



**Wednesday, April 5, 2023
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/88696381226>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 886 9638 1226**

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.

1. CALL TO ORDER

2. ROLL CALL & PLEDGE OF ALLEGIANCE

- 3. 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.

3.1 March 15, 2023, Meeting Minutes Pg 4

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

5. DECLARATION OF CONFLICTS OF INTEREST

- 6. 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.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

8. STAFF REPORTS

8.1 Manager Report Pg 16

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

9.1 2023 GoPro Mountain Games/Dual Slalom Race – Vail Valley Foundation; Peggy Wolfe (10 min)

9.2 Eagle Valley Wildland Update – Hugh Fairfield-Smith (10 min) Pg 35

- 10. 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.

10.1 146 North Main Street – The Saloon – Request for Exception from Sec. 16-17-110 Pg 41

10.2 Resolution 14 - Series 2023 A Resolution supporting Ballot Issue A; Eagle River Fire Protection District Pg 48

10.3 Council Committee Appointments Pg 50

- Minturn Fitness Center Board
- Northwest Colorado Council of Governments
- Eagle Valley Regional Transit Authority Alternate
- Climate Action Collaborative Alternate

10.4 Ordinance 04 - Series 2023 an Ordinance amending Chapter 16 and Appendix B of the Minturn Municipal Code Pg 52

11. DISCUSSION / DIRECTION ITEMS

11.1 Colorado Senate Bill 23-213 Regarding Housing - Metteer

12. FUTURE AGENDA ITEMS Pg 72

13. EXECUTIVE SESSION

13.1 An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e)

- Battle Mountain
- Belden Place
- Confluence Parcel
- HCE Avon to Gilman Transmission Line

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- April 19, 2023
- May 3, 2023
- May 17, 2023



**Wednesday, March 15, 2023
Regular Session – 5:30pm**

OFFICIAL MINUTES

**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/88645661878>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 886 4566 1878**

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.

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:32pm.

Note: due to a Council Vacancy, the Council stood at six members.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Gusty Kanakis, Lynn Feiger, Kate Schifani, and Tom Sullivan.

Staff present: Attorney Michael Sawyer (zoom), Planner I Madison Harris, Town Manager Michelle Metteer, Economic Development Coordinator Cindy Krieg, and Town Clerk/Treasurer

Jay Brunvand (zoom).

3. 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.

3.1 March 1, 2023, Meeting Minutes

3.2 Resolution 08 – Series 2023 a Resolution approving a MOU with the State Land Board and other interested parties.

3.3 Resolution 09 - 2023 Colorado Opioid Settlement

3.4 Resolution 10 - 2023 a Resolution approving the Holy Cross Energy Community Enhancement funds toward the purchase and placement of a solar powered blinking stop sign.

3.5 Resolution 13 – 2023 a Resolution approving an Engagement Letter with Kaplan Kirsch Rockwell for the purpose of securing legal advice related to CERCLA matters.

Motion by Gusty K., second by Kate S., to approve the Consent Agenda of March 15, 2023 as presented. Motion passed 6-0.

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

Motion by Tom S., second by Terry A., to approve the Agenda of March 15, 2023 as presented. Motion passed 6-0.

5. DECLARATION OF CONFLICTS OF INTEREST

No conflicts of interest.

6. 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.

No public comment.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K. attended the QQ meeting. There was talk on conservation and demand planning.

Terry A. wanted everyone to be aware that roofs are avalanching all over the place and the roads are wet. People should be careful and look up. Commented that people are shoveling their driveways into the road and people aren't supposed to do that. Snow needs to be retained on your own lot.

8. STAFF REPORTS

8.1 Manager Report

Uinta Rail Line Private Activity Bonds Opposition

The Uinta Railway project has announced they are seeking upwards of \$2 billion dollars in tax-exempt funds through the use of private activity bonds for the construction of the new rail line connecting the 88-mile Uinta route to the railway system leading into Colorado. This would increase rail traffic along the Colorado River by up to 9.5 trains a day with over 100 cars containing crude oil. The Eagle County Commissioners have opposed this project since its inception and are now opposing the use of tax exempt funds to support private profit. Because Minturn has been in lockstep with the County on opposing the Uinta project, Minturn is listed as a corresponding community opposed to the Uinta project's use of private activity bonds. Please see Eagle County Commission letter included with this update for more details.

\$6M: Congressionally Directed Spending (CDS) Application – Main Street Sidewalks

Minturn continues to seek funds toward the completion of the Main Street Pedestrian Improvements. With no additional funds for matching grants, we are getting more creative in seeking out opportunities for this effort. Minturn has now applied for \$6M through the 2023 round of congressionally Directed Spending opportunity for the completion of phase two as well as design, engineering and partial construction of phase three. Because Minturn has already received \$1.6M in grants toward phase two construction and the town is adding \$220k as a match for that project, we are able to offer a \$1.8M match for the \$6M request, resulting in approximately \$7.8M in funding. Unfortunately, phase three is by far the most expensive section of the Main Street project and \$7.8M would not cover the total cost of construction, but it would get the town closer to the finish line. A copy of the CDS application is included with this update.

Town Hall Alarm System Repairs

The enjoyment of the town hall beeping from the alarm panel has continued over the past several weeks. The alarm panel system needs to be replaced. Jay Brunvand has reached out to multiple firms who have either not responded with a bid or not responded at all. The current company which maintains the town hall alarm system panel is unable to make the repair and has recommended CSI Notifier Fire Systems. This work is considered an emergency to ensure the safety of the town hall building and all occupants. A copy of the draft estimate is included with this update. The final estimate is expected to be under the \$20k threshold identified in Resolution 09 – Series 2021, Procurement Policy.

Governor Polis Housing Regulations Strategy

The Governor has continued to seek ways to provide local community housing throughout the State of Colorado. The initial results of these effort have effectively seen residents supportive of such measures, so long as it is not next to their properties. Polis' position is that community housing is larger than a local issue and should potentially be controlled by state-level imposed increased housing density levels along transit routes (Main St/HWY 24 is a transit route). No bill has been proposed as of yet, but local mountain communities are starting to respond to this concept. Both Breckenridge and Basalt have come out in opposition and the Town of Vail has met with

representatives of the Governor's office. I have included an [article by Colorado Public Radio interviewing Polis in September of 2022](#) about this concept.

Direction was to keep local control.

Local Control Psilocybin / [Prop 122](#)

The Colorado Municipal League is working on responsive legislation to allow for local control over psilocybin/local opt-out. This would ensure that Minturn jurisdiction controls the allowance of access to psychedelic substances within town limits. As an example, Minturn has banned the sale of marijuana within town limits. CML is looking for feedback to better understand the interest of local governments to maintain jurisdictional control over the sale of psychedelic substances within town limits. I will seek feedback from Council during the meeting to understand Minturn's position.

Direction was to keep local control.

Eagle Mine Proposed Action & Comment Period

The National Priorities List is maintained by the EPA and is a list of properties appearing to present a significant risk to public health, welfare and the environment. [The EPA is proposing to eliminate 5.31 acres of the Eagle Mine OU 3 North Property Redevelopment – Trestle Area from the NPL.](#) I am seeking approval from the Town Council to submit a comment during the open comment period for this proposed action, which closes March 24, 2023, to request ongoing groundwater contamination monitoring. This data will assist the town in understanding groundwater contaminants in the superfund site area and subsequent proximity to the Eagle River. The proposed rule and notice of intent have been included with this update as well as linked above.

Public Works Snow Removal Update

Included are photos taken by Minturn Public Works. For the 400 block of Eagle Street it took the crew six hours and nine dump trucks to remove 10" of ice buildup due to residents who continue to use the roadway for dumping their snow. The Town continues to ask residents and businesses to follow the code and not dump snow from private property onto the public right of way.

Terry A. suggested that some of the issues might be from building sites where the workers are not aware of the regulations.

Michelle M. said that staff would be bringing this back as a discussion item to get Council's feedback on the level of enforcement of the code regarding this issue.

Earle B. would appreciate if people would figure out how to handle their snow, especially since the Town is offering free snow storage.

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

10. 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

10.1 Discuss, interview, and Ballot applicants for vacant Town Council seat

The qualified applicants that submitted Letters of Interest were:

Brian Rodine – 223 Boulder St
Tom Priest – 120 E Lions Ln
Eric Gotthelf – 541 Main St

Jay B. said that we started advertising about February 17th through multiple forms. Eric Gotthelf is unable to attend due to being sick.

Each candidate was allowed time to introduce themselves, why they would like to serve, and a Round Robin interview by the Council.

Note: Mr. Tom Priest applied for both the Town Council seat and reappointment to the Planning Commission. In the event he is appointed to the Council he would not be eligible for the Planning Commission.

Brian Rodine, living here for 3 years, invested in getting involved with local government. Love the small town, family friendly environment that Minturn offers. Would like to continue that.

Tom Priest, 120 E Lions Ln.

Currently on Planning Commission which has been a rewarding experience, but it focuses on only one component that involves government decision making. The Town is in a pivotal moment regarding growth. Would like to make sure the Town goes in the direction that everyone would like to see it go.

Note: ballots are used to create a written record, the vote is a public vote and the ballots are available for review in the Clerk's office.

The first round of balloting resulted as follows:

Brian Rodine = 5
Tom Priest = 1
Eric Gotthelf = 0

10.2 Resolution 11 - Series 2023 A Resolution appointing an individual to the Minturn Town Council

Motion by Terry A., second by Kate S., to approve Resolution 11 – Series 2023 as presented appointing Brian Rodine as Council Member. Motion passed 6-0.

- Swearing in

Mayor Bidez swore in Brian Rodine as Council Member and he assumed his seat at the Council dais.

10.3 Discussion, Interview, and Ballot applicants for the Minturn Planning Commission

The qualified applicants that submitted Letters of Interest were:

- Ms. Lynn Teach - 253 Pine St. (seeking re-appointment)
- Mr. Tom Priest - 120 E Lions Ln. (seeking re-appointment)
- Ms. Amanda Mire - 414 Eagle St.
- Mr. Elliot Hovey - 653 Boulder St. (seeking re-appointment)

Note: Mr. Tom Priest applied for both the Town Council seat and reappointment to the Planning Commission. In the event he is appointed to the Council he would not be eligible for the Planning Commission. Mr. Elliot Hovey has pulled his name from consideration as of Tuesday March 14, 2023.

Each candidate was allowed time to introduce themselves, why they would like to serve, and a Round Robin interview by the Council.

Lynn Teach, 253 Pine Street.

Has been on Planning Commission a long time. Her experience will be beneficial. Currently is the Chairwoman. Can provide information from people coming into Town as she owns a business in the downtown. Water is her top issue. Of all the years she has been on there she has missed 3 meetings, so she is very committed.

Amanda Mire, 414 Eagle Street.

Lived in Minturn for 6 years. Would like to be more involved in the Town. Volunteered with the Historic Preservation Committee. Sits on the Eagle County School District Accountability Board. Her job is in conflict and risk assessment for governments. This will help with reviewing the code and the projects up against them.

Tom Priest, 120 E Lions Ln

Looks forward to executing the 2023 Community Plan and updating Chapter 16.

As there were three applicants and three openings, no balloting was taken.

10.4 Resolution 12 - Series 2023 A Resolution appointing members to the Minturn Planning Commission

- Consider Resolution

Motion by Gusty K., second by Tom S., to approve Resolution 12 – Series 2023 as presented appointing Tom Priest, Lynn Teach, and Amanda Mire as Planning Commission Members to serve for two years through March 31, 2025. Motion passed 7-0.

- Swearing in

Mayor Bidez swore in Tom Priest, Lynn Teach, and Amanda Mire as Planning Commission Members to assume their seats at the next Planning Commission meeting.

11. DISCUSSION / DIRECTION ITEMS

11.1 Downtown Business Engagement Discussion

Minturn staff and consultants request that the business community provide feedback to Town Council regarding the consideration of a Downtown Development Authority (DDA). Town Council specifically needs to know if the business community is in support of moving on to next steps. The Town of Minturn has been working with Downtown Colorado, Inc. since early 2022. The Town completed the DCI Challenge Studio in 2022, and through the process developed a series of recommendations for establishing a sustainable organization and funding model for Downtown. In October 2022, the Town Council indicated support for further studying the recommended solution, creation of a Downtown Development Authority, but requested that the business community take the lead on the project. DCI has significant experience with the Minturn community and the Downtown organizing process. They proposed a business engagement and communications plan to reach the local businesses, provide opportunities for education, and ensure a clear and concise request to the Minturn Town Council. Several meetings (both virtual and in-person) were held with the business community to educate business owners about this process and possible outcomes, and of course to get feedback. The idea of a DDA was well received at these meetings, but Town Council needs to hear directly from the business community regarding their support (or not) of whether to further pursue this idea.

The next step would be an economic analysis study, which is an estimated cost of \$5,000. This study would help determine the potential revenue from a Minturn DDA over a 30 year period and would also help determine the most financially beneficial geographical boundaries for the district. The next step would be an economic analysis study. This study would help determine the potential revenue from a Minturn DDA over a 30 year period and would also help determine the most financially beneficial geographical boundaries for said DDA. If the business community is in support of this, staff recommends that Town Council pursue this next step. Upon completion of this study, the Town can make a more informed decision as to whether to further pursue the creation of a DDA, which would eventually require an election within the proposed district area. A DDA would also require a downtown development plan and the creation of a board of directors.

Mr. Bill Shrum was introduced as the Dir of Downtown Colorado Inc

Ms. Lynn Teach, 252 Pine, asked about the cost as any additional revenue should be to help the water issues. Michelle M. noted that the General Fund and the Enterprise Funds are legally separate. Ms. Teach asked about the funding separation of the DDA tax for the business and the gen tax for Minturn.

Mr. Larry Stone, 152 Main St, and representing several businesses that he owns in the area. He thanked all for getting us to this position and spoke in support. He felt this process would enable the town to draw visitors to town by providing the financial wherewithal.

