



AGENDA

MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center

302 Pine Street

Meeting to be held via Zoom Conferencing and call-in.

Minturn, CO 81645 • (970) 827-5645

Wednesday May 6, 2020

Work Session – 5:30pm

Regular Session – 6:30pm

MAYOR – John Widerman

MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Gusty Kanakis

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

Work Session – 5:30pm

- Quarterly Task Update – Metteer Pg 4
- Housing Ordinance Review – Hunn Pg 52

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

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

3. Approval of Consent Agenda

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

- April 15, 2020 Meeting Minutes Pg 12
- April 24, 2020 Special Meeting Minutes Pg 19

4. Approval of Agenda

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

5. Special Presentations

- Vail Valley Mountain Trails Alliance Update
- Council Comments/Committee Reports

PUBLIC HEARINGS AND/OR ACTION ITEMS

- 6. Public Hearing/Action Item:** Ordinance No. 05 – Series 2020 (Second Reading) An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three single family equivalents (SFEs) – Metteer Pg 23
- 7. Public Hearing/Action Item:** Ordinance No. 04 – Series 2020 (Second Reading) An Ordinance Amending Chapter 8 of the Minturn Municipal Code to Adopt the 2020 Model Traffic Code for Colorado with Local Amendments – Metteer Pg 29
- 8. Public Hearing/Action Item:** Ordinance No. 06 – Series 2020 (First Reading) an Ordinance amending the Fiscal Year 2020 Budget for the Town of Minturn – Metteer Pg 40
- 9. Public Hearing/Action Item:** Resolution No. 17 – Series 2020 A Resolution approving location placement of a new Main Town Water Tank(s) and new Water Treatment Plant – Metteer Pg 44
- 10. Public Hearing/Action Item:** Ordinance No. 07 – Series 2020 (First Reading) An Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purpose of adopting inclusionary zoning for affordable housing. Pg 52

COUNCIL INFORMATION / UPDATES

11. Staff Updates

- Manager’s Report Pg 67

EXECUTIVE SESSION

12. Executive Session: An Executive Session For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e) – Battle Mountain

MISCELLANEOUS ITEMS

13. Future Meeting Dates

- a) Council Meetings:
- May 6, 2020
 - May 20, 2020 (Council Retreat)
 - June 3, 2020

14. Other Dates:

15. Adjournment

To: Mayor and Town Council
From: Michelle Metteer
Date: May 6, 2020
Agenda Item: Quarterly Task Update (Strategic Plan Update)

REQUEST:

None-update only

INTRODUCTION:

Council will spend 30 minutes during work session getting updated on the progress of each item within the Minturn Strategic Plan.

ANALYSIS:

This update is in advance of the Council retreat being held May 20th to update the Strategic Plan.

COMMUNITY INPUT:

Ongoing

BUDGET / STAFF IMPACT:

\$0

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

RECOMMENDED ACTION OR PROPOSED MOTION:

- None – update only

ATTACHMENTS:

- 2018-2020 Minturn Strategic Plan

TOWN OF MINTURN
2018 – 2020
STRATEGIC PLAN



Adopted by the Minturn Town Council

Resolution 14, Series 2018
September 5, 2018

Amended by the Minturn Town Council

Resolution 27, Series 2019
July 1, 2019

STRATEGIC PLAN PURPOSE

The purpose of the Strategic Plan is to provide a cumulative roadmap for achieving the vision of the Minturn Community Plan. The 2018-20 Strategic Plan is the first Strategic Plan created by the Town and will set the tone for all forthcoming action items. With the Council and staff embarking on the first strategic plan, an emphasis toward foundational work will be a consistent theme throughout this first Strategic Plan.

The Strategic Plan is designed to work in coordination with the town budget and will be reviewed by the Council every year to adjust for changes as needed. Once approved, the Council and Minturn community will have the general outline for the work expected over the planning period.

The Strategic Plan will ensure that strategies and activities undertaken by the Town are consistent with the vision and values set forth by the Town Council and Minturn community. This plan will strive to achieve the following:

- Clearly communicate with the community the goals and objectives of the town over the next two years
- Establish a 2-year planning period and provide the platform for an ongoing discussion between the staff, Council and community regarding direction of the Town
- Identify challenges and opportunities expected to arise during the planning period and propose specific goals to address these issues
- Give a framework for town staff to set measurable objectives and timelines for execution

STRATEGIC PLAN SUMMARY

Since its inception in 1904, Minturn has been a resilient and proud mountain town that full-time, working-class residents call home. With the closing of the Gilman mine and the decommissioning of the rail-lines, **Minturn has new opportunity within the mountain resort economy.** Today, **having an ideal location as a valley-wide intersection**, Minturn embraces the “basecamp position” geographically within the Eagle County region.

Core to Minturn’s values **is its strong identity as a small mountain-town community.** In the Colorado Rockies, sandwiched between two world-class resorts, this value requires maintaining **principles** and a **desire to lead by example.** Through a **willingness to confront issues** while

maintaining high standards in following the public process, Minturn will work to stay true to this core value.

The Town is committed to providing a respectful and responsive government that follows a solutions-based approach rooted in the municipal code. To sustain community **trust**, we strive to follow a consistent **public process** in all areas of the municipal government.

Town of Minturn staff and elected officials will **support activities outlined in this strategic plan and work toward sustaining a great mountain town** by taking a **proactive approach** to municipal government. With an **engaged community** and a **safe, family-friendly environment**, Minturn endeavors to remain one of the **last great mountain towns**.

STRATEGIC PLAN MISSION STATEMENT

“In collaboration with our community, foster the authentic small town character that is Minturn”

STRATEGIC PLAN VISION STATEMENT

“Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community”

From the Vision Statement, four key strategies are identified to guide the Town efforts:

- 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”
- Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn

STRATEGIC PLAN FISCAL YEARS 2018 - 20

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.

STRATEGIES

- Execute the process of updating the Community Plan through a comprehensive public engagement process.
- Promote the Minturn monthly newsletter as a communication tool.
 - Utilize staff and Council email signatures for sign-up and link access.
- Support code enforcement through communicative educational pieces to the public for a variety of community-wide issues such as:
 - 30’ river setback to protect and rehabilitate the natural environment and riparian area.
 - Verification of design review plans prior to issuing Certificate of Occupancy.
- Rollout of a new, more user-friendly website (combining Minturn.org and gominturn.com), that makes finding information quicker and simpler for our residents, guests and businesses, as well as making it simpler for town staff to post and update accurate information in a timely manner.
- Host quarterly Economic Development Advisory Committee (EDAC) meetings to continually update and follow through on the Economic Development Strategic Plan, as well as share that information in follow up meetings such as the Small Business Support meeting.
- Also evaluate the frequency and format of the Small Business Support Meeting – should this occur quarterly following EDAC meetings?
- Commit to the monthly “Minturn Matters” community sessions by Town Council

STRATEGIC PLAN FISCAL YEARS 2018 - 20

LONG-TERM STEWARDSHIP OF THE NATURAL BEAUTY AND HEALTH OF MINTURN'S ENVIRONMENT

Minturn will work to become a leader in advancing renewable and sustainable initiatives. With a forward-thinking approach and focus on environmental stewardship the town can responsibly utilize the remaining developable land in the Minturn valley.

STRATEGIES

- Create a Comprehensive Land Plan to outline and then communicate the future goals of the community.
- Execute the Minturn Energy Action Plan.
- Adopt the 2015 International Building Code with amendments and consistently update on a three-year cycle.
- Protect the view corridor through policy implementation and 1041 regulations.
- Support the continued EPA efforts toward clean-up of the Eagle Mine Superfund Site.
- Incorporate “Firewise” guidelines in building and site-planning practice
- Incorporate low impact development (LID) standards for landscape site design into development requirements

STRATEGIC PLAN FISCAL YEARS 2018 - 20

SUSTAIN AND INVEST IN THE THINGS THAT DEFINE MINTURN AS A PROUD, STURDY MOUNTAIN TOWN TO “KEEP MINTURN MINTURN”

Minturn strongly values its **full-time resident community**. Founded by the working-class, the town continues to emphasize the local’s experience and **quality of life**. To maintain the **character** of Minturn and its ability to **transcend time**, the community must continually make strides to emphasize the working class.

STRATEGIES

- Adopt and Implement an Attainable Housing Policy through assistance from Eagle County Government and a third-party consultant following a public engagement process.
- Update the Design Review Guidelines to better reflect the vision of the downtown area.
- Complete the Minturn Municipal Code Chapter 16 rewrite for better communication regarding code expectations across all zoning areas.
- Invest in the “community character” elements such as holiday festivities, with the help of community champions.
- Enhance existing community events through additional marketing efforts and creatively utilizing our local resources, as well as explore possible new events that fit our brand.
- Create / develop a Town of Minturn “tagline” / slogan which helps define who we are and can be used in marketing and PR efforts.
- Investigate methods to preserve and protect historic structures
- Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use
- Attract essential services necessary to form a “complete” community such as – grocery, pharmacy, hardware store, movie theatre
- Investigate opportunities for the development of playgrounds and parks

STRATEGIC PLAN FISCAL YEARS 2018 - 20

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**.

STRATEGIES

- Complete execution of the 2016 Economic Development Strategic Plan.
- Secure Dowd Junction as a revenue-generating location while maintaining public access to Meadow Mountain and encouraging regional transit.
- Outline next steps and framework for executing Minturn’s water production and distribution improvements.
- Develop a Capital Improvement Plan prioritizing upgrades to existing infrastructure including roads, water and storm water drainage and pedestrian/bicycle amenities
- Rollout of a basic, but professional PR and marketing campaign to assist town staff in new and creative ways to market our town as the “non-resort” / “true Colorado” mountain town in between Vail and Beaver Creek – and draw more day visitors to us for events, dining / shopping, and enjoying all the activities available here.
- Work closely with local business to engage them in partnership marketing opportunities with the Town, thereby helping to share costs and get more “bang for our buck” regarding marketing and advertising efforts.



OFFICIAL MINUTES

MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center

302 Pine Street

Meeting to be held via Zoom Conferencing and call-in.

Minturn, CO 81645 • (970) 827-5645

Wednesday April 15, 2020

Work Session – 6:00pm

Regular Session – 6:30pm

MAYOR – John Widerman

MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Chelsea Winters

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

Work Session – 6:00pm

- Ordinance No. 05 – Series 2020 (First Reading) An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three single family equivalents (SFEs)

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John W. at 6:30pm using the ZOOM on-line meeting format due to the COVID-19 pandemic concerns.

Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members George Brodin, Brian Eggleton, Terry Armistead, Brian Eggleton, and Eric Gotthelf. Note: Chelsea Winters was excused absent.

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

- Pledge of Allegiance

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

Terry A. read a prepared letter from David Clapp, Taylor St. The letter spoke of the poor condition the Railroad property is in and that the tenants are not adhering to the adopted Conditional Use Permits. The letter requested the UPRR and the Conditional Use Permit holders be required to maintain their property.

3. Swearing in of Municipal Judge – Town Clerk, Jay Brunvand

Jay B. swore in Mr. Erik Johnson as Minturn Municipal Judge.

4. Swearing in of Deputy Municipal Judge – Town Clerk, Jay Brunvand

Jay B. swore in Ms. Inga Causey as Deputy Municipal Judge.

