter is to voice UPRR's objection to Belden South's proposed request and respectfully requests the Town Council to vote to continue, without modifications, the aforementioned Ordinance.

Please give me a call if you would like to discuss UPRR's position in greater detail.

Sincerely,


Gregg A. Larsen
Senior Manager – Real Estate

CC: Michael Sawyer, Esq
Scot Hunn, Town Planner

Porterfield & Oliver, LLC.

Attorneys at Law

Wendell B. Porterfield, Jr.
wporterfield@opa-law.com

Gerald W. Oliver
joliver@opa-law.com

Mailing Address:
P.O. Box 3149
Vail, Colorado 81658-3149
Tel: (970) 949-5380
Website: www.opa-law.com

Physical Address:
56 Edwards Village Blvd.
Suite 216-A
Edwards, Colorado 81632

February 10, 2022

Michelle Metteer
Minturn Town Manager
P.O. Box 309
Minturn, CO 81645
Via Email: manager@minturn.org

Re: Ordinance No. 5 -Series 2020 / Minturn Crossing, LLC.

Dear Ms. Metteer:

We represent Minturn Crossing, LLC in connection with its ongoing application to the Town for PUD approval of the Minturn North project. On May 6, 2020, the Town adopted the above-referenced ordinance in order to assure that the applicant could have the opportunity to obtain water if its application were to be approved and other conditions were met. The ordinance details the efforts of Minturn Crossing, LLC to seek approval for the project commencing in the fall of 2019.

The ordinance provided at Section 5 that it "shall be reviewed by Council every twelve months and may be continued (including continued with modifications, for an additional twelve month period by a majority vote." We are unclear why the ordinance has not been reviewed.

Nevertheless, Minturn Crossing, LLC has relied on this ordinance and the opportunity to obtain water in pursuing its development plans.

We are aware that representatives of Belden Place will appear at the meeting on February 16, 2022, and ask that the ordinance not be continued. Given our reliance on this ordinance, it is our sincere hope and request that the Town continue the ordinance in force and effect.

Very truly yours,

A handwritten signature in black ink, appearing to read 'WBP', written in a cursive style.

Wendell B. Porterfield, Jr.

WBP:al

cc: Michael Sawyer



To: Minturn Town Council
From: Michelle Metteer
Date: February 16, 2022
RE: Town Manager Update

Dowd Junction RFQ for Development

The Town will be seeking requests for qualifications from developers and development teams for interest in opportunities at the current USFS Administrative location at the entryway to Minturn just off I-70. The draft RFQ is currently being reviewed by the USFS prior to publication.

Minturn Water Treatment Plant RFQ

The Minturn water treatment plant RFQ is going through its final review prior to publication. This RFQ is for determining a qualified engineering firm to assist in the water treatment plant planning. The determination of such an engineering firm is critical to Minturn's execution of the Water Capital Improvements Plan. Given the ongoing rise in material and labor costs, price estimates for a new water treatment plant are expected to be significantly higher than those estimated back in 2019 when the original Water CIP was approved.

Regional Transit Authority – Technical Committee

The technical committee for the regional transit authority creation continues to meet twice a month. Current efforts are focused on financial modeling for a "fare free transit zone" between Beaver Creek, Avon and Vail. The team is also reaching out to Leadville for discussion pertaining to their inclusion in the formation committee. We expect these efforts to become more public later this spring.

Water Conservation Planning

Last fall Minturn implemented new irrigation and sprinkler watering rates in hopes that the Town's largest consumptive water users would curtail their water use on a monthly basis. Prior to rate increases the town had requested voluntary limiting outdoor water use with limited success.

When the rate increases were implemented in the fall of 2021, staff identified the need for a Water Conservation Plan which would facilitate the community through understanding the water values of the residents and where water is best prioritized. With the current Historic Preservation efforts, combined with the Downtown 100-Block design process and the Community Plan update, staff plans to begin the Water Conservation planning early summer with the submission of a grant application to help cover facilitation costs. More to come.

Downtown Colorado Inc, Challenge Town

Representatives from Downtown Colorado Inc visited with downtown Minturn business owners and representatives for listening sessions around the vision of the downtown area. Great feedback was received surrounding the need for more customers, allowing development, and embracing the eclectic nature of the buildings downtown (rather than every building being Victorian or stucco, etc.). This will lead nicely into the 100-Block workshop being held via Zoom Tuesday night.

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



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

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

REGULAR TOWN COUNCIL MEETINGS
February 16, 2022
Pine Street Repairs & Construction Phasing Update – Spanel/IME Engineering
Water TAP Moratorium Request – Belden Place / Alison Perry
Exec Session re legal advice for Historical Preservation designation process
Final Subdivision Plan/Plat – Belden Place
March 2, 2022
Water Tank Bid Update
Minturn Water Tap Update & Direction
Final Subdivision PUD Plan – Belden Place
Executive Session – Council to receive legal advice – Battle Mountain mediation
March 16, 2022
One Book One Valley Proclamation (Lori Ann Barnes)
Final Subdivision PUD Plan – Belden Place
Final Subdivision Plat – Belden Place
Final Subdivision SIA – Belden Place
DATE TO BE DETERMINED
30’ River Setback Policy Review & Eagle River Park (MMC Sec. 16-2-50(b)) – waiting on Planning Commission review
2021-23 Strategic Plan Amendment – Building Code Updates
Potential legislation regarding Mobile homes
Car Idling