Cindy K. stated that the Minturn Country Club sent an email in support of the DDA. She also

stated that several others were in attendance at the previous DDA meetings and were in support.

Mr. Robert Goss, Manager of the Minturn Hotel and the Minturn Inn, spoke in support and stated he would devote time to be involved in the process.

Earle B. stated the group is looking for support of \$5k for the requested study.

Lynn F. inquired how the funding would work for the DDA. Mr. Schrum discussed Tax Increment Financing (TIF), creation of its own Mill Levy or earmark a portion of the existing Town Mill Levy, and or sales tax creation or share of the town's existing sales tax could be utilized. Discussion ensued as to how these funding tools work. Lynn F. noted that we are a small town that has limited resources and that would limit the amount of revenue.

Terry A. asked about the \$5k. She asked what the impact on the existing town Staff would be. Cindy K. stated that thus far it has been very manageable. As we move forward the cost of an election and other factors would cause this to increase our time and initial financial commitments.

Earle B. asked what the structure of the DDA is. Mr. Bill Schrum stated we would be required to have an Executive Director to manage and support the DDA. This could be an existing staff member or an additional staff member in addition to a Board of Directors. Earle B. asked about the membership of the DDA. It would be set up with boundaries and would include only that area. Area could be increased in the future as needed and this defined area would be used to limit the taxation or fees.

Direction was to approve \$5000 for the economic analysis study.

11.2 Leash Law Discussion

Michelle M. introduced the item. Examples of "leash laws" within the county are listed below. They all describe physical restraint of the animal by a person or within a secure enclosure. Some use signage as the requirement to designate where leash laws are in effect, while others have a community wide requirement or reference some type of map to identify the areas.

Leash laws are common violations that ECAS proactively makes contact about. Gaining community compliance requires regular consistent contact from enforcement officers, community leaders, and conscientious residents. In my experience education can only go so far if there isn't widespread community buy-in. If more strict enforcement of the code is required it can be difficult for everyone involved.

MINTURN

Physical control means control of a pet animal by means of a tether or a leash not longer than ten (10) feet attached to the animal and held by the owner or responsible person or confinement within a vehicle or confinement in a secure animal enclosure.

A pet animal is not under physical control in areas posted by any agency of the federal government, the State or any political subdivision of the State as requiring the animal to be on a

leash.

COUNTY (current)

"PHYSICAL CONTROL" means Control of a Pet Animal by means of a Tether or a leash attached to the animal, and held by the Owner, or control by confinement in a Secure Animal Enclosure.

A Pet Animal is not under Physical Control in areas posted by any agency of the Federal government, the State of Colorado, or any political subdivision of the State as requiring the animal to be on a leash; or

COUNTY (proposed)

"PHYSICAL CONTROL" means Control of a Pet Animal by means of a Leash or by confinement in a Secure Animal Enclosure.

A Pet Animal is off the Owner's Private Property, including on Common Areas, without the presence of a person having Physical Control; except in locations identified as allowing Demonstrable Control on the Animal Control Map;

EAGLE

Physical control means control of a pet animal by means of a tether or a leash, not longer than ten feet, attached to the animal, and held by the owner or responsible person, or confinement within a vehicle or secure animal enclosure.

It shall be unlawful, and considered a failure to control a pet animal, when:

A pet animal is off the owner's premises in any area of the Town, other than a Town designated dog park, as defined in [Section 8.12.020](#), or a common ground, as defined in [Section 8.12.020](#), without the presence of a person having physical control, as defined in [Section 8.12.020](#).

AVON

Control means the physical restraint or influence over a cat or dog by means of a secured leash, tether, cord or chain no longer than ten (10) feet in length which is being held by a person who is thereby in fact able to prevent the cat or dog from charging, chasing or otherwise disturbing or interfering with any person, domestic animal or wildlife, irrespective of the presence of any distraction or provocation.

With the exception of the Preserve property, it is the duty of any owner or keeper of a dog or cat to keep such dog or cat under control, as herein defined, so as to prevent the dog or cat from:

- Running at large;
- Becoming a danger to persons or property; Trespassing on the property of another;
- Being a public nuisance as defined in [Section 6.04.230](#);
- Chasing or threatening wildlife.

VAIL

PHYSICAL CONTROL. Control of an animal by means of a tether or a leash attached to the animal, and held by a responsible person; or, confinement within a locked vehicle or locked

enclosure sufficient to prevent the animal from escaping.

- (A) It shall be unlawful and considered a failure to control an animal when:
- (1) Any dog is off the premises of the owner without the presence of a responsible person having physical control of the dog on any bike path or public park located within the town or on any area located within the town and described in exhibit A attached to Ordinance 5, series of 1995, made a part of this section by reference, and which can be found on file in the office of the Town Clerk;

Mr. Nathan Lenard, Eagle County Animal Control, spoke on behalf of Animal Control. He noted the various code definitions in the county.

Lynn F. stated there are mountain communities that have defined “control” differently. Her concern was that a leash is not always the answer and recommended we study this further to examine the concept of leash areas and free roam areas. She felt we should examine the issues that have come forth in comparison to how it best fits our community.

Mr. Lenard stated one animal chasing a herd of elk can cause concern for all. Terry A. stated we don’t have a method to review and document many of the dog at large issues. She felt it is difficult to enforce a restrictive regulation. Mr. Lenard stated how his patrol agreement works, he sees issues but is not seeing a lot of violations but that requires the community to contact Animal Control to register complaints and issues. He stated they first educate the public as an enforcement method, then they ticket on a later offence. The fine for a dog chasing wildlife is a court summons in Minturn but it is very hard to prove in court so the summons is very rare.

Discussion ensued as to the impacts on the county trail system if a county wide leash law was enacted. Brian R. discussed how this currently works and how trails are closed in order to avoid wildlife calving periods. It was discussed how infrequently a citizen files a complaint or report and how important education is for the public.

Lynn F. stated she has seen the effects of education of the public and she noted separately that she rarely sees a dog without its person very near by.

Earle B. stated he was in favor of stricter control standards in sensitive areas. Discussion ensued as to how often Animal Control patrols.

Michelle M. asked for direction. Patrol areas of wildlife closure, near the cemetery and other such areas. Signage will continue to be utilized. Education of the citizens will continue to be emphasized. This will be discussed further in a future meeting.

12. FUTURE AGENDA ITEMS

Committee assignments

Lynn F. will serve on the Water Committee with Gusty K. Further committee assignments will be considered at the April 5, 2023 meeting.

13. EXECUTIVE SESSION

13.1 An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e)

- Battle Mountain

Motion by Gusty K., second by Kate S., to convene in Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) as proposed. Motion passed 7-0.

- Battle Mountain

Those present for the Executive Session included Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusty Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan.

Staff present: Attorneys Michael Sawyer (zoom) and Justin Plaskov (zoom), and Town Manager Michelle Metteer.

The Executive Session concluded at 9:45pm. No direction was given as a result of the Executive Session.

14. ADJOURN

Motion by Kate S., second by Gusty K., to adjourn at 9:50pm. Motion passed 7-0.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- April 5, 2023
- April 19, 2023
- May 3, 2023

- May 17, 2023

To: Minturn Town Council
From: Michelle Metteer
Date: April 5, 2023
RE: Town Manager Update



Uinta Rail Line Opposition

Senator Bennett and Congressman Joe Neguse have reached out to the EPA requesting further review of the Uinta rail line request. Considerations regarding impacts to Colorado were not addressed in the original review. A copy of the press release as well as the letter sent to the EPA have been included with this manager update.

\$6M: Congressionally Directed Spending (CDS) Application – Main Street Sidewalks - Revised

Minturn recently applied for \$6M toward the completion of the Main Street Phase 2 sidewalks and Phase 3 design, engineering and construction. Phase 3 is expected to exceed \$6M in cost, and this will be an issue. For federal funding, the town must prove a “benefit-cost analysis” whereby showing the amount of money being spent is benefiting a large enough number of people to justify awarding a grant. Minturn is unable to prove a benefit-cost analysis given the small population being served by this connection. I therefore expect that any efforts to complete Phase 3 of the project will need to come from state and local funding (not federal).

Bellm Bridge Structural Engineering

Minturn/Inter-Mountain Engineering continue to work toward obtaining structural engineering plans for the repairs to Bellm Bridge. Finding an available firm for this work has been difficult and the cost is expected to well exceed \$20k. More to come.

Housing Now [SB23-213](#)

The Colorado Association of Ski Towns has been working with representatives from Senate offices as well as the Governor’s office for amendments to SB23-213. All indications point to this bill passing and local efforts are focusing how best to mold the change for mitigating impacts to municipalities. A few notes of importance:

- Most of this legislation will not directly affect Minturn. A critical exception to this is the elimination for restrictions on # of unrelated people living in a structure.
- This bill is precedent setting. Identifying housing as a “state-wide concern” opens the door for other areas where the state may begin to regulate local control. As a home-rule municipality, Minturn should consider this as a threat.

Colorado HB23-1255 Eliminating Restrictions on the Number of Building Permits Issued for Development

Like SB23-213, this legislation is a state mandate superseding local control by eliminating the ability for municipalities to limit new development. This has potential to effect Minturn. The current language in the legislation does not recognize water production as a limiting factor to development which *may* impact Minturn’s upcoming water treatment plant infrastructure discussion. Richard Peterson-Cremer will be proactively to submitting comments for amendment to the bill allowing for this limiting factor.

Climate Action Week

As a member of the Climate Action Collaborative, Minturn is supporting the upcoming Climate Action Week! Get involved and tell your friends. A poster of events is included with this update.

From: [Kireker, Matthew \(Bennet\)](#)
To: [Kireker, Matthew \(Bennet\)](#)
Subject: RELEASE: Bennet, Neguse Call on EPA to Conduct a Supplemental Review of the Uinta Basin Railway Project to Consider Risks to Colorado
Date: Tuesday, March 28, 2023 5:00:54 PM
Attachments: [image003.png](#)



FOR IMMEDIATE RELEASE

Tuesday, March 28, 2023

CONTACTS:

[Rachel Skaar](#) (Bennet) — 202-594-6252

[Hannah Rehm](#) (Neguse) – 202-981-3766

Bennet, Neguse Call on EPA to Conduct a Supplemental Review of the Uinta Basin Railway Project to Consider Risks to Colorado

Previous Review by EPA Addressed Railway’s Potential Risks to Utah, But Not to Colorado

Washington, D.C. — Today, Colorado U.S. Senator Michael Bennet and Colorado U.S. Representative Joe Neguse called on the Environmental Protection Agency’s (EPA) Administrator for Mountains and Plains Region (Region 8) KC Becker to conduct a supplemental review of the Uinta Basin Railway Project that accounts for the full risks to Colorado’s communities, water supplies, environment, and climate.

The EPA’s review of the Project focused solely on the railway’s risks to Utah and did not evaluate its potential harm to Colorado, despite as many as five, two-mile-long trains of waxy crude oil traveling more than one hundred miles across the state and along the Colorado River every day, if the project is completed.

“EPA’s review of the Surface Transportation Board (STB)’s Environmental Impact Statement (EIS) of the Project had several shortcomings,” **wrote Bennet and Neguse.** “First, it focused solely on the Project’s risks in Utah with no evaluation of its potential harm to Colorado, including the risk of a derailment and oil spill in the headwaters of the River. Second, this review also failed to include any analysis of the Project’s effect on greenhouse gas emissions and climate change. We urge you to conduct a supplemental review to fully account for these potential harms.”

In their letter, the lawmakers stress that a derailment along the Colorado River would be catastrophic to Colorado's water, wildlife, outdoor recreation, and communities, and highlight how common train derailments have become, including several that resulted in serious environmental harm over the last few weeks.

“This review is especially critical in light of the recent train derailment and environmental disaster in East Palestine, Ohio, which laid bare the danger of moving hazardous materials by rail. Additional train accidents in West Virginia and Washington within weeks of each other demonstrate that derailments in this country are shockingly common – in fact, there are more than 1,000 per year on average according to the Bureau of Transportation Statistics,”
continued the lawmakers.

Along with their letter, the lawmakers sent Becker several recent letters of opposition to the proposed railway from the Northwest Colorado Council of Governments Water Quality and Quantity Committee, Eagle County, and a number of state legislators representing the Colorado River Basin. Bennet has received additional letters of concern from numerous other local [governments](#), including the City of Glenwood Springs, Eagle County, Grand County, Gilpin County, Boulder County, and a collection of local governments represented by Colorado Communities for Climate Action. Several non-governmental [organizations](#), including Backcountry Hunters and Anglers, Colorado Water Congress, and Trout Unlimited have also raised objections to the proposed oil trains.

Bennet and Neguse have repeatedly urged the Biden Administration to halt the Uinta Basin Railway Project. Earlier this month, the lawmakers [urged](#) U.S. Department of Transportation Secretary Pete Buttigieg to consider the risks of approving tax-exempt private activity bonds or any other federal financing mechanisms to fund the Project. The lawmakers also [called](#) on U.S. Department of Agriculture Secretary Tom Vilsack to suspend a decision on the Special Use Authorization for the project until a supplemental review is conducted. In July, Bennet and Neguse [called](#) on the Biden Administration to undertake an additional comprehensive review to determine whether previous environmental and risk analyses fully considered the effects of the railway project on Colorado's communities, watersheds, and forests.

The text of the letter is available [HERE](#) and below.

Dear Administrator Becker:

We write to share our ongoing concerns about the risks to Colorado's communities, water, land, air, and climate from the Uinta Basin Railway Project (the Project). If completed, the Project would enable the shipment of up to 4.6 billion gallons of waxy crude oil per year from Utah through Colorado to the Gulf Coast on as many as five trains per day. These trains would run over 100 miles directly alongside the headwaters of the Colorado River (the River) – a vital water supply for nearly 40 million Americans, 30 Tribal nations, and millions of acres of agricultural land.

The Environmental Protection Agency (EPA) has an obligation to advise other federal agencies on the adequacy of their environmental analyses pursuant to the National Environmental Policy Act (NEPA). However, EPA's review of the Surface Transportation Board (STB)'s Environmental Impact Statement (EIS) of the Project had several

shortcomings.