5. Swearing in of Mayor and Council Elect – Hon. Judge E. Johnson

Judge Johnson swore in Mayor Elect John Widerman as Mayor and then swore in Council Members Elect Terry Armistead, George Brodin and Gusty Kanakis for four year terms and Eric Gotthelf for a two year term.

Note: At this point Gusty Kanakis joined the roll call of Council Members present.

- Appoint Mayor Pro Tem – Council

John W. nominated Earle B. for the appointment of Mayor Pro Tem.

Motion by Terry A., second by Brian E., to confirm Earle B. as Mayor Pro Tem. Motion Passed 7-0.

6. Approval of Consent Agenda

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in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?

- April 1, 2020 Meeting Minutes
- Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 Main St.; Joe Honnessy, President – Brunvand
- Planner Report
- Resolution 14 – Series 2020 A Resolution approving the Eagle River Water Quality Testing Proposal by Lotic Hydrological. – Metteer
- Resolution 15 – Series 2020 A Resolution approving the use of electronic signatures

Motion by Earle B., second by Eric G., to approve the Consent Agenda of April 15, 2020 as presented. Motion passed 7-0.

7. Approval of Agenda

- Items to be Pulled or Added

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

- Declaration of Conflicts of Interest

8. Special Presentations

- Council Comments/Committee Reports

George B. welcomed Gusty K. and congratulated those elected in the April 7 election. He updated from the previous meeting that we have purchased a leak detection system and will begin to locate water system leaks beginning in May. He outlined the well testing, potential tank repairs, rerouting the water from Well 4 to the Clear Well, future tank site location, and updated on the water meters and a replacement plan. He also noted the bears will be up and about and to mind the rules for trash day and to respect the wildlife.

Terry A. updated on the HighFive Board meeting. They are looking for Board Members. HighFive Director JK will be taking a paternity leave. The Shooting range remains closed by the USFS through May 31 due to COVID-19 to allow resources to be allocated. She announced the Mini-Mile is closed and will remain closed through May 31 to accommodate the elk calving season. Please respect these closures. She noted the antler shed season on public lands begins AFTER April 30th. She reiterated to please leave the wildlife alone for both there and your safety. Signs will be going up in areas where trails are closed within town, please be mindful.

John W. thanked all those that ran and those that voted in the recent election. We had a great turnout with a strong Absentee Voter process. John W. requested a review of the Committee assignments on a near future meeting agenda. He reminded all to stay at home and stay safe. Eagle County has no new confirmed COVID-19 cases.

Earle B. asked about the Community Fund food drive that we heard a presentation on at the April 1 meeting? John W. stated we are collecting information to present along with other emergency funding pieces. Michelle M. reported we are looking at a credit to water bills and other budget projections and how we move forward for the balance of the year.

Brian E. asked about the north end of Taylor St in the Game Creek; no, nothing announced.

PUBLIC HEARINGS AND/OR ACTION ITEMS

- 9. Public Hearing/Action Item:** Ordinance No. 05 – Series 2020 (First Reading) An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three single family equivalents (SFEs) – Metteer

Michael S. noted the town has invested a lot of study time on the town water system and uses. As part of this process we have found during a very severe drought extending three years or more would result in a significant impact on our ability to provide water to our users. By implementing this moratorium and by managing potential future growth we will be able to maintain service to our existing base while we redevelop and expand the water plant and distribution system. This Ordinance allows for the town to limit SFE growth that any property or consortium of property owners can purchase. The Ordinance also allows the town to enter into an agreement with the Minturn Crossing development near Taylor St on UPRR property. The developer has agreed to prepay water the first phase of water taps allowing the town necessary funding to begin to address the Enterprise Fund CIP plan.

Discussion ensued that it is necessary to allow growth in order for the town to afford the proposed CIP plan. It was noted the moratorium does allow for growth but mitigates potential unknown future large developments. Michelle M. noted she will locate the Option #2 that was approved to allow those to understand the direction.

Earle B. noted the intent is to move forward with the CIP and to maintain the moratorium only as long as absolutely necessary. The near term solution is to address the water system leaks which will begin to address the water loss. The town continues locating those larger leaks and requiring repairs to be made with strict deadlines.

Brian E. agreed that a moratorium is a big step, allowing up to three on a property is fair, he wanted to be clear this is not a hard shutdown and we will remain open for development discussions as they may come forward.

Public Hearing Opened
No Public Comment
Public Hearing closed

Motion by Earle B., second by Terry A., to approve Ordinance 05 – 2020 (First Reading) of the Town of Minturn, Colorado enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three single family equivalent units as presented. Motion passed 7-0.

10. Public Hearing/Action Item: Ordinance No. 04 – Series 2020 (First Reading) An Ordinance Amending Chapter 8 of the Minturn Municipal Code to Adopt the 2020 Model Traffic Code for Colorado with Local Amendments – Metteer

Michelle M. noted that Richard P-C and Deputy Peterson have worked hard on this recommendation and updated the Council on the Ordinance.

This Ordinance serves to adopt the 2020 version of the Colorado Model Traffic Code. Richard P-C reviewed the changes to that code which the Town has modified. Both he and Deputy Peterson have reviewed the proposed code and recommend approval.

Public Hearing Opened
No Public Comment
Public Hearing closed

Motion by Eric G., second by Brian E., to approve Ordinance No. 04 – Series 2020 (First Reading) An Ordinance Amending Chapter 8 of the Minturn Municipal Code to Adopt the 2020 Model Traffic Code for Colorado with Local Amendments as presented. Motion passed 6-0. Note: George B. was marked as abstain due to he lost his connection and dropped off the meeting during the vote and was not able to cast a vote.

COUNCIL INFORMATION / UPDATES

11. Staff Updates

- Manager’s Report

Minturn Updates

- **Minturn Shooting Range** is closed until a minimum of May 31, 2020.
- **Stage 1 Fire Restrictions** are in effect for Eagle County by order of the Eagle County Sheriff’s office starting April 11, 2020. Minturn will be following/mirroring this order.
- **Minturn town hall is closed** through Thursday, April 30, 2020 for in-person services. Business is still being conducted via phone and email.
- **Licensing Renewal extensions**
 - Deadline extensions of 90-days have been provided for business license renewals, short term rental renewals and contractor license renewals
- **Election Results**
 - John Widerman was re-elected Mayor (two-year term)
 - Council Members:

- Gusty Kanakis, elected to a 4-year term
 - Terry Armistead, re-elected to a 4-year term
 - George Brodin, re-elected to a 4-year term
 - Eric Gotthelf, re-elected to a 2-year term
- **Speed Bumps installed by April 15**
 - Plan to be installed on Taylor Ave, Eagle St 400 Block and Boulder St
- **Street Sweeping**
 - The large street sweeper has been reserved for the month of May. Parking restrictions will be in place during sweeping and signage of these restrictions will be provided in advance.
- **Scholarship Application deadline**
 - Deadline has been extended to April 17, 2020. All pertinent information in online at Minturn.org.
- **Proper disposal of disinfectant wipes**
 - Eagle River Water and Sanitation District would like to remind residents of the danger of flushing wipes into the sewage collection system. People seem to be using more sanitizing and other wipes due to COVID-19 and these items are frequently being flushed when they should be thrown in the trash. Wipes (and many other things) don't breakdown in the sewage collection system (only toilet paper does) and they lead to a myriad of potential problems, none of which are acceptable during a public health crisis.
https://www.erwsd.org/wp-content/uploads/Homeowners-Guide_Cover-Your-Flush_Trifold.pdf

Brian E. noted the deadline for the Scholarships was extended to April 17 and will accept applications through this Friday.

- Future Agenda Items

Brian E. asked about an update from Vail Honey wagon regarding trash and recycling? Michelle M. noted we have some information and we will be bringing it forward. John W. recommended a small committee to meet with Michelle M.

Terry A. requested a break to howl at the moon in support of the first responders and others in the fight against the COVID-19 pandemic.

EXECUTIVE SESSION

12. Executive Session: An Executive Session for the purpose of conferencing with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Water Issues – Winokur/Metteer

Motion by Earle B., second by George B., to convene in Executive Session for the purpose of conferencing with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Water Issues. Those included in the Exec Session are the Council present, Michelle M, Michael S. and Water Attorney Meghan Winokur. Motion passed 7-0.

MISCELLANEOUS ITEMS

13. Future Meeting Dates

- a) Council Meetings:
- April 15, 2020
 - May 6, 2020
 - May 20, 2020 (Council Retreat)

14. Other Dates:

15. Adjournment

Motion by Earle B., second by George B., to adjourn at 10:12pm. Motion passed 7-0.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk



OFFICIAL MINUTES – EMERGENCY SPECIAL MEETING

MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center

302 Pine Street

Meeting to be held via Zoom Conferencing and call-in.

Join Zoom Meeting

<https://zoom.us/j/91503057955>

Meeting ID: 915 0305 7955

Dial by your location

+1 651 372 8299 US

+1 301 715 8592 US

Meeting ID: 915 0305 7955

Find your local number: <https://zoom.us/u/ab5LCnmSvT>

Minturn, CO 81645 • (970) 827-5645

Friday April 24, 2020

Regular Session – 1:00pm

Work Session – 1:30pm

(Work Session will follow the meeting, time is approximate)

MAYOR – John Widerman

MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Gusty Kanakis

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Regular Session – 1:00pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John W. at 1:03pm using the ZOOM on-line meeting format due to the COVID-19 pandemic concerns.

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

Staff present: Town Manager Michelle Metteer and Town Treasurer/Town Clerk Jay Brunvand.

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

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

- North West Colorado Council of Governments letter of support Water Quality/Quantity – Metteer
- Colorado Parks and Wildlife Letter of Support for the proposed Mountain Lion Management Plan – Metteer

Motion by George B., second by Earle B., to approve the Consent Agenda of April 24, 2020 as presented. Motion passed 7-0.

- 4. Approval of Agenda**
 - Items to be Pulled or Added

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

- Declaration of Conflicts of Interest

PUBLIC HEARINGS AND/OR ACTION ITEMS

- 5. Public Hearing/Action Item: Resolution 16 – Series 2020 a Resolution approving a plan to waive Commercial water bills as proposed**

Michelle M. outlined the Resolution. She noted this is an effort to assist our businesses which were forced to close or greatly reduce their presence. This Resolution will waive water bills

for approximately 30 businesses and will encompass the three months of April, May, and June. The impact to the budget will be approximately \$15,000/mo.

Earle B. asked if this could be modified to accommodate only those where the business pays the bill as opposed to the building owner. Discussion ensued that it was desirable the business owners know of the credit so to hold the landlords accountable but that this concern should not delay the effective date. Earle B. asked if the businesses have a resource to find the stimulus assistance? Michelle M. stated the town his forwarding information to the businesses as we receive it.

Brian E. outlined how this program was developed and came forward through the Ad Hoc committee. He emphasized the importance of getting this help out to the community quickly.

Motion by Terry A., second by Gusty K., to approve Resolution 16 – Series 2020 a Resolution approving a plan to waive Commercial water bills as proposed. Motion passed 7-0.

COUNCIL INFORMATION / UPDATES

6. Staff Updates

- Manager's Report

Michelle M. stated staff will be back in the building on Monday. We are working to get the Town hall open by the end of the week. We have the streetsweeper for a month starting this week. We are looking to having the online policy of the Safer at Home. George B. asked if this could be delivered to each door? Discussion ensued as to going door to door during this time and that this campaign will change over the next 4-8 weeks for each of the three proposed phases. Direction was given to start out with signage and posters. If this is not effective, we will move to other options including door to door.