First, it focused solely on the Project's risks in Utah with no evaluation of its potential harm to Colorado, including the risk of a derailment and oil spill in the headwaters of the River. Second, this review also failed to include any analysis of the Project's effect on greenhouse gas emissions and climate change. We urge you to conduct a supplemental review to fully account for these potential harms. This review is especially critical in light of the recent train derailment and environmental disaster in East Palestine, Ohio, which laid bare the danger of moving hazardous materials by rail. Additional train accidents in West Virginia and Washington within weeks of each other demonstrate that derailments in this country are shockingly common – in fact, there are more than 1,000 per year on average according to the Bureau of Transportation Statistics.

A train derailment that spills oil in the headwaters of the River would be catastrophic to our state's water supplies, wildlife habitat, outdoor recreation, and the broader River Basin. In addition to Denver, major cities outside Colorado rely heavily on the River for drinking water and other critical needs, including Phoenix, Las Vegas, San Diego, Los Angeles, Salt Lake City, Tucson, and Albuquerque. An accident on the proposed railway would not only imperil the River's water supplies, but also increase wildfires as the West faces a 1,200-year drought.

Across Colorado, local and county governments have raised grave concerns about the Project's local impacts (for example, see attached letters from Eagle County, CO and members of the CO General Assembly). These communities have further noted that the Project has advanced based on a deeply flawed environmental analysis that understated its potential dangers. But even that flawed analysis concluded that, if completed, this Project would double the risk of a derailment in Colorado and produce an oil spill roughly every four years.

We urge EPA to conduct a supplemental review that accounts for the full risks to Colorado's communities, water supplies, and environment, as well as its effects on climate change.

We look forward to hearing from you on this important matter.

Sincerely,

###

Congress of the United States
Washington, D.C. 20510

March 28, 2023

The Honorable KC Becker
Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202

Dear Administrator Becker:

We write to share our ongoing concerns about the risks to Colorado's communities, water, land, air, and climate from the Uinta Basin Railway Project (the Project). If completed, the Project would enable the shipment of up to 4.6 billion gallons of waxy crude oil per year from Utah through Colorado to the Gulf Coast on as many as five trains per day. These trains would run over 100 miles directly alongside the headwaters of the Colorado River (the River) – a vital water supply for nearly 40 million Americans, 30 Tribal nations, and millions of acres of agricultural land.

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First, it focused solely on the Project's risks in Utah with no evaluation of its potential harm to Colorado, including the risk of a derailment and oil spill in the headwaters of the River. Second, this review also failed to include any analysis of the Project's effect on greenhouse gas emissions and climate change. We urge you to conduct a supplemental review to fully account for these potential harms. This review is especially critical in light of the recent train derailment and environmental disaster in East Palestine, Ohio, which laid bare the danger of moving hazardous materials by rail. Additional train accidents in West Virginia and Washington within weeks of each other demonstrate that derailments in this country are shockingly common – in fact, there are more than 1,000 per year on average according to the Bureau of Transportation Statistics.

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Across Colorado, local and county governments have raised grave concerns about the Project's local impacts (for example, see attached letters from Eagle County, CO, the Northwest CO Council of Governments Water Quality/Quantity Committee, and members of the CO General Assembly). These communities have further noted that the Project has advanced based on a deeply flawed environmental analysis that understated its potential dangers. But even that flawed

Congress of the United States
Washington, D.C. 20510

analysis concluded that, if completed, this Project would double the risk of a derailment in Colorado and produce an oil spill roughly every four years.

We urge EPA to conduct a supplemental review that accounts for the full risks to Colorado's communities, water supplies, and environment, as well as its effects on climate change.

We look forward to hearing from you on this important matter.

Sincerely,



Michael F. Bennet
U.S. Senator



Joe Neguse
Member of Congress



March 29, 2023

The Honorable Jared Polis
Governor of the State of Colorado
200 E Colfax, Suite 136
Denver CO 80203

Senator Dominick Moreno
200 E Colfax
Denver CO 80203

Representative Iman Jodeh
200 E Colfax
Denver CO 80203

Representative Steven Woodrow
200 E Colfax
Denver CO 80203

Dear Governor Polis, Senator Moreno, Representative Jodeh & Representative Woodrow,

Representatives of the 15 communities identified as Rural Resort Job Centers (RRJC) were involved in early discussions with the Governor's staff in drafting SB23-213 (the Bill) both directly and through the Colorado Association of Ski Towns (CAST).

Colorado's rural resort communities have aggressively pursued affordable housing for 30+ years, with demonstrable positive outcomes. They continue to update regulations to incentivize affordable housing, as well as invest significant municipal funds. Through these efforts they have built a deep and nuanced understanding of the interplay between market forces and the regulatory environment on affordable housing. It is our analysis that state mandated upzoning in single-family neighborhoods will NOT result in any increase of workforce housing due to existing market conditions. Therefore, CAST has taken the position of Oppose Unless Amended on SB23-213.

First and foremost, we **REQUEST A DELAY** in the hearing before the Senate Local Government and Housing Committee to allow a reasonable amount of time for review, consideration, and constructive feedback. Bill sponsors are currently asking for feedback by 10:00 am on Thursday, March 30th. This is not sufficient time to fully understand the various impacts of the legislation and offer constructive suggestions, thus forcing communities to consider a position of 'oppose'. CAST requests the hearing before the Senate Local Government and Housing Committee be deferred until at least April 25th.

Colorado Association of Ski Towns * PO Box 3823, Dillon CO 80435 * CoSkiTowns.com * 970.389.4347

CAST respectively requests the following amendments to SB23-213:

1. CAST **SUPPORTS** proceeding with the Statewide and Regional Housing Needs Assessments as proposed in 29-33-103 and supports CAST serving as an active participant in defining and implementing the Assessment.
2. CAST **OPPOSES** all land use regulation mandates proposed in the bill, including mandates forcing Rural Resort Job Centers to adopt Key Corridors and to allow ADUs and Middle Housing as a use by right in any zone that currently allows single-family homes. Such mandates are not acceptable at this time. There is no authorization that the additional residences resulting from state mandated upzoning may be restricted to workforce housing, which is a glaring oversight in the bill. The Rural Resort Job Center Municipalities are 15 unique communities with very different land use patterns, neighborhoods and challenges. Blanket upzoning will severely undermine efforts to maintain community fabric and gain additional affordable housing units.
3. CAST **SUPPORTS** the authorizing of Accessory Dwelling Units and superseding private covenants and restrictions to allow Accessory Dwelling Units with each rural resort job center municipality retaining authority and discretion to determine the appropriate manner of implementing any Accessory Dwelling Unit regulations.
4. Concurrently, CAST **SUPPORTS** the formation of a Rural Resort Task Force comprised of the 15 Rural Resort Job Center communities referenced in the Bill to prepare meaningful and substantive recommendations to DOLA and the legislature by June 2025. Goals of the task force could include:
 - a. Define how Rural Resort Regions will be identified and requirements for Rural Resort Region Housing Needs Plans.
 - b. Compile target housing needs and goals for the Rural Resort Job Centers and their proposed strategies to meet those identified housing goals.
 - c. Propose land use regulation strategies, including but not limited to upzoning, accessory dwelling units, reduced parking requirements.
 - d. Propose a menu of solutions including incentives, collaborative practices, and local funding mechanisms built upon the successful programs already underway in rural resort communities. Include incentives and exemptions for RRJCs that adopt some percentage of solution strategies.
 - e. Propose non-construction solutions to increase workforce housing residential stock more quickly, including acquisition of deed restrictions on free market properties.
 - f. Propose efficient and effective processes to review affordable housing projects.
 - g. Preserve existing deed restrictions for workforce housing.
 - h. Propose authorization for new local housing funding sources.

- i. Aggressively reduce climate impacts of new housing through reduced emission construction standards, location of new housing near transit hubs, and increased use of transit and other forms for non-vehicular transportation.

CAST appreciates your leadership as we all work to increase housing affordability in Colorado. We stand ready to work with the Governor's Office and bill sponsors to craft meaningful legislation that we can all support and which will result in more affordable housing for Coloradoans.

Sincerely,



Jonathan Godes, CAST President

CC: Speaker of the House Julie McCluskie
Sen. Dylan Roberts
Sen. Cleave Simpson
Sen. Perry Will
Rep. Marc Catlin
Rep. Barbara McLachlan
Rep. Elizabeth Velasco
Rep. Meghan Lukens

Senate Local Government & Housing Committee:

-Sen. Sonya Jaquez Lewis, Chair
-Sen. Tony Exum
-Sen. Julie Gonzales
-Sen. Byron Pelton
-Sen. Ron Pelton
-Sen. Janice Rich
-Sen. Dylan Roberts

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0548.01 Jed Franklin x5484

HOUSE BILL 23-1255

HOUSE SPONSORSHIP

Lindstedt and Dickson,

SENATE SPONSORSHIP

Gonzales,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PREEMPTION OF LOCAL REGULATIONS LIMITING THE**
102 **NUMBER OF BUILDING PERMITS ISSUED FOR DEVELOPMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Currently, several local governments have laws restricting the growth of residential housing. The bill declares that the state has an interest in encouraging housing growth statewide, preempts any existing local housing growth restriction, and forbids the enactment or enforcement of any future local housing growth restriction, unless the local government has experienced a disaster emergency.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-20-104.2 as
3 follows:

4 **29-20-104.2. Anti-growth law - preemption - legislative**
5 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS AND
6 DECLARES THAT:

7 (a) A RELIABLE PUBLIC POLICY ENVIRONMENT THAT SUPPORTS AN
8 ADEQUATE AND AFFORDABLE HOUSING SUPPLY IS A MATTER OF
9 STATEWIDE CONCERN, AND A HEALTHY SUPPLY OF HOUSING UNITS TO
10 MATCH BOTH CURRENT DEMAND AND FUTURE DEMAND DRIVEN BY
11 POPULATION GROWTH IS CRITICAL FOR JOB CREATION, HOUSING STABILITY,
12 AFFORDABILITY, AND THE OVERALL ECONOMIC WELL-BEING OF ALL
13 COLORADANS;

14 (b) THE LACK OF AFFORDABLE HOUSING IN COLORADO IS DIRECTLY
15 ATTRIBUTABLE TO THE SCARCITY OF HOUSING UNITS;

16 (c) ACCORDING TO A STUDY OF HOUSING DEVELOPMENT IN
17 COLORADO, THE STATE HAS OVER ONE HUNDRED SEVENTY-FIVE
18 THOUSAND FEWER HOUSING UNITS THAN NEEDED TO RESTORE ITS
19 HISTORICAL POPULATION-TO-HOUSING RATIO FROM 1986 THROUGH 2008;

20 (d) TO CLOSE THE DEFICIT AND ACCOUNT FOR PROJECTED
21 POPULATION GROWTH, THE STATE WILL NEED TO ADD OVER ONE HUNDRED
22 SIXTY-TWO THOUSAND HOUSING UNITS BY 2027;

23 (e) ANTI-GROWTH LAWS ENACTED BY LOCAL GOVERNMENTS
24 SEVERELY UNDERMINE THE ABILITY TO CONSTRUCT THE ADDITIONAL
25 HOUSING UNITS COLORADANS NEED;

26 (f) ANTI-GROWTH LAWS DO IRREPARABLE ECONOMIC HARM TO

1 WORKING CLASS COLORADANS BY LIMITING THE HOUSING SUPPLY AND
2 DRIVING UP HOUSING PRICES AND RENTS. FURTHERMORE, ANTI-GROWTH
3 LAWS THREATEN THE LIVELIHOOD OF COLORADANS EMPLOYED IN
4 CONSTRUCTION AND OTHER BUILDING TRADES AS WELL AS BUSINESSES
5 ACROSS THE STATE THAT RELY ON THE COMMERCE ASSOCIATED WITH
6 HOME BUILDING.

7 (g) UNIFORMITY IN LAND USE LAWS CONCERNING RESIDENTIAL
8 GROWTH IS NECESSARY FOR EFFICIENT RESIDENTIAL DEVELOPMENT
9 STATEWIDE AND FOR THE ENCOURAGEMENT OF CONSTRUCTION OF NEW
10 HOUSING UNITS;

11 (h) THE ENACTMENT OR ENFORCEMENT OF ANTI-GROWTH LAWS BY
12 SOME LOCAL GOVERNMENTS DECREASES HOUSING DEVELOPMENT IN THESE
13 LOCATIONS AND PUTS PRESSURE ON OTHER LOCAL GOVERNMENTS'
14 RESIDENTIAL HOUSING STOCK, ROADS, UTILITIES, AND OTHER SERVICES;
15 AND

16 (i) IT IS THEREFORE NECESSARY FOR THE GENERAL ASSEMBLY TO
17 PREEMPT AND PROHIBIT THE ENFORCEMENT OF EXISTING ANTI-GROWTH
18 LAWS AND PROHIBIT THE ENACTMENT AND ENFORCEMENT OF NEW
19 ANTI-GROWTH LAWS.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "ANTI-GROWTH LAW" MEANS A LAND USE LAW THAT PLACES
23 ANY LIMITATION ON THE NUMBER OF LAND USE APPLICATIONS ACCEPTED
24 OR BUILDING PERMITS ISSUED BY A GOVERNMENTAL ENTITY FOR
25 RESIDENTIAL DEVELOPMENT OR CONSTRUCTION PROJECTS FOR ANY
26 PERIOD.

27 (b) "GOVERNMENTAL ENTITY" MEANS:

1 (I) A STATUTORY OR HOME RULE COUNTY, A CITY AND COUNTY, OR
2 A MUNICIPALITY; AND

3 (II) ANY SPECIAL DISTRICT OR AGENCY, AUTHORITY, POLITICAL
4 SUBDIVISION, OR INSTRUMENTALITY OF A COUNTY, OR OF A CITY AND
5 COUNTY, OR OF A MUNICIPALITY.