Michelle M. asked to have the Leash Law on a future meeting. She asked this be scheduled for a near future meeting. It was recommended that this be taken up when we have meetings in person rather than on-line.

- Future Agenda Items

MISCELLANEOUS ITEMS

7. Future Meeting Dates

- a) Council Meetings:
 - May 6, 2020
 - May 20, 2020
 - June 3, 2020

8. Other Dates:

9. Adjournment

Motion by George B., second by Terry A., to adjourn at 1:38pm. Motion passed 7-0.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk

The meeting convened in a Work Session at 1:38pm.

Work Session – 1:30pm

- **Discussion on proposed Fiscal Year 2020 Budget changes**

To: Mayor and Town Council
From: Michelle Metteer
Date: March 4, 2020
Agenda Item: Ordinance 05–Series 2020 An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three Single Family Equivalents (SFE)

REQUEST:

Council to consider the adoption of Ordinance 05 - Series 2020 An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three Single Family Equivalents (SFE)

INTRODUCTION:

Minturn has conducted public discussions covering all aspects of the water system for the last several years (and longer). In those discussions, the limitations of Cross Creek’s volumetric supply have been at the forefront and the creek is nearing its capacity. The Water Capital Improvement Plan cites the ability for Cross Creek to serve *approximately* 70 additional SFEs. Until such time that the Town has implemented a secondary water source and water treatment infrastructure, new building of larger construction projects requiring new taps is limited.

ANALYSIS:

An application for a preliminary planned unit development has been submitted to Minturn Town Hall. This application has gone through the pre-application meeting, two conceptual reviews at Planning Commission and a conceptual review with the Town Council. Planning Commission unanimously recommended the applicant proceed to the preliminary plan process.

Minturn has been aware that the last remaining taps and the Town’s ability to serve from the current single water source is limited. The time has arrived where the last remaining taps are being requested through application. It is important to distinguish, that the *approximately* 70 SFE’s remaining is data taken from the worst-case scenario drought in the winter months. What this means is that there is an amount of “wiggle-room” for Minturn to allocate additional taps using extreme conservation.

This Ordinance would allow builders and construction projects to apply for new builds up to three taps. The Town would not be able to accept any applications for projects exceeding three new taps.

COMMUNITY INPUT:

Imp

BUDGET / STAFF IMPACT:

\$0

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

- Approve Ordinance 05–Series 2020 An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three Single Family Equivalentents (SFE)

ATTACHMENTS:

- Ordinance 05–Series 2020 An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three Single Family Equivalentents (SFE)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 15th DAY OF APRIL, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6TH DAY OF MAY, 2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Council
From: Jay Brunvand
Date: April 15, 2020
Agenda Item: Ordinance 04 – Series 2020

REQUEST:

Council is asked to approve Ordinance 04 – Series 2020, an Ordinance adopting the 2020 Model Traffic Code.

INTRODUCTION:

Periodically the Model Traffic Code is revised by the State of Colorado. This Ordinance is designed to ensure Minturn is on the most recent code for uniformity purposes. The Town has included amendments to the State version designed to best fit Minturn’s situation.

ANALYSIS:

Please note the use of golf carts has been added to the second reading of this Ordinance.

COMMUNITY INPUT:

2016 Survey indicated safety and pedestrian access as community priorities.

BUDGET / STAFF IMPACT:

N/A

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Ordinance 04 – Series 2020 an Ordinance for the regulation of traffic by the Town of Minturn Colorado; adopting by reference the 2020 edition of the “Model Traffic Code” repealing all Ordinances in conflict therewith; and providing penalties for violation thereof.

ATTACHMENTS:

- Ordinance 04 – Series 2020

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 4 – SERIES 2020**

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF MINTURN COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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, Chapter 8 of the Minturn Municipal Code (the "Code") provides for certain the regulation of Vehicles and Traffic on the public roads and highways within the Town; and

WHEREAS, The Colorado Department of Transportation has published the 2020 edition of the Model Traffic Code that relates to comprehensive traffic control regulations within the state; and

WHEREAS, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Town Code to adopt the most recent version of the Model Traffic Code and adopt other amendments necessary to conform therewith.

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. Article 1, Chapter 10 of the Minturn Municipal Code is hereby amended as set forth in **Exhibit A**, with additions shown in double underlined text. Sections of Chapter 8 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

SECTION 3. Article 4, Chapter 8 is hereby repealed and replaced as set forth in **Exhibit B**.

SECTION 4. Article 5, Chapter 8 is hereby repealed.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 15th DAY OF APRIL, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6TH DAY OF MAY,

2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ARTICLE 1 - Model Traffic Code

Sec. 8-1-10. - Adopted by reference.

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City, Town, County. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

Sec. 8-1-20. - Copy on file.

Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

Sec. 8-1-30. - Amendments.

(a) The 2020 edition of the Model Traffic Code is adopted as if set out at length, save and except the following Articles and/or Sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: none. The Model Traffic Code as adopted by the Town is subject to the following additions or modifications:

(1) Section 105, Local traffic control devices, is hereby amended as follows:

"(a) Local authorities shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Code or local traffic ordinances or to regulate, warn, or guide traffic, subject in the case of state highways to the provisions of Sections 42-2-110 and 43-2-135(1)(g), C.R.S. All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in Section 42-4-104, C.R.S.

"(b) The Town Police Chief or designated law enforcement official in consultation with the Town Administrator may direct the erection of temporary parking and traffic control signs. On any street or at any place within the Town where official signs (whether permanent or temporary in nature) are posted giving notice of stopping, standing, or parking restrictions or prohibitions, no person shall stop, stand, or park a vehicle in any manner in violation of the provisions contained on such signs except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or other traffic control device or official, and except for the purpose of loading or unloading passengers when such standing does not obstruct, impede, or endanger any traffic or pedestrian.

"(c) The Town Police Chief or designated law enforcement official in consultation with the Town Administrator shall have the right to place and maintain such parking control signs and devices they deem necessary for regulating parking in the Town. Such parking control signs and devices may deviate from the state manual

and specifications for statewide uniformity to accommodate the unique physical constraints that exist in the Town's right-of-ways and alleys."

(2) Section 1101(2) is hereby repealed and reenacted to read as follows:

"(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

“(a) Fifteen (15) miles per hour on streets and highways owned by the Town of Minturn unless otherwise posted.”

“(b) Any speed not in excess of a speed limit designated by an official traffic control device.”

(b) Additions. The 2020 Model Traffic Code is hereby adopted in full, as amended above, and with the following additions:

(1) A new Section 1214, Illegal parking, is hereby adopted to read as follows:

" 1214. Illegal parking.

"(a) It is unlawful for any person to park or place any vehicle in any posted 'No Parking' area.

"(b) It is unlawful for any person to leave any vehicle unattended on any portion of a street or highway right-of-way in the Town of Minturn for a period of seventy-two (72) hours or longer. Vehicles left on any portion of a street or highway right-of-way in the Town of Minturn for a period in excess of seventy-two (72) hours or longer shall be considered abandoned and may be towed at the expense of the owner and/or given a citation to appear in municipal court.

"(c) Vehicles not registered and insured shall be considered abandoned and may be towed at the expense of the owner and/or given a citation to appear in municipal court for failure to register or insure a vehicle.

"(d) It is unlawful for any person to leave in the public right-of-way any pickup camper, boat or detached trailer for longer than seventy-two (72) hours. Such detached trailers may be towed by, or at the direction of, the Town and such pickup campers and boats may be removed and impounded at the expense of the owner. For purposes of this section, 'trailer' means any wheeled vehicle without motor power and designed to be drawn by a motor vehicle. A 'pickup camper' means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

"(e) It is unlawful for any person to leave unattended on any portion of a street or highway right-of-way in the Town of Minturn any 'oversized vehicles,' except for the purposes of temporary loading and unloading. Such 'oversized vehicles' may be towed by, or at the direction of, the Town and may be removed and impounded at the expense of the owner. For the purposes of this section, 'oversized vehicles' include semi-trucks, large delivery trucks, buses, heavy construction equipment, and any vehicles greater than thirty-five (35) feet in length."

- (2) A new section 1215, Hazard parking violations, is hereby adopted to read as follows:

"1215. Hazard parking violations. Any vehicle parked or placed such that it creates an immediate hazard or affects the flow of traffic in any travelled right-of-way is in violation of this Section and may be towed without prior notice to the owner by the Town, or otherwise, at the owner's expense, and the owner of said vehicle shall pay the towing and storage fees for the vehicle's release."

- (3) A new section 1216, Towing, is hereby adopted to read as follows:

" 1216. Towing. Any vehicle parked or left in violation of this chapter, but that does not appear to create an immediate hazard in the opinion of the Police Department may be either (1) towed by, or at the direction of, the Town after an officer of the Town has conspicuously affixed to such vehicle a parking violation notice informing the user or owner that a particular parking or stopping violation has occurred at that time and place and after the violation has not been corrected within 24 hours (in which case the owner of the vehicle shall pay the actual towing and storage fees for the release of the vehicle); or (2) assess a parking violation fine to be paid by the owner of such vehicle within 20 days of the date of such notice. The notice shall set forth the nature of the violation, the fine for the particular violation, and the procedure for payment or dispute of the charge. The owner receiving said notice shall pay the fine within 20 days of the date of such notice or contact the Clerk of the Municipal Court and sign a written request in order to dispute the charge. Failure to pay the fine or dispute the charge within 20 days of the date of such notice shall cause a late penalty to be added to the fine and cause the assessment to be submitted to a collection agency for the collection of the delinquent fees plus the cost of collection or be grounds for issuance of a bench warrant."

Sec. 8-1-40. - Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Sec. 8-1-50. - Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof.

Sec. 8-1-60. – Repeal.

Existing or parts of the Code covering the same matters as embraced in this Article are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution

or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Article.

Sec. 8-1-60. - Penalties.

The following penalties, herewith set forth in full, shall apply to this Article:

- (1) It is unlawful for any person to violate any of the provisions adopted in this Article.
- (2) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a surcharge in accordance with 42-4-1701(4)(e)(II), C.R.S.
- (3) Every person convicted of a violation of any provision adopted in this Article shall be punished in accordance with section 1-4-20 of the Code.

ARTICLE 3 - Operation of Golf Cars

Sec. 8-4-10. - Definitions.

As used in this Article, unless the context otherwise requires:

Golf car means an electric self-propelled vehicle not designed primarily for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

Operate means to ride in or on and control the operation of a golf car.

Operator means every person who operates or is in actual physical control of a golf car.

Owner means a person, other than a lienholder, having title to a golf car and entitled to the use or possession thereof.

Person means any individual, association, partnership or public or private corporation, any municipal corporation, county, city, city and county or other political subdivision of the State or any other public or private organization of any character.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel.

Street, road, freeway or highway means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel.

Sec. 8-4-20. - General operations.

Pursuant to statutory law of the State, golf cars are hereby permitted to be operated on the roadway of any street, road or highway within the Town, except on any street or road which is part of the state highway system. The operator of a golf car when legally operating the same as provided herein shall conform to and abide by all state statutes and regulations and municipal regulations and ordinances governing the movement of golf cars within the Town.

Sec. 8-4-30. - Compliance.