6 (c) "LAND USE LAW" MEANS ANY STATUTE, RESOLUTION,
7 ORDINANCE, CODE, RULE, REGULATION, PLAN, POLICY, PROCEDURE,
8 STANDARD, INITIATIVE, GUIDELINE, REQUIREMENT, OR LAW THAT
9 REGULATES THE USE OR DIVISION OF PROPERTY OR ANY INTEREST IN
10 PROPERTY.

11 (d) "PROPERTY" MEANS REAL PROPERTY LOCATED WITHIN THE
12 STATE THAT IS NOT PUBLICLY OWNED.

13 (3) NOTWITHSTANDING ANY PROVISION OF SECTION 29-20-104 TO
14 THE CONTRARY, A GOVERNMENTAL ENTITY SHALL NOT ENACT OR ENFORCE
15 AN ANTI-GROWTH LAW AFFECTING PROPERTY; EXCEPT THAT A
16 GOVERNMENTAL ENTITY MAY ENACT AND ENFORCE A TEMPORARY
17 ANTI-GROWTH LAW AFFECTING PROPERTY FOLLOWING A DECLARED
18 DISASTER EMERGENCY THAT OCCURRED IN THE JURISDICTION OF THE
19 GOVERNMENTAL ENTITY. A TEMPORARY ANTI-GROWTH LAW ALLOWED BY
20 THIS SUBSECTION (3) MAY BE EFFECTIVE FOR NO MORE THAN ONE YEAR
21 AFTER THE DECLARATION OF A DISASTER EMERGENCY.

22 **SECTION 2.** In Colorado Revised Statutes, 29-20-104, **amend**
23 (1) introductory portion as follows:

24 **29-20-104. Powers of local governments - definition.**

25 (1) Except as expressly provided in ~~section 29-20-104.5~~ SECTION
26 29-20-104.2 OR 29-20-104.5, the power and authority granted by this
27 section does not limit any power or authority presently exercised or

1 previously granted. EXCEPT AS PROVIDED IN SECTION 29-20-104.2, each
2 local government within its respective jurisdiction has the authority to
3 plan for and regulate the use of land by:

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2024 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.



Climate Action Week

TAKE ACTION
April 17-26, 2023



SCHEDULE OF EVENTS



- APR 17** Climate Coaching w/ Charlotte Lin
Sustainable Business Intro Training
- APR 18** Sustainability Trivia Night
Earthkeepers Eagle: Earth Day Celebration
- APR 19** PURE Energy Pizza Party
- APR 20** Drinker & Tinkering: Climbing Rope Rugs
Wild and Scenic Film Festival
- APR 21** Eco-Transit Fare Free Day
Food, Water & Climate: Speaker Panel & Sustainability Fair
Backcountry Snowshoe Hike
- APR 22** Yoga for Climate Resilience
DIY Transform Your Lawn
- APR 23** Sustainable Community Gardening w/ New Roots CO
- APR 24** Paint & Learn: Composting
- APR 25** Green Building Tour & Happy Hour
- APR 26** Community Recycling Tour
Cuida El Planeta con Una Noche de Cine Familiar

Learn More WalkingMountains.org/ClimateAction

SCAN THE CODE FOR MORE INFO



CLIMATE ACTION WEEK PARTNERS





2023 GOPRO MOUNTAIN GAMES
GOPRO DUAL SLALOM
OPERATIONAL PLAN
 current 03.02.23 | SUBJECT TO CHANGE

EVENT DATE

Thur, June 8, 2023
 Fri, June 9, 2023
 Sat, June 10, 2023 | Clinic Only

THE RACE

BACK FOR 2023! The GoPro Mountain Games Dual Slalom event will feature head-to-head racing as two riders battle down the Minturn Bike Park track. With differential timing in place, this fast pace exciting, formatted event is a fan favorite with tight berms, big rollers, and exciting jumps!

MINTURN BIKE PARK INFORMATION

Built in 2020, the Minturn Bike Park is a partnership project between the Town of Minturn and the Vail Valley Mountain Trail Alliance (VVMTA). The park features kid and beginner friendly pump track and green flow trails. It also offers blue and black gravity flow trails and advanced dirt jumps for the more progressive riders. The Minturn Bike Park is home to the first adaptive mountain bike trail in Eagle County. Additionally, the park’s dual slalom course will play host to the 2023 GoPro Dual Slalom as part of the GoPro Mountain Games.

As athletes are welcomed to the Bike Park, here are a few reminders:

- Smoking of any kind is prohibited in the Minturn Bike Park
- Dogs are not allowed on the trails, track or dirt jumps. All dogs must be leashed and owners are asked to be responsible and clean up after their dogs.
- No overnight camping or parking, no open fires, glass or loud music
- Do your part by placing trash, recycle and compost materials in the proper receptacles
- Spectators are encouraged but should be mindful of signs, barriers and area designated for athletes only.

DUAL SLALOM CLINIC

EVENT OVERVIEW

If you’ve ever wanted to learn what it takes to ride the berms of the GoPro Mountain Games Dual Slalom course, then you’ve come to the right place! Sign up for this Dual Slalom clinic to ride the same track as the Pros. You’ll learn the basic fundamentals and rules on how to ride Dual Slalom. Pro riders Kyle and Rachel Strait will be hosting this clinic for entry/beginner level riders.

DATE: Saturday, June 10

LOCATION: Minturn Bike Park

**Participants should check-in under the Pergola 15-minutes prior to the start of their session.*

SCHEDULE

- | | | |
|------------|------------------------------|---------------------------------|
| ▪ 10:00 AM | Youth 6 – 12 – Boys & Girls | Capacity: 20 per session |
| ▪ 11:00 AM | Youth 13 – 18 – Boys & Girls | Capacity: 20 per session |
| ▪ 12:00 PM | Men/Women 19+ | Capacity: 20 per session |

PARKING

- Event Promoters request the use of the Public Works Overflow Lot (the lot closest to the Bike Park) for additional staff, volunteer and sponsor parking.
- Parking in the Minturn Bike Park lot is designated as permit parking only
- Parking is available in the Little Beach Park lot adjacent to the Bike Park
- Event promoters will have a traffic control service on site to help park cars in an efficient manner and insure no illegal parking in the area
 - Parking will utilize a combination of areas including:
 - Minturn Bike Park
 - Little Beach Parking Lot
 - Other lots, (TBD)
 - Thur, June 8- 8AM-6PM
 - Fri, June 9 | 8AM-6PM



2023 GOPRO MOUNTAIN GAMES

GOPRO DUAL SLALOM

OPERATIONAL PLAN

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SHUTTLES

- Event promoters will be offering shuttle service from Vail Transportation Center to the Minturn Bike Park
 - 1-28 pax bus
 - Thur, June 8 | 2PM-6PM | TENTATIVE
 - Fri, June 9 | 11AM-6PM

RESTROOMS

- (1) portable restroom is currently at the Minturn Bike Park
- Vendor: Vail Honeywagon
- (3) additional portable restrooms will be brought in for the event
 - **DELIVERED** Thur, June 8 6AM
 - **SERVICED** Fri, June 9 6AM
 - **REMOVED** Sat, June 10 6AM

CANOPIES | EVENT INFRASTRUCTURE

- (6) 10 x 10 Vendor canopies (see below)
- (1) 10 x 10 Start canopy
- (1) 10 x 10 Athlete Check-in canopy
- (1) 10 x 10 Athlete Hydration Station canopy
- (1) 10 x 10 Timing/Scorers canopy
- (1) 10 x 10 Sound canopy
 - **SET UP** Wed/Thur, June 7/8 4PM/6AM
 - **REMOVED** Fri/Sat, June 9-10 8PM/9AM

TRASH – RECYCLE – COMPOST

- Walking Mountain Science Center staff + GoPro Mountain Games sustainability volunteers will be onsite to manage all waste
- Trash-Recycle-Compost containers will be set up and staffed in the event footprint
- All food vendors will be required to follow GoPro Mountain Games guidelines for sustainable service ware including compostable plates, bowls, cutlery and napkins
- All waste will be removed from the venue as needed throughout the day and each evening to the GoPro Mountain Games waste sorting station in Vail for processing and proper disposal

POWER

- Generators will be brought in to support the needs of the event
 - Start Area
 - Branding/Start infrastructure
 - Compressor
 - Start Gate
 - Finish Area
 - Food trucks x 2
 - Timing equipment
 - Sound equipment
 - Equipment charging [radios]
 - Vendor needs
 - **DELIVERED** Wed June 7 1PM
 - **REMOVED** Fri/Sat, June 9-10 8PM/9AM

AMPLIFIED SOUND

TYPE OF AMPLIFIED SOUND

- Pre-recorded music
- Live announcer/Emcee



2023 GOPRO MOUNTAIN GAMES

GOPRO DUAL SLALOM

OPERATIONAL PLAN

current 03.02.23 | SUBJECT TO CHANGE

FOOD TRUCKS | CONCESSIONS

- All food trucks will be required to have a current Eagle County Environmental Health permit
- All food trucks will be required to collect and pay appropriate State of Colorado sales tax

VENDORS

- TBD Vendor 1
- TBD Vendor 2

VENDORS

- (6) 10 x 10 TBD
 - **SET UP** Wed/Thur, June 7/8 9AM
 - **REMOVED** Fri/Sat, June 9-10 8PM/9AM

SIGNAGE | BRANDING

- Directional and informational temporary signage
- Event sponsor canopies, banners and fencing
- Inflatable arch at start/finish line

SAFETY | MEDICAL

Safety is the number one concern for the GoPro Mountain Games. Mountain Games staff has put together a comprehensive plan to ensure the safety of athletes, staff/volunteers, media, spectators and others not involved in the event.

A full list of medical equipment and capabilities available at the Minturn Bike Park will be part of the 2023 GoPro Mountain Games Medical and Safety Plan

EVENT MEDICAL SPECIALISTS

- (1) EMT + (1) Paramedic will be onsite to assist with medical needs for athletes, spectators, staff/volunteers
- A 10' x 10' First Aid mobile van will be onsite

EAGLE COUNTY AMBULANCE

- The Eagle County Ambulance District will be alerted about the event days and times
- Should an ambulance be needed onsite, Event Medical Specialists will call 9-1-1

EXPECTED ATTENDANCE

COMPETITORS	250
SPECTATORS	75-100
EVENT STAFF VOLUNTEERS	40

TIMELINE

Sunday, June 4	
▪ 9AM	Course build
Monday, June 5	
▪ 9AM	Course build
Tuesday, June 6	
▪ 9AM	Course build



2023 GOPRO MOUNTAIN GAMES

GOPRO DUAL SLALOM

OPERATIONAL PLAN

current 03.02.23 | SUBJECT TO CHANGE

Wednesday, June 7

- 9AM

Install event infrastructure | tents
 Install banners, sponsor signage, flags, inflatables
 Portable restrooms delivered
 Generator(s) delivered | Power run
 Vendor load in
 Timing load in

- 4PM

Thursday, June 8 | RACE DAY #1

- 6AM-8AM
- 8AM-2PM
- 8:30AM-6:30PM
- 9AM-11AM
- 9AM-6PM
- 11AM-11:30AM
- 12PM-2PM
- 2PM
- 2PM-6PM
- 2:15PM-3:45PM
- 4:45PM
- 5PM-6:30PM

Vendor load in
 Sound load in
 Food trucks load in
 Racer check-in
 Pre-recorded music and live announcements begin
 Event Medical crew onsite
 Amateur Practice
 Concessions available
 Vendor tents open
 Course Maintenance
 Pro Practice
 Mandatory Riders Meeting
 Shuttles from Vail Village
 Pro Qualifying (Advance into round of 32)
 Mandatory Riders Meeting
 Amateur Qualifying

Friday, June 9 | RACE DAY #2

- 6AM-8AM
- 8AM-2PM
- 8:30AM-6PM
- 9AM-11AM
- 9AM-6PM
- 11AM-11:30AM
- 11AM-6PM
- 11:30AM-2PM
- 2PM-2:30PM
- 2:30PM-4PM
- 4PM-6PM
- 6PM

Vendor load in
 Sound load in
 Food trucks load in
 Racer check-in
 Pre-recorded music and live announcements begin
 Event Medical crew onsite
 Amateur Practice
 Concessions available
 Vendor tents open
 Course Maintenance
 Shuttles from Vail Village
 Amateur Finals
 Course Maintenance
 Pro Practice
 Pro Finals
 Awards (immediately following Pro Finals)

Saturday, June 10 | CLINIC ONLY

- 6AM-8AM
- 6AM
- 1PM

Vendor load in
 Portable restrooms picked up
 Vendor load out



2023 MINTURN WILDFIRE UPDATE

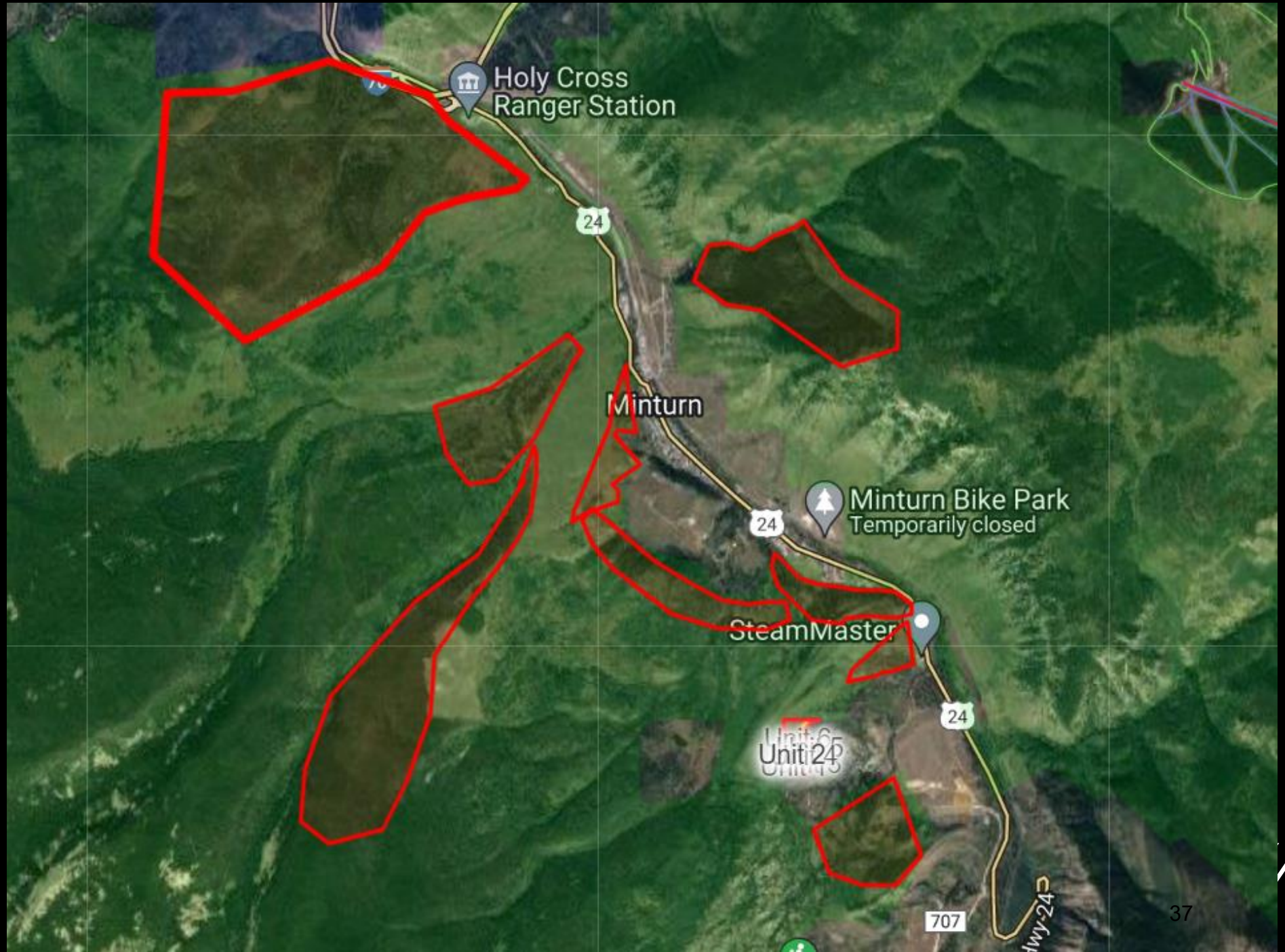


● 2022 Focus Areas

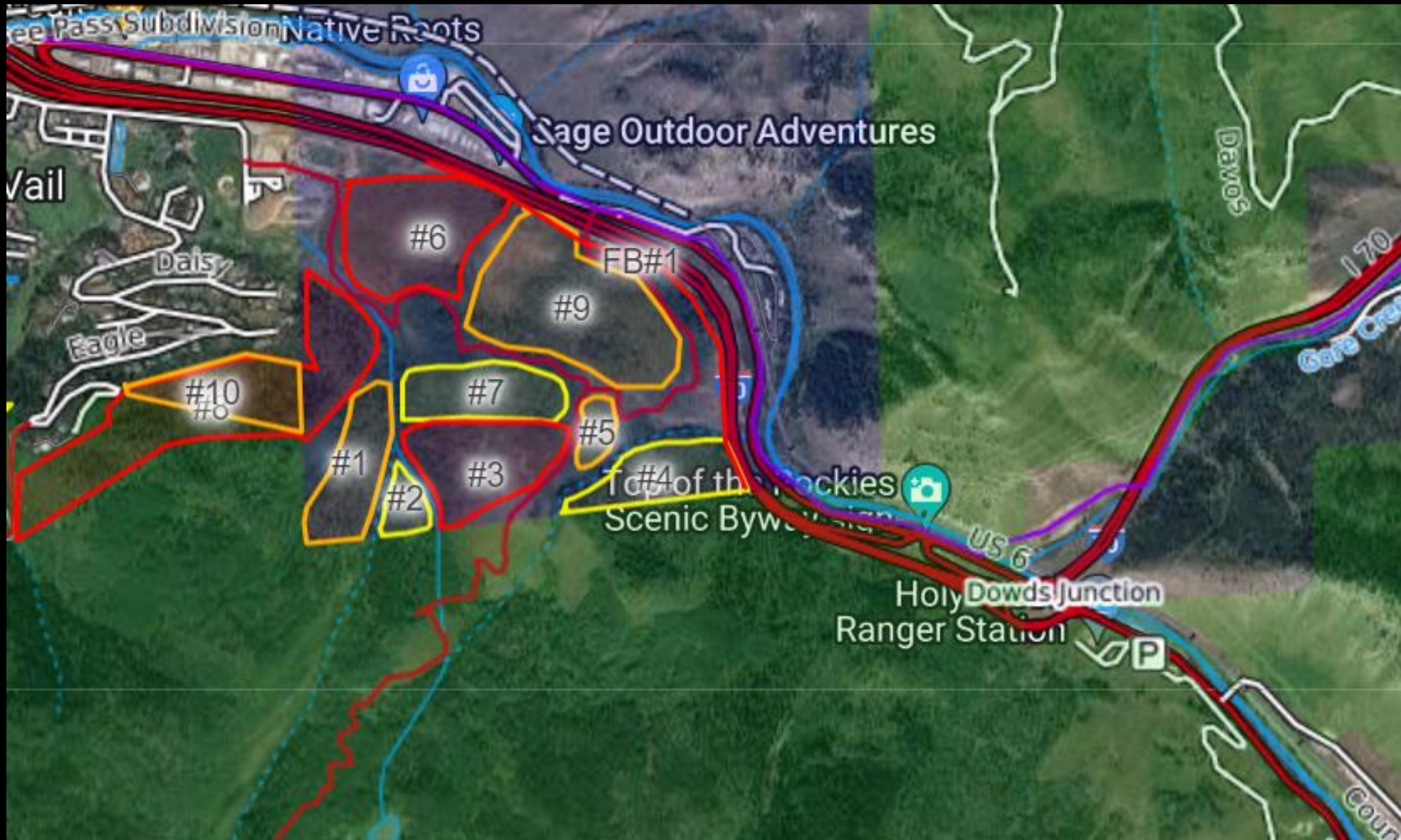
- Water Treatment Facility
- Battle Mountain Ranch
- Dowd Junction
- Evacuation
- Two Elks Shooting Range

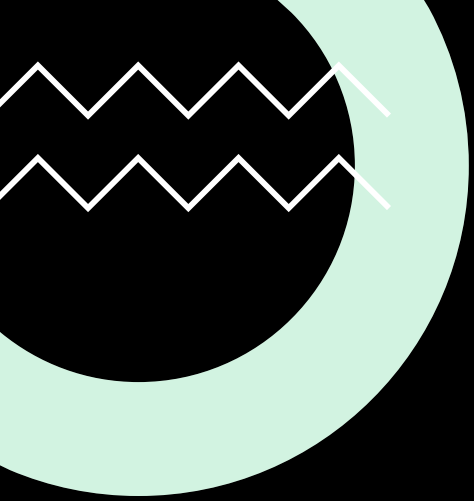


● Minturn

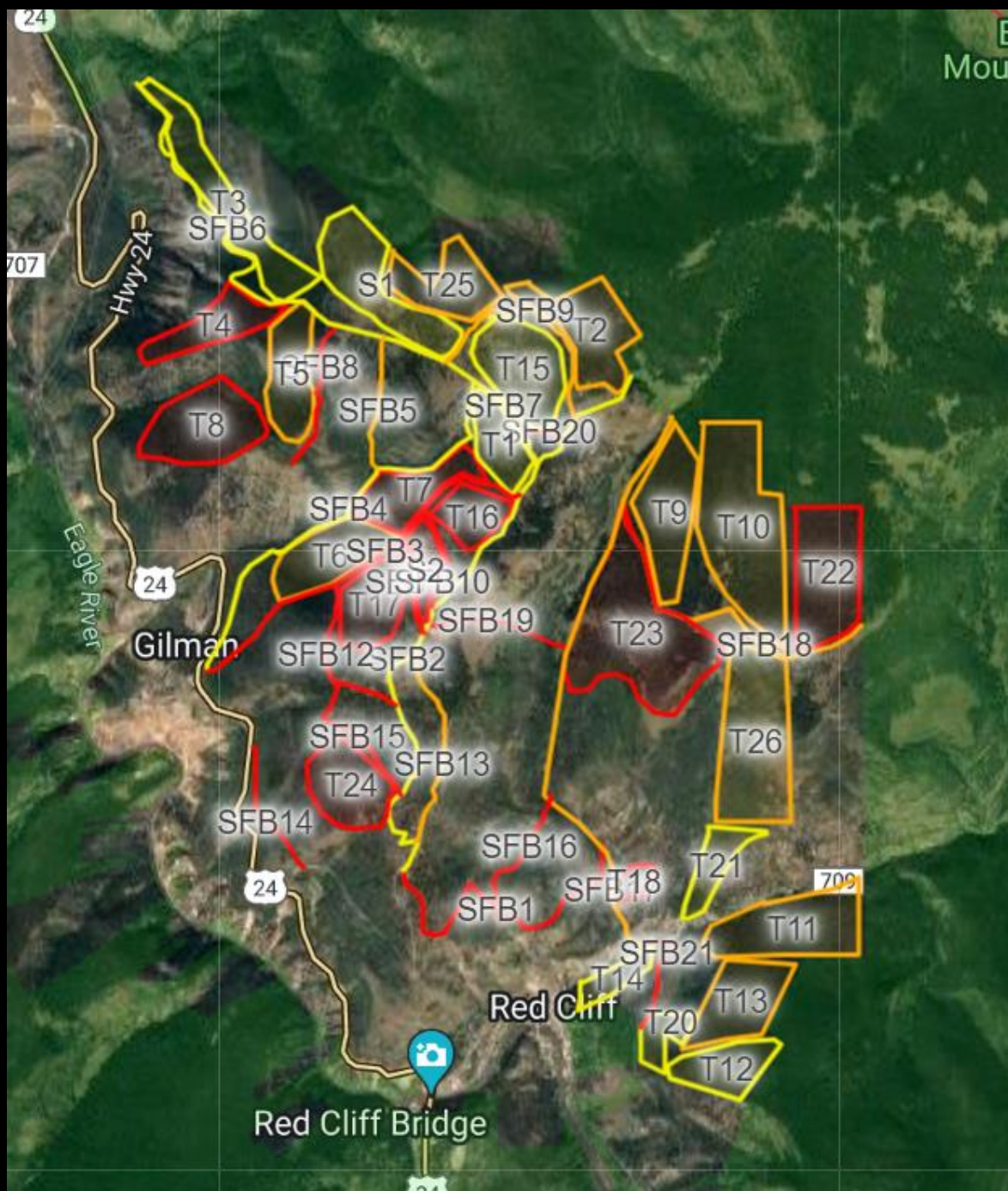


● Dowd Junction

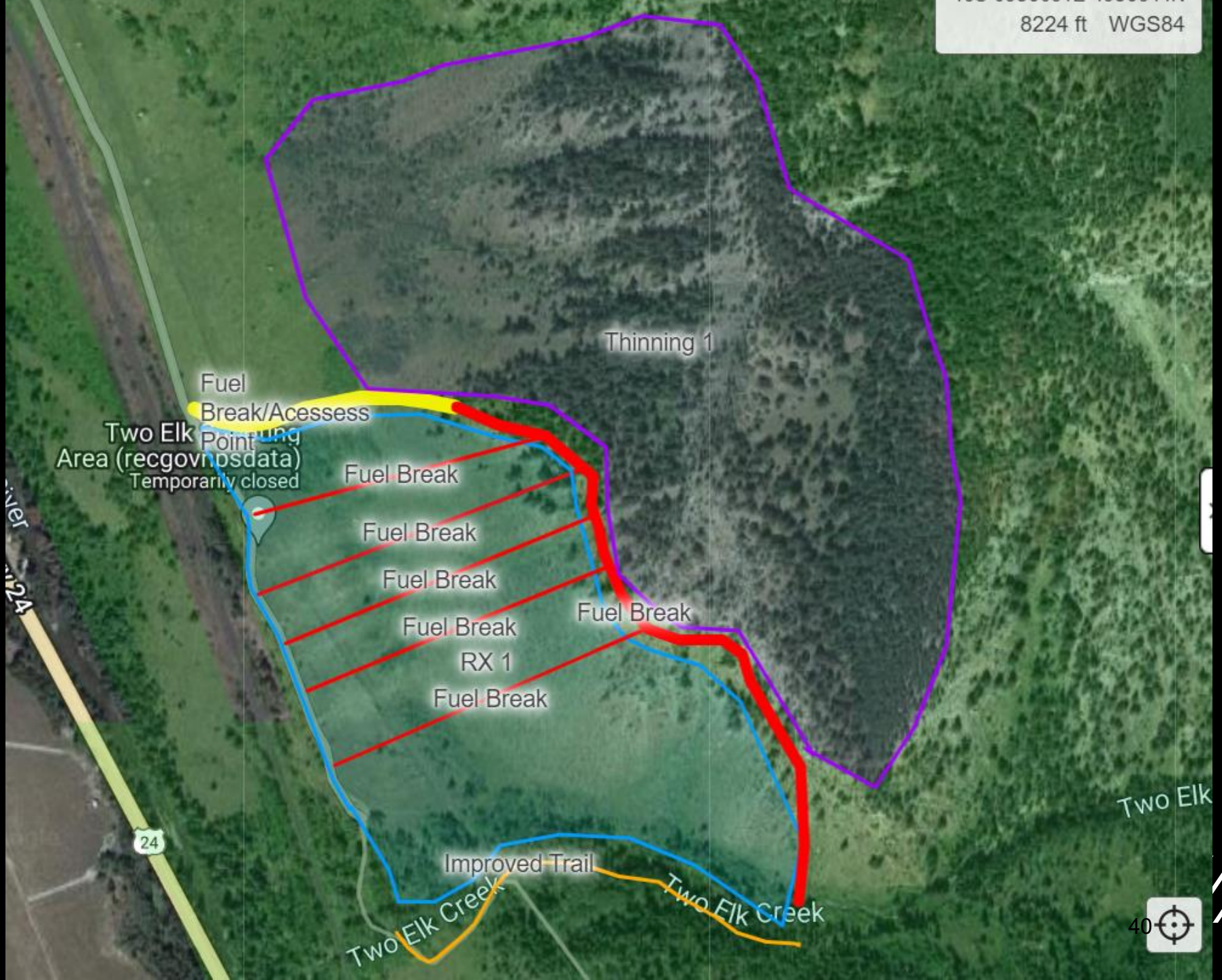




BATTLE MOUNTAIN RANCH



Two Elks





To: Mayor and Council
From: Scot Hunn, Planning Director
Date: March 31, 2023

Agenda Item: 146 North Main Street – The Saloon – Request for Exception from Sec. 16-17-110

REQUEST:

Review request by Los Amigos Property Company LLC, represented by Mr. Nick Brechtel, Pierce Austin Architects, for an exception from the Town’s requirements for undergrounding of the electrical lines.