No golf car shall be operated within the Town unless and until said vehicle shall fully comply with statutory laws of the State in regard to golf car registration, operation on rights-of-way of streets, roads or highways, crossing road and highways, operation on private property, required equipment, notice of accidents and other operation restrictions.

Sec. 8-4-40. - Operating regulations.

Ord. No. 4, Series 2020
Exhibit B

- (a) A golf car may be operated on the right-of-way of roads, streets and highways as far as practicable from the roadway thereof on the right-hand side, in the same direction as vehicular traffic.
- (b) All golf cars being operated on the roads, streets and highways within the corporate limits of the Town shall travel in a single file and shall not pass any other golf car being operated on the roads, streets and highways.
- (c) Golf cars shall be brought to a complete stop at all intersections, and the operator thereof shall yield the right-of-way to all motor vehicle traffic on such road or highway which constitutes an immediate hazard to the crossing of such road, street or highway and intersection.
- (d) No golf car shall be operated at a speed greater than twelve (12) miles per hour within the corporate limits of the Town except as allowed by a conditional use permit or special use permit issued by the Town.
- (e) No golf car shall be operated within the corporate limits of the Town before the hour of 7:00 a.m. and after the hour of 10:00 p.m.
- (f) All golf cars shall be equipped with brakes in good working order.
- (g) All turns shall be signaled.
- (h) The right-of-way shall be yielded at all times to all pedestrians and all other vehicular traffic.
- (i) Headlights and tail lamps shall be on at all times, and all golf cars shall be equipped with side reflectors.
- (j) No towing is allowed except by means of a rigid device or, in the case of a disabled golf car, where an operator is in control of each golf car.
- (k) Each person operating a golf car upon streets, roads or roadways within the Town shall be licensed by the State to operate a motor vehicle on public streets and roads, and be at least sixteen (16) years of age.
- (l) No person shall operate a golf car in a careless or imprudent manner without due regard for width, grade, corners, curves or traffic of roads.
- (m) No person shall operate a golf car in a manner as to indicate either a wanton or a willful disregard for the safety of persons or property.
- (n) No person shall operate a golf car on private property except that owned or leased by the operator or except when prior permission has been obtained from the owner, lessee or agent of the owner or lessee.
- (o) Every person operating a golf car within the corporate limits of the Town shall, upon demand of any peace officer, produce for inspection a Town permit and shall furnish to such officer any information necessary for the identification of such golf car, its operator and its owner.
- (p) No owner of a golf car shall permit such golf car to be operated by any other person in violation of the provisions of this Article.

- (q) No person shall operate a golf car on a Town-owned or maintained trail except as permitted and posted by the Town.
- (r) No person shall operate a golf car on a state highway, except directly across a state highway at an at grade sidewalk, bike path, or pedestrian path consistent with section 42-4-117(I) and (3), C.R.S.

Sec. 8-4-50. – Permit Required.

(a) Authorization to operate a golf car on Town streets is by permit only. Permits shall be issued for each golf car by the Town Clerk. Any person holding a valid, current driver's license may apply for a permit. All permits shall expire annually on June 1, unless renewed. The fee for a permit shall be established by the Town Council from time to time by resolution.

(b) Each application for a permit to operate an golf car on the Town roadways shall include the name and address of the owner-applicant and such additional information as the Town Clerk may reasonably require.

Sec. 8-4-60. - Penalties and remedies.

Any person who shall be convicted of a violation of any of the provisions of this Article may, for each violation, be punished in accordance with the provisions of Section 1-4-20 of this Code.

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Ad Number 0000574188-01
Ad Size 1 X 66 li
Modular Ad Size
Order Start Date 04/18/2020
Order Stop Date 04/18/2020
Placement LEGALS CMN
Position CMN Legal
Products 8INTA/8VD

TOWN OF MINTURN, COLORADO ORDINANCE
NO. 05 - SERIES 2020

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

INTRODUCED, READ BY TITLE, APPROVED ON
THE FIRST READING AND ORDERED PUBLISH-
ED BY TITLE ONLY AND POSTED IN FULL ON
THE OFFICIAL TOWN WEBSITE THE 15th DAY
OF APRIL 2020, A PUBLIC HEARING ON THIS
ORDINANCE SHALL BE HELD AT THE REGULAR
MEETING OF THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COLORADO ON THE 6TH
DAY OF MAY 2020 AT 6:30p.m. AT THE MINTURN
TOWN HALL 302 PINE STREET, MINTURN
COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2020

AN ORDINANCE FOR THE REGULATION OF
TRAFFIC BY THE TOWN OF MINTURN
COLORADO; ADOPTING BY REFERENCE THE
2020 EDITION OF THE "MODEL TRAFFIC CODE"
REPEALING ALL ORDINANCES IN CONFLICT
THEREWITH; AND PROVIDING PENALTIES FOR
VIOLATION THEREOF
INTRODUCED, READ BY TITLE, APPROVED ON
THE FIRST READING AND ORDERED PUBLISH-
ED BY TITLE ONLY AND POSTED IN FULL ON
THE OFFICIAL TOWN WEBSITE THE 18th DAY
OF MARCH, 2020. A PUBLIC HEARING ON THIS
ORDINANCE SHALL BE HELD AT THE REGULAR
MEETING OF THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COLORADO ON THE 15th
DAY OF APRIL, 2020 AT 6:30p.m. AT THE MIN-
TURN TOWN HALL 302 PINE STREET, MINTURN
COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Published in the Vail Daily on April 18, 2020.
0000574188

Ad shown is not actual print size.

To: Mayor and Council
From: Jay Brunvand
Date: May 6, 2020
Agenda Item: Ordinance 06 – Series 2020

REQUEST:

Council is asked to approve Ordinance 06 – Series 2020. This Ordinance reduces specific line items in the fiscal year 2020 adopted budget.

INTRODUCTION:

As a result of the COVID-19 Pandemic, Council created an Ad Hoc committee to study and bring forth options that would reduce the adopted FY2020 Budget in light of the economic impact the local, state, and national economies are facing. In early March Council requested the formation of an Ad Hoc committee to study the effects of the nationwide economic shutdown resulting from the COVID-19 Pandemic. Although it remains too early to be certain of the true economic effect of the economic shutdown will cause, this Ordinance reduces specific line items within the budget to allow a cut in estimated sales tax and savings in expenses not yet made.

ANALYSIS:

Although not specifically identified in Exhibit A, the economic development budget is also being adjusted to reduce marketing/advertising and eliminate certain events which are unable to be conducted while maintaining required social distancing restrictions. This funding will instead be used to support a HWY sign program for for Minturn restaurants (\$7500) and contribute to the Minturn Bike Park (\$10,000).

COMMUNITY INPUT:

BUDGET / STAFF IMPACT:

This Ordinance reduces anticipated sales tax revenues by \$67,681.00 and reduces expenses as outlined in Exhibit “A” by \$97,775.00.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Ordinance No. 06 – Series 2020 an Ordinance amending the 2020 Annual Budget as set forth in the following Exhibit “A”, to unappropriate General Fund revenues in the amount of \$67,681.00, and unappropriating General Fund expenditures in the amount of \$97,775.00, and appropriating additional Capital Fund expenditures in the amount of \$3,000.00 as presented.

ATTACHMENTS: • Ordinance 06 – Series 2020

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 06 – SERIES 2020**

AN ORDINANCE AMENDING THE 2020 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT “A”, TO UNAPPROPRIATE GENERAL FUND REVENUES IN THE AMOUNT OF \$67,681.00, AND UNAPPROPRIATING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$97,775.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND EXPENDITURES IN THE AMOUNT OF \$3,000.00.

WHEREAS, in accordance with Section 8.8 of the Minturn Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year, and;

WHEREAS, with the utmost concern of the ongoing COVID-19 Pandemic and the resulting significant down turn in the local, state, and national economy Jay Brunvand, Treasurer, in consultation with the Budget Ad Hoc Committee recommend budget cuts to the fiscal year 2020 adopted budget, and;

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

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

Section 1.

The adoption of this Ordinance will promote the health, safety and general welfare of the Minturn community.

Section 2.

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6th DAY OF MAY, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF MAY, 2020 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20TH DAY OF MAY, 2020.

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ORDINANCE 06 – SERIES 2020
EXHIBIT “A”

GENERAL FUND:			Addition/ (Reduction)	Revised Budget
Revenue	\$ 178,584.00			
Property Tax		01-00-4010	750	512,053
Investment Earned		01-00-4540	25,000	65,000
Expense	\$ (97,775.00)			
Council Supplies		01-01-5100	(1,750)	1,000
Council Mtg Food		01-01-5270	(3,500)	1,500
Gen Gov Supplies		01-01-5110	(2,500)	25,000
Gen Gov-Computer Supp		01-01-5120	(3,000)	39,000
Gen Gov-Legal/Eng		01-01-5220/5222	(27,500)	156,500
Gen Gov Dues & Fees		01-01-5235	(2,125)	40,375
Gen Gov-Computer R&M		01-01-5292	(2,500)	3,000
Planning Comm Mtgs		01-02-5216	(900)	9,900
Planning-Fees/Training		01-02-5235	(500)	500
Court-Attorney		01-03-5216	(2,000)	8,000
Police-Training		01-04-5265	(500)	500
Pub Wks-Overtime		01-06-5011	(4,000)	6,000
Pub Wks-Tools		01-06-5120	(3,000)	2,000
Pub Wks-Pub Bld R&M		01-06-5290	(4,000)	11,000
Pub Wks-Streets R&M		01-06-5352	(20,000)	20,000
Emp Bonus/Raise pool			(20,000)	26,306
 CAPITAL FUND:				
Revenue	\$ 0.00			
Expense	\$ 3,000 .00			
Pub Wks Blding		06-01-5247	3,000	3,000

To: Mayor and Council

From: Jay Brunvand

Date: May 6, 2020

Agenda Item: Resolution 17 – Series 2020

REQUEST:

Council is asked to approve Resolution 17 – Series 2020. This Resolution sets the site for the new water tank and new water treatment plant (WTP) as outlined in Scenario #2 in the SGM Tank Site Analysis Memo dated April 21, 2020.

INTRODUCTION:

The Water Capital Improvement Plan identifies the need for two new water tanks: a new main town water storage tank and a new Maloit Park water storage tank. Staff and consultants were originally hopeful for the opportunity to combine the tanks however, due to the differing elevation requirements for the two service areas (the Maloit tank needs to be approximately 100' higher, 8210' in elevation than the town tank) only one location has been identified that can accommodate this option, which is outlined in Scenario 1 of the SGM Tank Site Analysis Memo dated April 21, 2020.

ANALYSIS:

The original Tank Site Analysis memo identified an area next to Minturn's water treatment plant as the best location for a new main town water storage tank. Consultants were optimistic that cost savings could be realized by combining the new main town tank with a new Maloit Park tank. Although we were hopeful the site next to the water treatment plant would be conducive to this purpose, the differing service area elevations combined with the slope of the hillside next to the WTP does not allow for this option.

SGM was able to find a location that would be the correct elevation for both tanks (Scenario 1) however there are multiple reservations with this option leading staff to support Scenario 2.

Past Minturn Town Councils have worked to secure the 18-acre parcel where the current water treatment plant sits with the approval of Ordinances 1-4 Series 2011. It is critical Minturn own the land on which Town infrastructure resides. Not only does this allow for access, but also leaves open the ability to seek funding through grants and/or loans. This area is also relatively secure from the mass public and although it is in a wildlife corridor, once the new infrastructure is built there should be minimal interference from the water operation crew.

Although it does not come with a specific dollar value, an additional factor for consideration is Cross Creek. Keeping the town's main water infrastructure next to Cross Creek, which is the primary source for the town's drinking water, provides a level of security that the Eagle River cannot. Most the Town's water rights reside on or near Cross Creek and it is still yet to be determined if the Eagle River wellfield will prove fruitful.

The initial cost difference between scenarios 1 and 2 is \$200,000. After further discussion with Ryan Gordon, the actual cost difference is negligible because pumping costs (which would be yet another study) have not been factored in.

COMMUNITY INPUT:

Ongoing

BUDGET / STAFF IMPACT:

The overall cost as detailed in Scenario #2 for the upgrades necessary to the existing water treatment plant, water lines, and tanks is estimated to be \$13.8m.

STRATEGIC PLAN ALIGNMENT:

- Practice fair, transparent and communicative local government.
- Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 17 – Series 2020 a Resolution selecting the proposed water tank and water treatment plant site (Scenario 2) as presented.

ATTACHMENTS:

- Resolution 17 – Series 2020
- SGM Tank Site Analysis Memo April 21, 2020

**TOWN OF MINTURN, COLORADO
RESOLUTION 17 – SERIES 2020**

**A RESOLUTION TO APPROVE A WATER TANK ANALYSIS
AND TANK SITE LOCATION AND LAID FORTH BY SGM,
INC IN THE ADOPTED CAPITAL IMPROVEMENTS PLAN
FOR THE MINTURN WATER PLANT AND SYSTEM WITHIN
THE TOWN OF MINTURN, COLORADO**

WHEREAS, The Town Council recognizes the need and desire to more effectively manage and maintain our water plant, system and infrastructure; and,

WHEREAS, The Town Council has previously contracted with SGM, INC to create an in-depth Capital Improvements Plan for the Minturn Water Plant and system; and,

WHEREAS, the Town of Minturn Town Council and Staff have reviewed and support the adopted Enterprise Fund Capital Improvements Plan; and,

WHEREAS, the Town of Minturn Town Council and Staff have reviewed and support the submitted Capital Improvements Plan; and,

NOW, THEREFOE, BE IT RESOLVED by the Minturn Town Council of the Town of Minturn, that:

SECTION 1: The Minturn Town Council supports and directs approval and adopting of Scenario #2 as detailed in Exhibit A attached to this Resolution,

SECTION 2: The Minturn Town Council hereby authorizes The Town Mayor or his designee to execute any and all necessary agreements to implement the proposed Capital Improvements Plan,

SECTION 3: This resolution to be in full force and effect from and after its passage and approval.

INTRODUCED, READ, APPROVED, AND ADOPTED THIS 6th DAY OF MAY, 2020.

John Widerman, Mayor

Attests:

Jay Brunvand, Town Clerk/Treasurer



MEMORANDUM

TO: Michelle Metteer
FROM: Ryan Gordon
DATE: April 21, 2020
RE: Tank Site Analysis

Dear Michelle,

SGM has reviewed sites to locate the water tanks identified in the CIP. The existing system and the CIP considered each service area as independent service areas. As we began to analyze tank locations, it became apparent that it was prudent to consider a scenario that combined both service areas. We considered two operational scenarios:

- Scenario 1: The new tanks serve both the Maloit Park and the Town service zones resulting in both service areas are combined.
- Scenario 2: Tanks are built to service the Maloit Park service area and the Town service area independently.

Scenario 1: Town and Maloit Park Service Areas combined

Under this scenario, a set of tanks would be constructed that would serve both the Maloit Park service area and the Town service area – the separate service areas would be combined. The tanks would be located at approximately the same elevation as the existing Maloit Park tank. Water would be pumped to these tanks and would be fed by gravity to the system. There are limited sites that could be utilized to achieve this scenario. The existing Maloit Tank is on Forest Service property and has a small easement that includes the tank and a narrow band around the tank for access; however, based on conversations with the Forest Service, it will be challenging and unlikely to expand the existing tank site for additional water storage. Furthermore, the Forest Service indicated that granting a new easement (or expanding an existing easement) requires the applicant (i.e. the Town of Minturn) to demonstrate that there are no other locations that the tanks could be located. As a result of this information from the Forest Service, the locations that are possibilities are the Town's property adjacent to the existing water plant and on Battle Mountain property.

The Town's property adjacent to the water plant initially looked to be a good location to locate the tanks as the site is owned by the Town and near existing infrastructure. The new water plant would be constructed adjacent to the existing water plant under this scenario. However, as we progressed the analysis, it became clear that it would be challenging to build on the site as there would need to be significant excavation of the hillside with large retaining walls for the site for the tanks and access. Additionally, the

access road to the tank would need to be fairly long to keep the road at an acceptable slope to allow for construction vehicle access.

SGM, the Town and Battle Mountain met and discussed the possibility of locating the tanks on a portion of the Battle Mountain property. SGM analyzed the various sites and found a site that met the elevation criteria and is relatively near to existing infrastructure. We looked at both locating the new water plant and the tanks together on the Battle Mountain site as well as only locating only the tanks; however, as we progressed through the analysis, it did not make sense to locate only the tanks on Battle Mountain site if Scenario 1 was pursued particularly when including the Eagle River wells into the equation as the amount of pipelines and pumping is significant.

If Scenario 1 is pursued, we would recommend that the new water plant and tanks be located on Battle Mountain property. Raw water from the existing wells and Cross Creek would be pumped to the new location for treatment as well as the future Eagle River wells, See Figure 1 for the infrastructure elements.

A summary of the estimated project costs for the elements in Scenario 1 is provided below in Table 1.

Table 1 - Scenario 1 Costs

PROJECT COSTS	
TANKS	\$2.3M
WATER TREATMENT PLANT INCLUDING PRE-TREATMENT	\$4.5M
WELLS AND SUPPLY PIPELINE	\$3.5M
CROSS CREEK RAW WATER SUPPLY PIPELINE	\$1.8M
TOWN POTABLE WATER SUPPLY	\$1.5M
	\$13.6M

Scenario 2: Town and Maloit Park Service Area Operated Independent

Under this scenario, tanks are constructed to serve both the Town and the Maloit service areas independently; this would be similar to how the system is currently operated. Water would be pumped to the tanks in each zone and water would be fed by gravity to each service area. SGM has developed a tank selection memo to review sites for the Town tank and determined that the best site is adjacent to the existing water plant. The site differs from Scenario 1 as the tanks would be located at a lower elevation; the new tanks to serve the Town would approximately match the existing Town tank elevation which is roughly 100 feet lower than the Maloit Park tank.

The Maloit Park Tank is undersized as detailed in the CIP. As stated in this memo, expanding and constructing new tanks on the existing site will be challenging as the site is Forest Service property. The tank site as identified for Scenario 1 on Battle Mountain property is likely the best site for water storage for Maloit Park. A pipeline will need to be extended from the existing Maloit Park distribution system to the new Maloit Park tank location.

A second option within Scenario 2 would be to pursue expanding the existing Maloit Park site. This option would require working with the Forest Service to secure additional

easements; as described above, this option will be challenging and time consuming. Given the strict timeline to implement the infrastructure improvements outlined in the CIP, this second optional is not recommended unless all efforts for locating the tanks on Battle Mountain property fail.

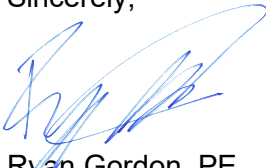
A summary of estimated project costs for the elements in Scenario 2, Option 1 is provided below.

Table 2 - Scenario 2 Costs

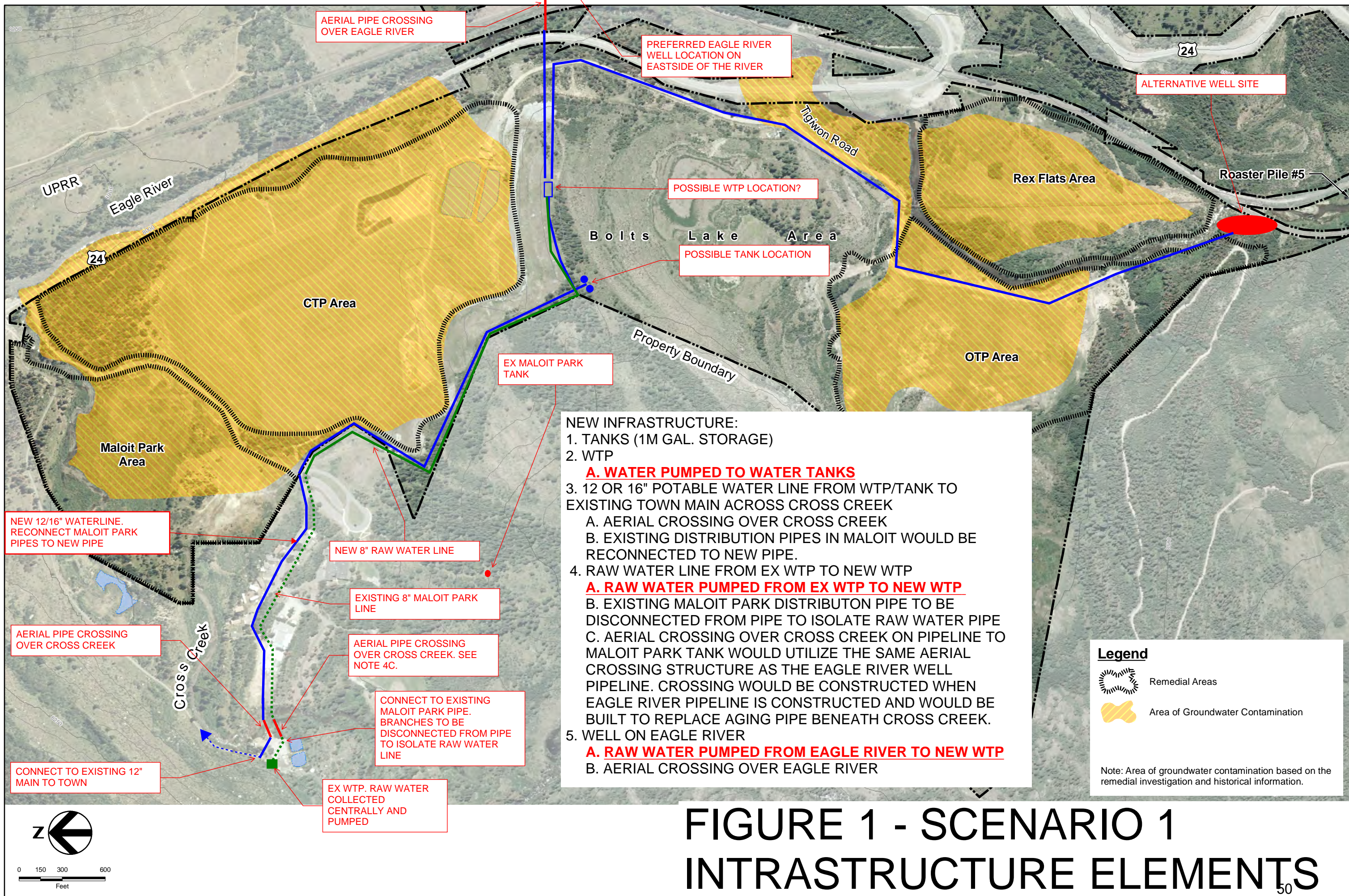
PROJECT COSTS	
TOWN TANKS	\$1.9M
MALOIT TANKS	\$0.9M
WATER TREATMENT PLANT INCLUDING PRE-TREATMENT	\$4.7M
WELLS AND SUPPLY PIPELINE	\$5.1M
OPTION 1 PIPELINE	\$1.2M
	\$13.8M

Please contact me if you have any questions at 970-384-9034.