INTRODUCTION:

The Saloon has been under construction for several months, as the owners undertake extensive interior remodel and renovation work to the restaurant, including extensive upgrades to the kitchen, ventilation, and power supply. Much of this work relates to bringing the building and restaurant space up to current building and fire code requirements.

The owner’s representative, Mr. Brechtel, approached staff recently with a request, in conjunction and coordination with Xcel Energy, represented by Peter Kunz, with regard to necessary upgrades to existing power transmission lines, transformer(s) and service lines to serve the restaurant. Per the attached correspondence from Mr. Brechtel and Mr. Kunz, and pursuant to Section 16-17-110 – Underground utilities, of the Minturn Municipal Code cited below, the owners are requesting an exception from the Town’s policy of requiring that new transmission lines and other above ground utilities and equipment be undergrounded as part of new development:

“Except as otherwise approved by the Town Council, all wires, cables or other equipment for the distribution of electric energy and telecommunications signals, with the exception of transformers, meters, junction boxes and similar equipment, shall be placed underground. Where developments are approved along or with crossing existing overhead power and communication facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and right-of-way shall be provided as part of the development.”

ANALYSIS:

Staff has reviewed the applicable section of code and advises that while the intent of this regulation may be to ensure undergrounding of lines and other utilities/facilities as new projects are completed throughout the Town, staff also suggests that the language in this section is vague and particularly problematic with regard to process (there is no process outlined for applying for or requesting an exception) and determining which projects or development are subject to the regulation and which are exempt (without the need to request an exemption from Council).

In this case, based on the language of Section 16-17-110, and based on the proposed electrical transmission line and service line upgrades and solutions outlined by Mr. Kunz (described below) in response to practical, engineering related difficulties associated with power upgrades at this location, staff supports the Applicant's request an exception.

Moving forward, staff will work to update and clarify the intents and requirements contained within Section 16-17-110 with regard to undergrounding of overhead lines and facilities.

Below are excerpts of emails from Peter Kunz with Xcel Energy detailing the technical request and the rationale for seeking an exception due primarily for engineering reasons:

"Sounds like the town will allow us to upgrade the existing 3ph transformers but will require all overhead lines from said transformers to be undergrounded as stated in Sec. 16-17-110. While this seems like it would be easy to install an UG line from stated pole to the new meter location it poses some issues with compliance to our standards.

In the UG setting, we will require that there be a point of connection on the lot; therefore we would typically install a pedestal on the lot to accomplish this. But, in a commercial as well as 3ph setting as this is, we do not allow pedestals to be the point of connection and customers are forced to install a new transformer on the lot which will complicate this project drastically. In order to accomplish this, we would need to transition the existing OH 3ph transformer to a pad mount transformer close to the existing pole to feed the existing service to 164 Railroad (this is needed as we cannot term and transition to underground on a pole with any transformers). Then install 3ph primary wire underground across railroad ave to a new 3ph transformer on the lot and underground service wire from there. This would be very difficult as the site is not appropriate for this – there just is not a good spot to install this transformer on the lot that would adhere to our standards of staying away from drip edges, staying away from high traffic areas, staying out of areas where snow is plowed/piled, and our clearances needed from opening windows. And the cost of this would be very impactful to the customer, the repercussions for this could change their plan drastically.

Therefore I am asking that we pursue the attached option. We upgrade the pole as well as the existing 3ph transformers on the pole, then we upgrade the existing overhead secondary wire from the transformers across railroad ave and have the customer install a new underground service wire from the existing pole on their lot (that would be their point of connection) to the existing meter location. The upgraded secondary wire will be slightly bigger than the existing but wont change other than that; very little would change in regards to how the existing looks now to how the area would look post renovation. Is there any way for us to get an exception for this so this project can continue as planned? Feel free to reach out to my cell below to discuss further."

"Sounds like the existing structure is already encroaching on the neighboring properties in multiple areas and the only way we would be able to find enough land to install a transformer on site would be to remove some of the structure on the S end. I don't have any plats from the customer showing this but if this is the case then we will have compounding issues getting a transformer on site as

we need lots of clearance from the building to the transformer in order to keep up to our standards.”

COMMUNITY INPUT:

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 Council’s review of requests dealing with and interpreting the Minturn Municipal Code 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:

Staff is supportive of this request.

ATTACHMENTS:

- Graphic by Xcel Energy
- Confirmation of Attendance

-EXISTING 3PH OVERHEAD TRANSFORMERS TO BE UPGRADED TO 3x50KVA SETUP
-EXISTING POLE TO BE REPLACED IN EXISTING LOCATION

EXISTING 3 WIRE SECONDARY TO BE REMOVED

EXISTING POLE TO REMAIN AS IS

METER LOCATION TO REMAIN AS IS, METER HOUSING TO BE REBUILT BY CUSTOMER

EXISTING OVERHEAD 3 WIRE SECONDARY TO BE UPGRADED TO 4 WIRE SECONDARY

EXISTING OVERHEAD 3 WIRE SERVICE TO BE REMOVED AND TRANSITIONED TO AN UNDERGROUND 4 WIRE SERVICE

Madison Harris

From: Nick Brechtel <nick@vailarchitects.com>
Sent: Friday, March 31, 2023 11:08 AM
To: Kunz, Peter H; Madison Harris
Cc: 'jonny@rockymountainconstructiongroup.com'; Kit Austin
Subject: RE: Saloon Power Line Input

Thanks so much for getting us on the agenda Madison. We will be there.

Nick Brechtel
Pierce Austin Architects
2077 N Frontage Rd W
Unit G
Vail, CO 81657
970- 476-6342



www.pierceaustin.com

From: [Kunz, Peter H](#)
Sent: Friday, March 31, 2023 11:05 AM
To: [Madison Harris](#); [Nick Brechtel](#)
Cc: 'jonny@rockymountainconstructiongroup.com'; [Kit Austin](#)
Subject: RE: Saloon Power Line Input

I'll be online at 5.30 on Wed 3/5, Send the meeting invite and link when you create it thanks!

Peter Kunz

Xcel Energy | Responsible By Nature

Planner, Mountain Division

200 West 6th St. PO Box 1819

Silverthorne, CO 80498

P: 970-409-9123

E: Peter.H.Kunz@xcelenergy.com

My Office Hours: Tuesday to Friday, 7:00am – 4:30pm

From: Madison Harris <planner1@minturn.org>
Sent: Friday, March 31, 2023 10:36 AM
To: Kunz, Peter H <Peter.H.Kunz@xcelenergy.com>; Nick Brechtel <nick@vailarchitects.com>
Cc: 'jonny@rockymountainconstructiongroup.com' <jonny@rockymountainconstructiongroup.com>; Kit Austin

<kit@vailarchitects.com>

Subject: RE: Saloon Power Line Input

EXTERNAL - STOP & THINK before opening links and attachments.

No worries! I should have been more specific about when the meeting is. It's on Wednesday at 5:30.

Thanks,
Madison

Madison Harris

Planner I

Town of Minturn

Planner1@minturn.org

970-827-5645 Ext. 2

From: Kunz, Peter H <Peter.H.Kunz@xcelenergy.com>

Sent: Friday, March 31, 2023 10:35 AM

To: Madison Harris <planner1@minturn.org>; Nick Brechtel <nick@vailarchitects.com>

Cc: 'jonny@rockymountainconstructiongroup.com' <jonny@rockymountainconstructiongroup.com>; Kit Austin <kit@vailarchitects.com>

Subject: RE: Saloon Power Line Input

Hey Maddison,

Just got your VM, sorry for not getting back sooner! I can def make the meeting work next week, when is it so I can work it into my schedule? I don't work Mondays and have some other meetings Tuesday so let me know when the meeting is scheduled for and Ill work it out.

Thanks,

Peter Kunz

Xcel Energy | Responsible By Nature

Planner, Mountain Division

200 West 6th St. PO Box 1819

Silverthorne, CO 80498

P: 970-409-9123

E: Peter.H.Kunz@xcelenergy.com

My Office Hours: Tuesday to Friday, 7:00am – 4:30pm

From: Madison Harris <planner1@minturn.org>

Sent: Friday, March 31, 2023 8:57 AM

To: Nick Brechtel <nick@vailarchitects.com>; Kunz, Peter H <Peter.H.Kunz@xcelenergy.com>

Cc: 'jonny@rockymountainconstructiongroup.com' <jonny@rockymountainconstructiongroup.com>; Kit Austin <kit@vailarchitects.com>

Subject: RE: Saloon Power Line Input

EXTERNAL - STOP & THINK before opening links and attachments.

Hi Nick and Peter,

After talking with Scot and Michelle, we do believe that we have found a path forward and can get you on the agenda for next week's meeting. However, before we do that, I do need to confirm that both of you can attend either via zoom or in person as this request is coming from you and the both of you have the technical knowledge to answer Council's questions. Please let me know if you have any questions and if you can attend.

Thanks,
Madison

Madison Harris

Planner I
Town of Minturn
Planner1@minturn.org
970-827-5645 Ext. 2

From: Nick Brechtel <nick@vailarchitects.com>
Sent: Thursday, March 30, 2023 5:10 PM
To: Madison Harris <planner1@minturn.org>
Cc: 'jonny@rockymountainconstructiongroup.com' <jonny@rockymountainconstructiongroup.com>; Kit Austin <kit@vailarchitects.com>
Subject: Saloon Power Line Input

Hi guys,

Just starting the conversation formally here. Madison- please let us know what we can do to keep pushing this forward.

Thanks

Nick Brechtel
Pierce Austin Architects
2077 N Frontage Rd W
Unit G
Vail, CO 81657
970- 476-6342



**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 14 – SERIES 2023**

**A RESOLUTION IN SUPPORT FOR THE
EAGLE RIVER FIRE PROTECTION DISTRICT BALLOT ISSUE A**

WHEREAS, the Town of Minturn (“Town”) is a political subdivision of the State of Colorado; and

WHEREAS, the Eagle River Fire Protection District (“District”) provides fire protection and emergency services within Town; and

WHEREAS, the District has analyzed current operations to determine recommendations regarding future financial needs of the Eagle River Fire Protection District; and

WHEREAS, the District has determined that a mill levy increase is necessary in order for the District to maintain and improve its level of public services; and

WHEREAS, the District is limited by prior ballot questions to collecting only an amount equivalent to 2010 tax revenues adjusted annually for inflation and local growth, restricting the amount of operating revenues available; and

WHEREAS, the needs of the District require the District to increase its general operating revenues by \$2,000,000 in 2024 and annually thereafter by 2.0 mills, exclusive of refunds, abatements and debt service; and

WHEREAS, on March 16, 2023, the Eagle River Fire Protection District Board of Directors (“Board”) unanimously voted to place Ballot Issue A on the May 2, 2023 ballot; and

WHEREAS, pursuant to the Fair Campaign Practices Act, Section 1-45- 117(1)(b)(III)(A), C.R.S., the Town wishes to adopt a resolution in support of Ballot Issue A.

NOW, THEREFORE, the Minturn Town Council resolves as follows for the purpose of supporting Eagle River Fire Protection District Ballot Issue A:

Section 1. Passage of Ballot Issue A Benefits. Passage of Ballot Issue A will enhance the District’s ability to maintain and improve Eagle River Fire Protection District’s emergency services, including wildland fire and fire protection.

Section 2. Passage of Ballot Issue A Additional Benefits. In addition to the above, passage of Ballot Issue A will make available revenue to address various needs including, but not limited to the needs listed below, and as a result improve the quality of life for District residents and visitors:

- Upgrade wildland firefighting equipment
- Maintaining District equipment, vehicles and facilities.
- Provide protective gear and emergency equipment for first responders.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 5th
day of April, 2023.**

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Council Committees

Non-Profit Entities Requiring Directors Appointed by Council

1. **Minturn Education Fund; Shelley Bellm, President, shelley.Bellm@gmail.com**
Representation: at least one and not more than two Council members are Directors
Town Manager is Ex-Officio Director
Responsibilities: Manage funds and award scholarships
Time commitment: As needed, generally twice per year
Appointees: [REDACTED], Kate Schifani, Michelle Metteer (ex officio)
2. **Minturn Fitness Center Bryan Rooney, President, brooney@skiclubvail.org**
Representation: Council appoints 3 Directors (do not need to be Council members, but must be members of the community)
Responsibilities: Manage finances and operations of Fitness Center
Time Commitment: quarterly
Appointees: [REDACTED], Terry Armistead, and Michelle Metteer

Representation to other Government Agencies

1. **NWCCOG/QQ; Jon Stavney jstavney@nwccog.org**
Responsibilities: COG: oversees budget and operations of NWCCOG
Appointees: [REDACTED]
QQ; Torie Jarvis qqwater@nwccog.org: advises on water legislation issues.
Appointees: Gusty Kanakis
Time Commitment: quarterly meetings for COG, differing locations; QQ quarterly in Summit
2. **Eagle Valley Regional Transit Authority; Tanya Allen, tanya.allen@eaglecounty.us**
Representation: one member and one alternate (both Council)
Responsibilities: monthly board meeting
Appointees: Earle Bidez, Alternate: [REDACTED]
3. **Eagle County Housing & Development Authority Advisory Committee**
Contact: Eagle County Housing, Kim Bell Williams kim.williams@eaglecounty.us
Appointee: Kate Schifani
Time Commitment: Quarterly
4. **ECO Transit; Tanya Allen; Tanya Allen, tanya.allen@eaglecounty.us**
Representation: one member and one alternate, may be Council or staff
Responsibilities: advises County Commissioners on budget, operations, schedules, capital spending of bus system.
Time Commitment: Quarterly in Gypsum
Appointees: Tom Sullivan

Representation to Membership Entities/Local Organizations

1. **High Five Media; JK Perry jk@highfivemedia.org**
Representation: one regular member
Responsibilities: oversee operations of Channel 5
Appointees: Terry Armistead
Time Commitment: Quarterly
2. **Radio Free Minturn;**
Representation: One ex-officio member
Responsibilities: Connection between RFM Board & Council
Appointees: [REDACTED]
Time Commitment: Quarterly

3. Eagle County Community Wildlife Roundtable

Representation: Council or staff

Time Commitment: Quarterly

Appointee: Terry Armistead

4. Climate Action Collaborative; Kim Schlaepfer gina@walkingmountains.org

Representation: two regular members

Responsibilities: Creation and advocacy of climate action policies for Eagle County.