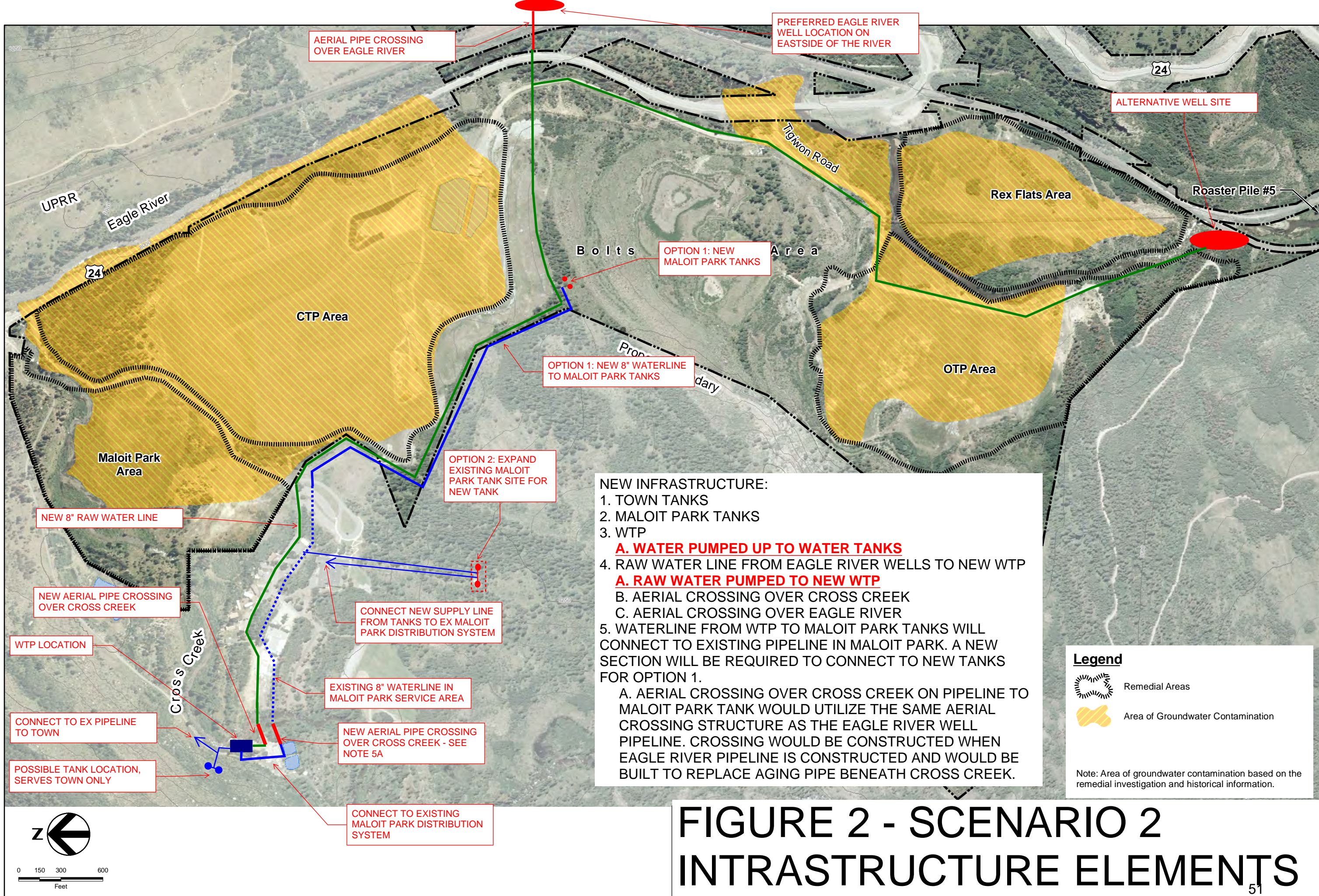
Sincerely,



Ryan Gordon, PE
Project Manager



**FIGURE 1 - SCENARIO 1
INTRASTRUCTURE ELEMENTS**



AERIAL PIPE CROSSING OVER EAGLE RIVER

PREFERRED EAGLE RIVER WELL LOCATION ON EASTSIDE OF THE RIVER

ALTERNATIVE WELL SITE

OPTION 1: NEW MALOIT PARK TANKS

OPTION 1: NEW 8" WATERLINE TO MALOIT PARK TANKS

OPTION 2: EXPAND EXISTING MALOIT PARK TANK SITE FOR NEW TANK

NEW 8" RAW WATER LINE

NEW AERIAL PIPE CROSSING OVER CROSS CREEK

WTP LOCATION

CONNECT TO EX PIPELINE TO TOWN

POSSIBLE TANK LOCATION, SERVES TOWN ONLY

CONNECT NEW SUPPLY LINE FROM TANKS TO EX MALOIT PARK DISTRIBUTION SYSTEM

EXISTING 8" WATERLINE IN MALOIT PARK SERVICE AREA

NEW AERIAL PIPE CROSSING OVER CROSS CREEK - SEE NOTE 5A

CONNECT TO EXISTING MALOIT PARK DISTRIBUTION SYSTEM

NEW INFRASTRUCTURE:

1. TOWN TANKS
2. MALOIT PARK TANKS
3. WTP

A. WATER PUMPED UP TO WATER TANKS

4. RAW WATER LINE FROM EAGLE RIVER WELLS TO NEW WTP

A. RAW WATER PUMPED TO NEW WTP

- B. AERIAL CROSSING OVER CROSS CREEK
- C. AERIAL CROSSING OVER EAGLE RIVER

5. WATERLINE FROM WTP TO MALOIT PARK TANKS WILL CONNECT TO EXISTING PIPELINE IN MALOIT PARK. A NEW SECTION WILL BE REQUIRED TO CONNECT TO NEW TANKS FOR OPTION 1.

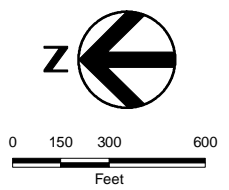
A. AERIAL CROSSING OVER CROSS CREEK ON PIPELINE TO MALOIT PARK TANK WOULD UTILIZE THE SAME AERIAL CROSSING STRUCTURE AS THE EAGLE RIVER WELL PIPELINE. CROSSING WOULD BE CONSTRUCTED WHEN EAGLE RIVER PIPELINE IS CONSTRUCTED AND WOULD BE BUILT TO REPLACE AGING PIPE BENEATH CROSS CREEK.

Legend

- Remedial Areas
- Area of Groundwater Contamination

Note: Area of groundwater contamination based on the remedial investigation and historical information.

**FIGURE 2 - SCENARIO 2
INTRASTRUCTURE ELEMENTS**



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: April 30, 2020

Agenda Item: Town of Minturn Housing Guidelines Ordinance 07 – Series 2020 (First Reading)

REQUEST:

Review and approval on first reading of an ordinance amending the following sections the Minturn Municipal Code for the purpose of creating the Town of Minturn housing standards and guidelines:

1. Chapter 6 – *Business License and Regulations* (Article 7 – Short-Term Rentals)
2. Chapter 16 – *Zoning* (Article 2, Definitions and NEW Article 26 Community Housing Standards and Guidelines)

INTRODUCTION:

In February 2019 the Town initiated a public process to create the Town of Minturn Housing Action Plan, a policy document establishing goals and implementation strategies aimed at addressing work force, or “community” housing in the Town of Minturn. A series of work shops were held with Town Council, Planning Commission and a housing advisory committee to establish goals, identify regulatory and incentive-based tools appropriate for Minturn, as well as short- and long-term strategies and implementing actions to set the course for the Town’s work on housing over the next three to five years.

The overarching priorities identified in the Plan include:

- Increasing housing choices for year-round residents and preserving a balance between second homeowners and locals into the future.
- Adding new tools to Minturn’s housing policy toolbox.
- Seeking opportunities to partner with local residents, developers, and existing housing agencies such as the Valley Home Store.

The Town Minturn Housing Action Plan was approved in August 2019 with the following specific goals:

- Securing 20% of the Town’s housing inventory as deed restricted for residents who live and work in the valley.
- Creating and preserving homes for sale or rent to households with incomes between 80-140% of Area Median Income (AMI).
- Increasing infill opportunities such as duplexes, townhouses, and accessory dwelling units in existing neighborhoods.
- Securing at least 25% of all new residential units for year-round residents with incomes up to 140% AMI.
- Continuing to monitor year-round residency and create a year-round residency goal following the 2020 census.

Following adoption of the Plan, the Planning Commission held a work session in September 2019 to focus on two tools or strategies identified in the plan as being priorities for the town:

- Creating requirements and incentives for “locals only” or resident occupied housing units.
- Creating requirements and incentives for new developments to provide deed restricted, price-capped units.

The Planning Commission’s recommendations at that time were to revise (downward, from 25% to 10%) the percentage targets for price-capped, deed restricted units for *new* developments; increasing the target Area Median Income (AMI) threshold for eligible households from 140% AMI on the top end to 200% AMI (thus making any deed restricted, for sale units available to local households earning slightly more and increasing the potential buyer pool); and, recommending that another overall goal – to secure 20% of the Town’s housing inventory for locals only – stay the same. Ordinance No. 7 reflects the Planning Commission’s work and recommendations.

The Planning Commission reviewed the draft ordinance on April 8, 2020 and forwarded a recommendation of approval to the Town Council. In deliberating the proposed changes to Chapters 6 and 16 – Zoning of the Minturn Municipal Code, the Planning Commission had questions and concerns regarding proposed policies aimed at restricting or requiring “maximum initial sales and resale prices” for for-sale units or “maximum rental prices” for proposed rental units. The Commission recommended further discussion regarding 1) whether the Town should be restricting sales or rental pricing, and 2) how such restrictions will be administered and monitored for compliance.

Additionally, staff has included suggested “incentives” for consideration by the Town Council (in the draft ordinance under Division 2 – Community Housing Standards and Guidelines, Section 16-26-100). Staff requests direction from Town Council on potential incentives such as allowing for density bonuses in new developments and redevelopments; allowing for flexibility in design of projects (allowing or encouraging variations from standards such as setbacks, lot coverage, or building height, for instance); and facilitating public-private partnerships.

Last, the draft ordinance proposes changes not only to the Town’s zoning code, but to Chapter 6 – *Business Licensing and Regulations*, Article 7 – *Short-Term Rentals*. Changes to these sections of the Code are proposed to ensure that deed restricted “community housing” units are not used for short-term rental.

ANALYSIS:

Work on the Housing Action Plan has been ongoing for months and is a strategic goal and priority of the Town Council as a direct means to ensure that the Town is achieving the goals and policies outlined in the 2009 Minturn Community Plan and the 2018 Strategic Plan.

Adoption of the 2019 Housing Action Plan provided direction to staff to initiate short term strategies including changes to the Town’s regulatory documents – namely Chapter 16, Zoning – in order to move forward on implementation strategies incentivizing and/or requiring the provision of resident occupied and/or price capped units.

Ordinance No. 7 is intended to advance these directives and provide the Town staff with the tools to require and incentivize the provision of community housing moving forward. However, additional work

will be required to develop administrative processes and additional guidelines to further define how, exactly, certain requirements and incentives will be administered and enforced.

COMMUNITY INPUT:

The draft ordinance was presented to the Minturn Planning Commission during a work session on April 8, 2020. That meeting was advertised and publicly noticed in accordance with the Minturn Municipal Code. Members of the public were given the opportunity to speak at that hearing and to provide feedback to the Commission.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review of proposed amendments to the Minturn Municipal Code and/or general policies contained within master planning documents 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:

1. Approve Ordinance No. 7, Series 2020 on first reading.

Recommended Motion:

“I move that the Minturn Town Council approve Ordinance No. 7, Series 2020, as presented and because the amendments to the Minturn Municipal Code are in the best interest of the public health, safety and welfare of the citizens of the Town.”

ATTACHMENTS:

- Chapters 6 and 16 Amendment Ordinance

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 07 – SERIES 2020**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTERS 6 AND 16 OF THE
MINTURN MUNICIPAL CODE FOR THE PURPOSE OF
ADOPTING INCLUSIONARY ZONING FOR
AFFORDABLE HOUSING.**

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

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, §29-20-101 through §29-20-108, C.R.S., as amended, and §31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

WHEREAS, the Town Council and Planning Commission held various public work sessions and public hearings to receive public input on the adoption of local’s housing tools and requirements in January, March, May and June of 2019; and

WHEREAS, the Town of Minturn 2019 Community Survey has identified housing as a priority for the Town; and

WHEREAS, the 2009 Town of Minturn Community Plan adopted via Resolution No. 28, Series 2009, and the 2009 Town of Minturn Three Mile Plan for Annexation adopted via Resolution No. 3, Series 2009, set forth community visions, policy goals and implementing strategies calling for the provision of future housing opportunities and “affordable housing;” and

WHEREAS, the Town of Minturn 2018-2020 Strategic Plan adopted by the Minturn Town Council via Resolution No. 14, Series 2018, sets forth strategies to “sustain and invest in the things that define Minturn as a proud, sturdy mountain town to ‘keep Minturn Minturn’ and, specifically, to “Adopt and implement an Attainable Housing Policy through assistance from Eagle County Government and a third party consultant following a public engagement process;” and

WHEREAS, the Town Council, at their regularly scheduled meeting of August 21, 2019 considered and adopted the 2019 Town of Minturn Housing Action Plan (Resolution No. 33, Series 2019); and

WHEREAS, the 2019 Town of Minturn Housing Action Plan sets forth certain overarching goals and objectives aimed at creating and preserving locals-only, Community Housing stock within the Town and creating and preserving restricted housing stock through deed restrictions via the subsequent adoption of inclusionary Community Housing ordinances, annexation policies and incentives for the creation of Accessory Dwelling Units (ADUs) within the Town; and

WHEREAS, following adoption of Resolution 33, 2019 the Town of Minturn Planning Commission held subsequent work sessions to discuss and refine specific target goals and regulatory and policy related means to achieve said goals; and

WHEREAS, §31-23-304, C.R.S., provides that the Town shall provide for the manner in which its land use and development regulations are amended, supplemented, or changed; and

WHEREAS, §16-21-430 of the Minturn Municipal Code provides that Town Council, Planning Commission or Planning Director may initiate an amendment of the Zoning Code, and §16-21-440 provides that the Town’s Planning Commission shall review all proposed amendments to the Town’s Zoning Code at a duly noticed public hearing and shall recommend approval or denial of a proposed amendment by Town Council, and that the Town Council shall finally approve or deny a proposed amendment at a duly noticed public hearing; and

WHEREAS, the Planning Commission at a duly noticed public hearing on April 8, 2020 considered the Zoning Code amendments and provided a recommendation to the Town Council; and

WHEREAS, the Town Council at duly noticed public hearings on May 6, 2020 considered the proposed Zoning Code amendments and recommendation of the Planning Commission and determined that the amendments are in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Minturn Municipal Code.

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

CHAPTER 6 - Business Licenses and Regulations

ARTICLE 7 – Short-Term Rentals

Sec. 6-7-10. - Applicability and purpose.

The purpose of this Article is to establish within the Town reasonable regulations and procedures for the licensing of short-term rentals. As a mountain community geographically limited in growth, the Town is impacted by high costs of land and development, which adversely affect the stock of affordable, work-force housing and the residential, community-oriented nature of the Town. By reasonably regulating short-term rentals, and by prohibiting the short-term rental of Community Housing, the negative impacts of transiency and added commercial activity and business enterprises in residential zone districts, including the impacts on long-term housing,

community character, code compliance, and system and infrastructure deterioration can be addressed while protecting the rights of the Town's citizens and property owners.

Sec. 6-7-20. - Definitions.

When not clearly otherwise indicated by the context, the following terms, words, and phrases as used in this Article have the following meanings:

Building Code includes the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Performance Code, Uniform Code for the Abatement of Dangerous Buildings and the National Electrical Code, as adopted by the Town.

Building Official means the building official as defined in the Building Code as adopted by the Town, or his or her designee.

Community housing unit means a residential dwelling unit within the Town of Minturn that is deed restricted in accordance with the Town of Minturn's Community Housing Requirements and Guidelines and Chapter 16, Article 26, as approved and amended from time to time by resolution of the Town Council, and in accordance with a deed restriction approved by the Town of Minturn Town Council or its designee.

License means a short-term rental license, as prescribed in this Article.

Local Property Manager means any person or entity with a physical place of business located or residing within fifty (50) road miles of the Town and identified on a short-term rental license as the Local Property Manager and who is a contract person responsible for the handling of maintenance of the short-term rental, snow removal, and complaints associated with the short-term rental property. If the Local Property Manager is a person or entity other than the owner of the property, the Local Property Manager shall be licensed as may be required under state law.

Short-term rental means any residential property dwelling unit or portion thereof rented for a period of less than thirty (30) consecutive days. Rentals of entire dwelling units, individual rooms, or portions of rooms shall each be considered short-term rentals. Short-term rentals are considered lodging accommodations under Chapter 4, Article 4 of this Code.

Sec. 6-7-40. - License restrictions.

- (a) Zoning. A short-term rental license may be issued in all zone districts.

- (b) Parking requirement. Parking shall be provided consistent with the requirements of Article 16 of this Code.
- (c) Number of inhabitants. No more than three (3) people per bedroom, including children, shall be permitted to occupy a short-term rental.
- (d) Two-year ownership. No property shall be licensed as a short-term rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two (2) years of ownership. The short-term rental license is nontransferable with the sale of the property.
- (e) Community Housing. No unit designated by the Town as a Community Housing Unit pursuant to Chapter 16, Article 26 of this Code shall be eligible for short-term rental.
- (f) Housing stock. No more than ten percent (10%) or fifty (50), whichever is fewer, of the residential housing units shall be licensed as short-term rentals in the Town at any time.

SECTION 3. Chapter 16, Article 2 of the Minturn Municipal Code, the Zoning Code of the Town of Minturn, is hereby amended to read as follows, with additions shown in double underlined text, and ~~strike through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 16 – Zoning

ARTICLE 2 – Definitions

Sec. 16-2-20. - Definitions.

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

* * *

Area median income (AMI) means the median household income estimates and program income limits compiled and released annually for Eagle County by the United States Department of Housing and Urban Development (HUD).

* * *

Community housing – A Residential dwelling unit within the Town of Minturn that is deed restricted in accordance with this Article and the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with a deed restriction approved by the Town of Minturn Town Council or its designee

Community housing rental unit means a community housing unit that is deed-restricted in accordance with this Article and the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with deed restrictions approved by the Town of Minturn Town Council or its designee, to establish a maximum rental prices, as well as residency, employment and income qualifications for owners and occupants.

Community housing residency requirements and guidelines means the requirements adopted by resolution by the Town Council, from time to time, which may include, but shall not be limited to, standards concerning the procedure for qualifying to own or rent Community Housing Units; the requirements (e.g. residency) for qualifying to own or rent Community Housing Units; forms of approved deed restrictions; limitations on appreciation of sales prices of Community Housing; procedures for sale of Community Housing; priorities for persons bidding to purchase Community Housing Units; maximum sales and rental rate increases; standards for the number of residents per dwelling unit; quality of construction requirements for new Community Housing Units; and possible incentives for the construction of Community Housing. The Community Housing Residency Requirements and Guidelines, and amendments thereto, shall be adopted following a duly noticed public hearing at which such guidelines are considered.

Community housing for sale unit means a community housing unit that is deed-restricted in accordance with this Article and the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the Town Council, and in accordance with a deed restrictions approved by the Town of Minturn Town Council or its designee to establish maximum initial sales and resale prices, as well as residency, employment and income qualifications for owners and occupants.

Community housing unit means a residential dwelling unit within the Town of Minturn that is deed restricted in accordance with this Article and the Town of Minturn’s Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution of the Town Council, and in accordance with a deed restrictions approved by the Town of Minturn Town Council or its designee.

* * *

Deed restriction means a contract entered into between the Town and the owner or purchaser of real property identifying the conditions of occupancy and resale.

* * *

Employee/Qualified resident means a person who is employed on the basis of a minimum of 1,500 hours worked per calendar year in the Employment Area, which averages thirty (30) hours per week for a minimum of ten (10) months per year, physically working the Employment Area and who resides in the Community Housing Unit as their sole and exclusive place of residence a minimum nine (9) months of a twelve (12) month period. Priority will be given to employees/qualified residents employed within the Town of Minturn boundaries.

Employment area means that portion of the Eagle River Valley located from Dotsero to Red Cliff, including Vail.

* * *

Gross income means the total income, including alimony and child support, derived from a business, trust, employment and from income-producing property, before deductions for expenses, depreciation, taxes, and similar allowances.

* * *

Inclusionary community housing means the policy of requiring community housing in residential developments to ensure adequate housing stock for local residents and to maintain or increase the current ratio of primary to second home ownership in the Town of Minturn.

Initial sales price means the maximum price for which a price capped community housing for sale unit may be initially sold.

* * *

Resident occupied community housing means housing with a deed restriction recorded against it requiring that it be owned or occupied by an Employee/Qualified Resident as its Primary Residence as set forth in this Article and the Town of Minturn Housing Residency Requirements and Guidelines.

* * *

SECTION 4. A new Article 26 of Chapter 16, Minturn Municipal Code, the Zoning Code of the Town of Minturn, is hereby adopted to read as follows.

ARTICLE 26 – Community Housing Standards and Guidelines

DIVISION 1 – Administration.

Sec. 16-26-10. – Title.

This Article shall be known as the “Town of Minturn Community Housing Plan.”

Section 16-26-20 - Purpose and Findings.

- (a) Purpose. The purpose and intent of the regulations set forth in this Article is to increase affordable housing choices for year-round residents and to preserve a balance between second homeowners and locals in accordance with adopted Housing Action Plans and the goals and policies of adopted Community Plans, including the following goals:
 - (1) To regulate and encourage the provision of locals only, or Community Housing in new and redevelopment residential, mixed-use and commercial projects;
 - (2) To ensure that the Town maintains a minimum percentage of its overall housing stock as available and occupied by locals who meet local eligibility guidelines;
 - (3) To seek out partnerships with local residents, developers and existing housing agencies such as the Eagle County Housing Authority to administer Community Housing deed restrictions and to provide assistance to qualified local housing renters and/or buyers;
 - (4) To ensure that a minimum percentage of new housing developed within the Town is available to those households earning between 80%-200% Area Median Income (AMI).