Time Commitment: Quarterly

Appointee: Earle Bidez, Alternate:

Council Advisory Sub-Committees

Overview: All committees below meet on an as-needed basis. Council in past has appointed two Council members. Time commitments vary. Council may want to consider ad-hoc committees as needed.

Battle Mountain; Michelle Metteer manager@minturn.org

Function: Advise Council on Battle Mountain agreements, ongoing negotiations, and general discussions.

Time Commitment: Can be substantial

Appointees: Earle Bidez and Lynn Feiger

Water Committee; Michelle Metteer manager@minturn.org

Function: Advise Council on Battle Mountain water, water court applications, infrastructure, and water rates.

Time Commitment: busy at times

Appointees: Gusty Kanakis and Lynn Feiger

Dowd Junction Committee; Michelle Metteer manager@minturn.org

Function: Advises on: Forest Service processes, Request for Proposal to developers, ownership and regulatory control by Minturn

Time Commitment: TBD

Appointees: Earle Bidez

Railroad Committee; Michelle Metteer manager@minturn.org

Function: Advises Council on Railroad relations, zoning enforcement

Time Commitment: variable

Appointees: Terry Armistead & Gusty Kanakis



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: March 30, 2023

Agenda Item: Ordinance No. 4, Series 2023 Review on First Reading

REQUEST:

Review on first reading of an ordinance amending Chapter 16, Zoning, of the Minturn Municipal Code.

INTRODUCTION:

At their regular meeting(s) of February 22, 2023 and March 8, 2023, the Town of Minturn Planning Commission reviewed, commented on, and recommended approval of the attached ordinance aimed at addressing numerous deficiencies, conflicts, and inefficiencies within Article 2, Definitions; Article 21, Administration and Procedures; and Appendix B, Minturn Design Standards and Guidelines, of Chapter 16, Zoning, of the Minturn Municipal Code.

The attached staff memos that were presented to the Commission – an original memo outlining the proposed amendments and a second memo summarizing and responding to recommended changes that the Commission requested - provide details regarding suggested amendments, as well as staff's rationale and goals for proposing the amendments.

Ultimately, the Commission voted 5-0 to recommend approval of Ordinance No. 4, Series 2023 as presented to Council under cover of this memo.

ANALYSIS:

Ordinance No. 4, Series 2023 addresses several deficiencies of Articles 2 and 21 of Chapter 16 and is based on input from the Town Attorney, and the Planning Commission.

COMMUNITY INPUT:

No members of the public spoke at the DRB hearing. 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 Council's review of ordinances aimed at addressing and correcting deficiencies, conflicts and inefficiencies located with the Minturn Municipal Code 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 on first reading:

1. Ordinance No. 4, Series 2023

ATTACHMENTS:

- Ordinance No. 4, Series 2023
- Minturn Planning Commission Cover Memo/Report by Staff dated February 16, 2023
- Minturn Planning Commission Cover Memo/Update by staff dated March 02, 2023

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 4 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE

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

WHEREAS, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning, Appendix B, Town of Minturn Design Guidelines and Standards, such as “Sustain and Invest in the Things That Define Minturn as a Proud, Sturdy Mountain Town to “Keep Minturn, Minturn,” “Implement methods to recognize historic structures,” “Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use,” and

WHEREAS, in 2023, the Town completed a comprehensive update to the 2009 Community Plan (hereinafter “the 2023 Town of Minturn Community Plan”); and

WHEREAS, a key objective of the 2023 Town of Minturn Community Plan is to review and update the Town’s zoning, land use, development and design regulations and standards; and

WHEREAS, Town Council has directed staff to draft text amendments to Chapter 16 of the Minturn Municipal Code, the Town Land Use Regulations, from time to time, in accordance with the Town’s Strategic Plan and the 2023 Minturn Community Plan; and

WHEREAS, on February 22 and March 8, 2023, the Minturn Planning Commission considered this ordinance; and

WHEREAS, on March 8, 2023, the Minturn Planning Commission recommended approval of this ordinance; and

WHEREAS, on April 5, 2023, the Minturn Town Council approved this ordinance on first reading; and

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

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

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

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 2 - Definitions, Illustrations and Lot Standards

* * *

Sec. 16-2-20. - Definitions.

Building height or height of building means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished, ~~or natural~~, or established grade (whichever is more restrictive) and a point on the roof depending on the roof type. No portion of any structure included in building height measurements where height is measured to a mean or mid-point shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

Grade, established means the grade of a previously disturbed property prior to the most recent proposed development or construction activity. On developed lots, the established grade is established by extrapolating and referencing elevations at points where the previously disturbed and/or developed area appears to meet the undeveloped portions of the lot. Such extrapolation and reference may occur at the property boundary if the lot is previously disturbed or developed to the furthest extent of the lot.

Grade, finished means the final elevation of the ground surface of a site after human-made alterations, such as grading, grubbing, cutting, filling, or excavating, have been made on the ground surface; the grade of a site after reconfiguring grades according to an approved site plan.

Grade, natural means the elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from humanmade cuts, fills, excavation grading or similar earthmoving processes, or, the ground surface elevation in existence prior to the initiation of development on a parcel of land.

Ordinary high water mark means that line on the bank established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas. ~~The ordinary high water mark shall be determined by a qualified and licensed professional chosen by the Town and paid for by the project applicant.~~

* * *

Sec. 16-2-50 – Specific lot requirements and dimensional standards

(b) Live stream setback. A strip of land measured horizontally from the ordinary high water mark on each side of any live stream, river, or creek shall be protected in its natural state free from human made structures or other improvements and appurtenances, and vegetated with natural riparian vegetation. If necessary to protect the live stream, river or creek, additional setback distances may be required by the Planning Commission. The following exceptions may be considered by the Planning Commission and/or the Town Council on a case-by-case basis:

(1) Underground utilities may be located in the live stream river or creek setback; provided, however, that there is no practical alternative location for such utilities, and that plans and/or reports related to proposed disturbance within the setback area are prepared by qualified professionals showing limits of disturbance, erosion control measures and revegetation are approved by the Town Council.

(2) Roof overhangs may project a maximum of eighteen (18) inches into the live stream setback if the Planning Commission determines that such encroachments do not detrimentally impact the proper, natural functioning of the protected live stream setback area.

(c) The ordinary high water mark shall be identified by a ~~licensed~~ professional land surveyor licensed in the State of Colorado on all applicable surveys, plats and plans required under this [Chapter 16](#).

* * *

Sec. 16-21-460. - Action by Planning Commission.

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) calendar days after the public hearing one (1) of the following recommendations to the Town Council; ~~or it may table an application for a maximum of forty (40) calendar days to receive additional information. No public hearing shall continue for more than forty (40) calendar days from the date of commencement without the written consent of the applicant.~~

- (1) Recommend approval of the application as submitted or with certain conditions as stated; or
- (2) Recommend denial of the application with all reasons clearly stated.

~~(Prior code 16-21-8)~~

Alternatively, the Planning Commission may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval shall not be deemed a final approval of an application; conceptual approval does not constitute a determination by the DRB that an application conforms to design or other regulations; and a conceptual approval shall not bind the DRB to grant final approval to a completed or final application.

Notwithstanding one of the previous actions, the Planning Commission may table an application for a maximum of forty (40) calendar days to receive additional information. No public hearing shall continue for more than forty (40) calendar days from the date of commencement without the written consent of the applicant.

* * *

Sec. 16-21-615. - Design Review applications.

- (a) Purpose. The purpose of a Design Review is to ensure that all new development and major redevelopments in the Town are constructed in a manner that complies with the adopted regulations of the Town.
- (b) Applicability. All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. *Major construction* is defined as all new construction projects and any building addition that increases the building footprint and/or square footage of an existing structure.
- (c) Application requirements. In addition to the requirements of [Section 16-21-170](#), the following information must be submitted for a Design Review application.
 - (1) Application form and fee. Application fees are set annually by the ~~Board of Trustees~~ Town Council.
 - (2) A boundary survey, with a stamp and signature (or electronic equivalent) of a licensed surveyor, that includes the following information:
 - a. Date of survey (survey date must be within ~~five [5] years~~ six [6] months of the project application date).
 - b. Right-of-way and property lines; including bearings, distances, and curve information.

- c. Labeled ties to existing USGS benchmark.
 - d. Property boundaries to the nearest one-hundredth (.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
 - e. All existing easements recorded with the County Clerk and Recorder. Include bearings and distances.
 - f. Spot elevations at the edge of asphalt along the street frontage of the property at five-foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
 - g. Topographic conditions at two-foot contour intervals.
 - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
 - i. Rock outcroppings and other significant natural features.
 - j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
 - k. Environmentally sensitive areas or areas of natural hazards, where applicable (i.e., rock fall, wetlands, or floodplain).
 - l. Watercourse setbacks and floodplain information, if applicable. Show centerline and edge of stream or creek in addition to the 100-year floodplain, as well as the required stream setback from the ordinary high-water mark.
- (3) A scaled site plan showing the following information:
- a. Property line locations and dimensions based on a current boundary survey of the property.
Setback lines.
 - b. Existing and proposed easements.
 - c. Existing and proposed buildings, including sheds and enclosures. Include decks, patios, and balconies. Indicate the building ~~face (exterior finish)~~ footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building, with a ~~dashed~~ solid line and the roof/eave edge with a ~~solid~~ dashed line. ~~All cantilevered portions of the building must also be shown with a solid line.~~
 - d. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as and the mid-point of all sloped roof gables elements.
 - e. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii and spot elevations at the property line.
 - f. Identify all slopes between thirty percent (30%) and forty percent (40%), as well as any slopes in excess of forty (40%) percent.
 - ~~g. Identify slopes greater than forty percent (40%).~~
 - hg. Existing and proposed retaining walls (including materials) and spot elevations.
 - ih. Existing and proposed fences (including height and materials).
 - ji. Waterbodies, ~~and~~ stream setbacks from the ordinary high-water mark, and floodplain information according to a current survey of the property, if applicable to the subject property.

- kj. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
 - k. ~~Landscaped areas.~~
 - k. Sidewalks and walkways.
 - m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
- (4) A grading and drainage plan that includes the following information:
- a. Existing contours. Existing two-foot contours must be provided for all areas proposed to be disturbed as a result of the project proposal areas. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.
 - b. Proposed contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
 - c. Spot elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
 - d. Top-of-foundation elevations. The top-of-foundation elevation must be shown on the plan and must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.
 - e. Drainage arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
 - f. Drainage facilities. Proposed drainage facilities, such as French drains or culverts, must be shown.
 - g. Retaining walls. Retaining wall details are required and must include drainage details. Note top- and bottom-of-wall elevations shall be shown at each location where the retaining wall steps up or down, and shall include the tallest point of the retaining wall.
- (5) Building elevations and proposed architectural detailing ~~of~~ for all sides of the proposed structure(s), indicating type, size, and texture ~~and color~~ of all exterior materials, as well as building heights, setback lines, locations of exterior lighting fixtures and roof and building drainage system (i.e., gutters and downspouts).
- (6) Color chips and or a materials board shall be required for all projects.
- (7) A landscaping plan pursuant to the Town of Minturn Landscape Standards shall be provided, if applicable. ~~including existing and proposed vegetation. The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than two hundred fifty (250) square feet, a landscaping plan is required for the disturbed area of the property only.~~

- (8) Floor plans of all levels of any the proposed structure(s) that indicate indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.
- (9) Reflected ceiling plans if applicable, showing exterior lighting (recessed or can lighting) within soffits.
- (10) Multi-family and commercial developments may require one (1) or more of the following: a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; and a two-dimensional photo illustration of the proposed building in relation to adjacent structures.
- (11) Property corners shall be staked and remain in place throughout the public hearing process.
- (12) Such additional information as the Planning Department or Design Review Board may require.

(d) Administrative procedure.

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:
 - a. The proposal's adherence to the Town's zoning regulations.
 - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.
 - c. The proposal's adherence to the Town of Minturn Design Standards and Guidelines.
- (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:
 - a. That the proposal is in conformance with the Town zoning regulations.
 - b. That the proposal helps achieve the goals and objectives of the Community Plan.
 - c. That the proposal complies with the Town of Minturn Design Standards and Guidelines.
- (4) Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:

- a. No changes to an approved plan or design may be made without the written consent of the Town staff. Town staff reserves the right to forward any change to the Design Review Board for final approval.
- b. Design Review Board approval does not constitute a permit for building.
- c. Design Review Board approval shall not become valid for twenty (20) days following the date of approval, pursuant to Section 16-21-110(b)(3) and Section 16-21-700.
- d. Approval of this project shall lapse and become void one (1) year following the date of final approval unless a building permit is issued and construction is commenced and is diligently pursued toward completion. A maximum of one (1) one-year extension may be granted at the request of an applicant.