- (b) Objectives. The following objectives are set forth to achieve the Community Housing goals of the Town:
 - (1) By 2030, the Town will secure twenty (20%) percent of the overall housing inventory as Resident Occupied deed restricted for residents meeting local residency guidelines in the Upper Eagle River Valley, with preference for those individuals and families working within the Town of Minturn;
 - (2) By 2030, the Town will secure ten (10%) percent of overall new for sale and for rent residential development for households with incomes ranging from 80%-200% AMI;
 - (3) By 2025, the Town will create standards and incentives within the Minturn Municipal Code to increase and incentivize opportunities for residential and mixed-use infill development including single-family, duplex, townhouses, and accessory dwelling units in existing neighborhoods;
 - (4) The Town will continue to monitor year-round residency and create a year-round residency goal following the 2020 census to ensure the Town maintains a minimum

percentage of year-round, local residents and to inform periodic updates to the Town's Community Housing standards and guidelines.

- (c) Findings. The Minturn Town Council has identified attainable housing for year-round locals as a top policy priority and finds that:
- (1) According to the 2018 Eagle Valley Housing Needs and Solutions report, the free market in the upper Eagle River Valley unlikely to produce housing affordable for those renters below 140% AMI and owners below 200% AMI without local intervention such as incentives, regulations, subsidies, and/or public/private partnerships;
 - (2) Minturn has maintained a high level of year-round residency (80% at the 2010 Census) compared to other municipalities in the upper Eagle River Valley;
 - (3) In recent years, this high level of year-round residency by locals is threatened by rising land, development and housing costs;
 - (4) The definition of "affordable" is that a household pays 30% or less of the income for housing
 - (5) There is now a shortage of affordable housing available for year-round local residents to rent or purchase;
 - (6) These regulations are necessary to ensure that the Town maintains its local resident housing goals.

Sec. 16-26-30. - Applicability.

These requirements for Community Housing shall apply to all residential and mixed-use developments proposing the construction of five (5) or more new dwelling units, or the creation of five or more residential lots, within the corporate limits of the Town of Minturn after the effective date of these regulations. Incentives for Community Housing shall also apply to all residential developments over one (1) dwelling unit.

Sec. 16-26-40. - Administration.

- (a) The Planning Director shall be responsible for the administration of these regulations, and he or she shall have the authority and duty to:
- (1) Exercise administration of this Article or any guidelines thereof pertaining to all building and developments where applicable.
 - (2) Enforce all terms of this Article or any guidelines thereof.
 - (3) Review and recommend approval or denial of all housing mitigation plans submitted in accordance with this Article or any guidelines thereof.

- (b) The Planning Director may also enter into contracts with other agencies, including regional housing authorities, to administer this Article or any guidelines thereof, subject to approval of the Town Council.

Sec. 16-26-50. - Relationship of regulations to other requirements.

Whenever these regulations are found to be inconsistent with any other resolution, ordinance, code, regulation, or other enactment of the Town, the enactment imposing more restrictive standards or requirements shall control.

Sec. 16-26-60. - Guidelines for implementation.

- (a) This Article has been implemented in accordance with guidelines adopted by the Board of Trustees, which guidelines shall be titled "Town of Carbondale Community Housing Guidelines." The guidelines may be amended from time to time and shall include the following components:
 - (1) Guidelines for the type, size and price for community housing units;
 - (2) Guidelines for qualifications to purchase and occupy community housing units; and
 - (3) Guidelines for the purchase or sale of community housing units.
- (b) The guidelines will provide all general information necessary for the implementation and administration of this Article.

DIVISION 2 – COMMUNITY HOUSING REQUIREMENTS.

Sec. 16-26-100. – Mitigation for Residential Developments.

All new residential subdivisions and all new multi-family residential developments shall set aside lots or units for community housing as set forth in this Section.

- (a) Twenty (20%) percent of the total residential units in any new residential or mixed-use development proposing to create five (5) or more residential dwelling units shall be deed restricted for Resident Occupied Community Housing.
- (b) Ten (10%) percent of the total residential units in any new residential or mixed-use development proposing to create five (5) or more residential dwelling units shall be deed restricted to limit the Initial Sales Price to no greater than that which is affordable to Households earning no more than 200% AMI; or to limit the Community housing rental unit rental prices in accordance with guidelines established by the Town and generally set at rates that are affordable to Households with incomes no higher than 80% AMI.

- (c) Fractional remainders. The development's mitigation responsibility will be rounded to the nearest whole number: below 0.5 round down (= 0 unit), and round up from 0.5 and higher (= 1 unit).
- (d) In lieu of the requirements of subsections (a) and (b) of this section, the development may meet mitigation requirements through a donation of land in an amount determined by the Town Council meeting the following requirements:
 - (1) Land shall be free of all liens and encumbrances and shall be conveyed by general warranty deed.
 - (2) Land shall be properly entitled and capable of supporting the applicable number of Community Housing units.
 - (3) Land shall be buildable, have suitable soils and drainage and available utilities, and should not be within an area that has potential geologic hazards associated with development.

Sec. 16-26-110. – Incentives for Residential Developments (Inclusionary Housing) Over One (1) Dwelling Unit.

- (a) Any residential or mixed-use development proposing to create one (1) or more residential dwelling units may be eligible for the following incentives when providing deed restricted Community Housing in the form of Resident Occupied Community Housing, For Sale Community Housing and/or Rental Community Housing that is deed restricted in accordance with the Town’s Community Housing Standards and Guidelines.
 - (1) Density Bonus. As part of any new residential or mixed-use development, the Town may offer a density bonus.
 - (2) Site Design Flexibility. Provided that the housing goals and eligibility requirements are met and provided that the intents and purposes of this Chapter 16 are not compromised, the Town may consider flexible application of design standards including, but not limited to minimum lot size, building height, lot coverage, impervious coverage, setbacks and landscaping.
 - (3) Public-Private Partnerships. The Town may participate in, or facilitate participation with other governmental entities regarding financing or purchasing of Community Housing units directly from the applicant or by other means of subsidy or participation.
 - (4) Tax Rebate or Reduction. The Town Council may at its sole discretion waive, reduce or rebate property, construction use, or other tax applicable to the project.

Sec. 16-26-120. – Acceptable Methods of Community Housing Mitigation

The following methods are provided for an applicant to comply with this Article:

- (a) Provision of Price Capped For Sale Deed Restricted Community Housing with a maximum Initial Sales Price set at or below 200% AMI affordability level.
- (b) Provision of Resident Occupied Deed Restricted Community Housing for Rental and For Sale Community Housing Units.
- (c) Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.

Sec. 16-26-130. - Minimum requirements.

- (a) Deed restrictions. Any community housing required by this Article shall be deed-restricted in accordance with a form of deed restriction enforceable in the State, as approved by the Town Attorney, to rental or ownership and occupancy by the project developer or to persons who live or work in the Town. Deed restrictions shall be prepared in accordance with the community housing guidelines.
- (b) Housing guidelines. The units shall be developed and shall comply with the size, design and occupancy standards established within the community housing guidelines.
- (c) Timing of occupancy. The units shall be ready for occupancy no later than the occupancy of free market units within the project. If the free market units are to be developed in phases, then the community housing units can be developed in proportion to the phasing of the free market units.

Sec. 16-26.140. – Housing Plan.

For all projects subject to the requirements for Community Housing, a housing plan shall be submitted as a component of the land use application. For those projects subject to the requirements for Community Housing, land use applications will not be deemed complete without the submission of a Housing Plan. Execution of the Housing Plan shall be a condition of approval for the development permit and shall include, at a minimum, the following information as deemed applicable by the Planning Director:

- (a) Total number of market rate units and Community Housing units proposed in the development;
- (b) Details regarding how the Standards and Guidelines will be met, including unit types, square footage, number of bedrooms per unit, targeted income category, and Initial Sales Price;
- (c) Any proposed alternative method(s) of compliance with the Standards and Guidelines.

Sec. 16-26-130. – Severability.

If any provision, clause, sentence, or paragraph of the Guidelines or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of the Guidelines that can be given effect without the invalid provision or application, and to this end the provisions of the Guidelines are declared severable.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6th DAY OF MAY, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF MAY, 2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Michelle Metteer
Town Manager
301 Boulder St. #309
Minturn, CO 81645
970-827-5645
manager@minturn.org
www.minturn.org



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

May 6, 2020

Town Manager Update

Town Clean-Up Day

Clean-up day is scheduled for June 13, 2020. This event can be conducted while maintaining necessary social distancing protocols.

Community Garden

The Community Garden is now accepting applications for plots. This is another activity that with proper social distancing, can still take place. Contact the [Minturn Community Fund](#) for more information.

Minturn Shooting Range Closed

The Minturn Shooting Range is now closed until at least May 31, 2020 by order of the Rocky Mountain Regional Forester. The road to the range will be opening May 21st but the range itself will remain closed through the end of May.

[Business Toolkit](#)

The business toolkit is now available online to all Eagle County businesses. Minturn business owners are encouraged to review the toolkit in full as it provides the guidance, requirements and some of the signage materials needed for reopening.

Monthly Newsletter

Reminder, businesses and residents can sign up for the monthly newsletter on the home page of www.minturn.org under the “notify me” link.

Town Hall Schedule

Town hall offices are now open. Limited services are being provided in-person. It is recommended to call in advance of physically coming into the building. All social distancing protocols are required within the building.

Independence Day Celebration

Minturn’s traditional Independence Day celebration has been cancelled. We are unable to conduct the event while maintaining the necessary social distancing protocols. Staff will be working on alternative, socially-distanced-appropriate celebration ideas.

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



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

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

REGULAR TOWN COUNCIL MEETINGS
May 6, 2020
Ordinance No. 04 - Series 2020 (Second Reading) An Ordinance Amending Chapter 8 of the Minturn Municipal Code to Adopt the 2020 Model Traffic Code for Colorado with Local Amendments
Ordinance No. 05 – Series 2020 (Second Reading) An Ordinance of the Town of Minturn enacting a moratorium on the allocation of water taps for new build construction projects requiring more than three single family equivalents (SFEs)
Special Presentation – Vail Valley Mountain Trails Alliance
Ordinance No. 06 – Series 2020 (First Reading) an Ordinance amending the Fiscal Year 2020 Budget for the Town of Minturn
Ordinance No. 07 - Series 2020 (First Reading) An Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purpose of adopting inclusionary zoning for affordable housing.
May 20, 2020
Work Session – Cemetery Land purchase review
Ordinance No. 07 - Series 2020 (Second Reading) An Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purpose of adopting inclusionary zoning for affordable housing.
Ordinance No. 06 – Series 2020 (Second Reading) an Ordinance amending the Fiscal Year 2020 Budget for the Town of Minturn
Council Retreat (details tbd)
June 6, 2020
July 1, 2020
<u>Public Hearing/Action Item</u> : Ordinance 08 – Series 2019 (Second Reading) An Ordinance approving Disconnection of Real Property from the Town of Minturn – Battle Mountain Bolts Lake Property – Sawyer
Discussion/Direction – Leash Law review – Eagle County Animal Control