(e) Construction process.

- (1) Building permit required. Once an application has been approved by the Design Review Board, the applicant may apply for a building permit. ~~Please consult the Building Department for the applicable submittal requirements.~~ A building permit shall be submitted in substantial compliance with plans approved by the Planning Commission and shall be reviewed by the Building Official for compliance with all applicable codes and laws enforceable by the Town of Minturn.
- (2) Pre-construction meeting and inspection required. Once a building permit has been issued, and prior to any construction activity being authorized on the subject property, a pre-construction meeting is required to be held at the subject property. The purpose of the pre-construction meeting is for the contractor (General Contractor and/or Owner's Representative of record with the Town) to familiarize themselves with the Town's construction regulations, inspection process, and requirements. This is also a time for Town staff to inspect the pre-construction conditions of the subject property and to verify limits of disturbance along with any required erosion control measures.
- (3) Foundation inspection required. After any foundation has been poured and foundation work has been completed, and prior to scheduling a foundation inspection, an ~~Foundation Location Certificate~~ Improvement Location Certificate (ILC) verifying the location of the foundation must be submitted to the Building Official after the building foundation has been poured. Construction may not proceed until the location of the approved foundation has been verified by the Building Official as part of the foundation inspection.
- (3) Framing inspection required. After the framing of the structure(s) has been completed, and prior to scheduling a framing inspection, an Improvement Location Certificate (ILC) ~~is required for verifying location of the location of all roof ridge height(s) and to ensure that no locations of all exterior walls of the structure relative to required setbacks encroachments exist on the~~ and property boundaries must be submitted to the Building Official. Construction may not proceed until the location and the extents of the structure(s) have been verified by the Building Official as part

~~of the framing inspection. The framing inspection will not be approved until this survey has been approved by the Building Official.~~

- (4) TCO inspection required. At the completion of the project, a Temporary Certificate of Occupancy (TCO) inspection shall be required. An updated Improvement Location Certificate showing all new improvements on the site, shall be submitted to the Building Official prior to scheduling a TCO inspection.
- (5) CO inspection required. The final step in the construction and inspection process is the final Certificate of Occupancy inspection.

(Ord. 2-2012 §1)

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APPENDIX B - Design Standards and Guidelines

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Chapter II General Design Standards

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~~A. DESIGN REVIEW BOARD~~

~~The Design Review Board (DRB) is established by the Town Council and consists of seven (7) members. The Town Council delegates its powers and duties to administer these standards and guidelines to the DRB.~~

Membership

~~Members of the Planning Commission shall serve ex officio as members of the DRB. The terms of the membership shall be identical to their terms on Planning Commission, and removal from one board shall constitute removal from the other. Members of the DRB serve at the pleasure of the Town Council, and DRB members shall hold no other municipal office except as provided above. Members may be removed by the Town Council for inefficiency, neglect of duty, failure to attend meetings or malfeasance in office. A notification of removal shall state the reasons for such removal.~~

Organization and Operation

~~The DRB shall elect a chairman and vice chairman from its members and fill such other offices as it may determine. Such officers shall not necessarily be the same officers as the Planning Commission. The term of chairman and vice chairman shall be one (1) year with eligibility for reelection. The chairman, or in his absence, the vice chairman, shall preside over the DRB meetings. The DRB shall meet at the call of the chairman and it shall meet as often as it is necessary to carry out the tasks of the Board. Not more than thirty (30) days should pass between~~

~~the time a complete application is made and the DRB takes action upon that application. Rules for transaction of business, including the requirement of fees, shall be adopted by the DRB and a record shall be kept of deliberations, findings and decisions. This record shall be kept in the office of the Town Clerk. A majority of the members of the Board shall constitute a quorum for the transaction of business.~~

~~The Town staff will review the application to determine compliance with the submittal of required information. Minor design review applications may be reviewed and approved by the Town staff. Denials issued by the Town staff may be appealed to the DRB.~~

Board Procedure

~~The Town staff will forward applications (other than minor design applications), and recommendations, to the DRB.~~

~~The DRB shall review the application and supporting material submitted by the applicant, as well as the staff recommendation. After review, the DRB, through a formal motion, seconded and passed by a majority of the members present, shall take one of the following courses of action:~~

~~1. Table the application. The application may be tabled for a period not to exceed thirty (30) days if the application is incomplete or if the DRB determines that changes are required to bring the application into compliance with design standards and guidelines or other regulations of the Town. The Board may specify additional requirements for the applicant is to bring to the future meeting. These requirements may include additional information necessary to determine whether the application complies with all zoning, building, design codes adopted by the Town, and may include plans, reports, surveys or other documents completed by registered architects, surveyors, engineers or other professionals in order to indicate conformance with such codes. The DRB may also table the application if it determines that changes in the application are required which would bring the proposed project into compliance with zoning, building, design codes, and other regulations of the Town.~~

~~2. Conceptual/Preliminary approval. The DRB may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval does not deem final approval of an application, nor does it deem that an application conforms to design or other regulations, nor shall it bind the DRB to grant final approval to a completed or final application.~~

~~3. Disapproval of application. If an application is found to conflict with the purposes and/or any one (1) or more of the design guidelines, codes or any other regulations of the Town, the DRB shall disapprove the application. Any disapproval shall be in writing and shall specifically describe the reasons upon which the disapproval is based.~~

~~4. Approval of application. If the application is complete and is found to comply with the design standards and guidelines, codes and other regulations of the Town, the DRB shall approve the project. The DRB shall keep a record of all such approvals, and the applicant should keep a copy of the approval. The DRB may approve an application with conditions or modifications. The DRB shall not approve an application that does not meet the requirements of the Town or any other provision required to ensure compliance with the design standards and guidelines, codes and other regulations of the Town.~~

~~5. If a motion for approval, for conceptual approval or to table an application results in a tie vote, the motion will fail.~~

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~~B. SUBMITTAL INFORMATION~~

~~The request for design review requires the submittal of the following information:~~

- ~~1. An application form (available at the Town of Minturn offices);~~
- ~~2. An Improvement Location Certificate or Survey (ILC or ILS), as appropriate;~~
- ~~3. A second framing and foundation ILC will be submitted with all the planning requirements such as height, location of building, square footage of building and setbacks. A Certificate of Occupancy is issued after the second ILC is approved and after it has been determined the builder has met all the zoning requirements. The building, foundation location, building height, setbacks, driveway access, topographic and finished grade and utility easements information would be shown on the final ILC.~~
- ~~4. A scaled site plan showing the subject property and the proposed layout of the development. This site plan shall include the development within the context of existing conditions, including but not limited to topography, delineation of water bodies, adjacent development, sidewalks, utility locations and easements of record;~~
- ~~5. Elevations of the proposed structure(s), as may be required;~~
- ~~6. Architecture details, including window and door detail;~~
- ~~7. A landscape plan, including snow storage areas, as may be required;~~
- ~~8. A parking plan; and~~
- ~~9. A three dimensional mass model, to scale, for multi family and/or commercial development may be required; a three dimensional architectural model including adjacent structures may be requested.~~

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~~C. A. - REVIEW CRITERIA~~

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INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 5th DAY OF APRIL 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 19th DAY OF APRIL 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 19th DAY OF APRIL 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Elliot Hovey
Sage Pierson
Tom Priest

To: Planning Commission
From: Scot Hunn, Planning Director
Date: February 16, 2023
Re: Ordinance No. TBD, Series 2023

The attached ordinance contains several amendments and updates to certain sections of Chapter 16, Zoning, of the Minturn Municipal Code. This ordinance is being presented to the Minturn Planning Commission for review and comment prior to presenting the same to the Minturn Town Council for approval.

The proposed amendments to Chapter 16 are targeted at several aspects of the Town’s design review procedures and application submittal requirements - what gets submitted to the Town for new applications requiring Design Review Board review and approval; how the DRB conducts its review; and what actions the DRB can take, including recommendations for approval or denial to the Town Council, or the granting of a conceptual approvals.

Additionally, staff is proposing long overdue yet relatively minor revisions and clarifications to certain definitions specifically related to the Town’s building height definition (inclusive of methods of for calculation), grade (existing, natural, or established grade around a structure) and ordinary high water mark. In all cases of proposed changes to definitions, staff is attempting to clarify intent as well as language to aid in interpretation and to reduce confusion or potential legal challenges in the future.

Briefly, the following amendments are proposed:

1. Section 16-2-20 - Definitions:

Changes to Article 2, *Definitions* include revisions to the following terms and methods of calculation that the Town uses when reviewing development proposals:

Building Height: Removed contradictory language precluding “any part” of a structure exceeding height limitations

Grade: Added new definitions for established grade (“Grade, established”), finished grade (“Grade, finished”) and natural grade (“Grade, natural”) to aid applicants, staff, and Planning Commission in determining building height.

*Ordinary High
Water Mark:*

Revised this definition to be consistent with other text in the Minturn Municipal Code and to eliminate confusion regarding requirements for survey preparation by a professional land surveyor. Removed sentence requiring the Town to choose a surveyor. This is not practiced, is not practical or desired by staff, and most surveyors who do work in the Eagle River Valley are competent in delineation of water marks.

2. Section 16-2-50 - Specific lot requirements and dimensional standards:

In relation to proposed revisions to the Town’s definition of Ordinary High Water Mark, staff is proposing complimentary, clarifying language revisions to Section 16-2-50 to make clear that surveys must be prepared by a professional land surveyor licensed in the State of Colorado.

3. Section 16-21-460 - Action by Planning Commission:

This section is being amended to clarify the alternative actions that the Planning Commission may take to approve, approve with conditions, deny, table or grant conceptual approval for an application. These changes are in relation to other changes proposed for Section 16-21-615 aimed at clarifying and adding to submittal requirements for all Design Review Board applications, review requirements, and construction requirements (see below).

4. Section 16-21-615 - Design Review applications:

Staff has spent considerable time formulating and analyzing a number of revisions to this section of the Code, all aimed at the following goals:

- Ensuring that DRB submittal and review requirements are located in one place in the Minturn Municipal Code (currently they are listed in at least two different sections of the code, Section 16-21-615 and Appendix “B” Design Standards and Guidelines). The proposed changes include removing application submittal requirement language from Appendix “B” and relocating it in Section 16-21-615.
- Beefing up DRB submittal requirements and making language and terms consistent and clear. Please note additional language aimed, in some cases, at ensuring a higher level of details are provided on plans submitted to the Town in the future.
- Enhancing requirements and clarifying procedures for building permit/construction process, particularly with regard to required inspections and requirements for Improvement Location Surveys/Land Survey Plat documents as part of foundation inspections, framing inspections, and final inspections to ensure that all structures permitted by the Town and approved by the DRB are constructed according to plans.
- Striking non-regulatory or suggestive language (“should”) and replacing it with enforceable language (“shall”) in certain circumstances.

5. Appendix B - Design Standards and Guidelines:

In relation to and as a result of moving DRB submittal requirements out of Appendix B - Design Standards and Guidelines and into Section 16-21-615, changes to Appendix B in the ordinance show striking through (removing) Section “A” - Design Review Board, and Section “B” - Submittal Information from the Town’s Design Standards and Guidelines. These sections are not needed and/or conflict with existing language elsewhere in the Code that establishes the Planning Commission as the DRB, provides processes and rules for the Planning Commission when reviewing applications, and/or provides detailed direction on submittal requirements (see above).

Many of the proposed amendments are items that staff has identified over the years, and several relate back to conversations between staff and the Planning Commission regarding confusing or unclear language, or desired *additional* language to ensure that the Town is able to properly interpret and apply the provisions of Chapter 16.

Staff will look forward to reviewing all proposed amendments to Chapter 16 with the Planning Commission.

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Elliot Hovey
Sage Pierson
Tom Priest

To: Planning Commission
From: Scot Hunn, Planning Director
Date: March 2, 2023
Re: Ordinance No. TBD, Series 2023 - Update

The Planning Commission reviewed the attached ordinance which includes amendments and updates to certain sections of Chapter 16, Zoning, of the Minturn Municipal Code, at their regular meeting of February 22, 2023. This ordinance is being presented to the Minturn Planning Commission for review and comment prior to presenting the same to the Minturn Town Council for approval.

The Planning Commission provided feedback and suggested a few minor revisions:

1. Update the requirement for surveys - to be completed or dated no more than ninety (90) days prior to submission of any application or inspection that requires a survey.
2. Require color and materials boards with all Design Review Board applications.
3. Change all references to “Town Board” to “Town Council.”
4. Clarify building height definition to require all mid-points on all structures to comply with the height requirements. Staff removed “strikethrough” language and added the following language:

“No portion of any structure included in building height measurements where height is measured to a mean or mid-point shall exceed the applicable building height limitation contained in this Code.”

Other suggestions related to the Town’s definition of building height, specifically to make determination of building height easier to administer, or to ensure that reference to other sections of the Code that address building height are easier to find and use, will be addressed as the Town works on a more comprehensive update of Chapter 16.



Town of Minturn
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council@minturn.org
www.minturn.org

FUTURE MEETING AGENDA ITEMS

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

April 5, 2023

- Council Appointments
 - Minturn Fitness Center Board
 - Northwest Colorado Council of Governments
 - Eagle Valley Transit Authority Alternate
- Ord ___ - Series 2023 – Amending Chapter 16 and Appendix B of the MMC

April 19, 2023

- Discussion/Direction - Water Infrastructure Analysis
- Ord ___ - Series 2023 – Building Code and Energy Code Updates
- Community Plan Implementation Update – Safety Measures / Main Steet Bulb outs
- Discussion/Direction – Raw water irrigation systems
- Ord ___ - Series 2023 – Amending snow storage requirements in Chapter 16 of the MMC__

May 3, 2023

- Ord ___ - Series 2023 – ECSD Impact Fee in lieu

May 17, 2023

Dates to be Determined: