



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 20, 2020

COVID-19 Eagle County Discussion – 4:00pm

Work Session – 5:00pm

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.

COVID-19 Q&A – 4:00pm

- A question and answer session with Jeff Shroll, County Manager and Kathy Chandler-Henry, County Commissioner

Work Session – 5:00pm

- Ethics Review – Sawyer Pg 4
- Cemetery Land Purchase review Pg 48

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?

- May 6, 2020 Meeting Minutes Pg 51
- Town Planner's Report Pg 60

4. Approval of Agenda

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

5. Special Presentations

- Council Comments/Committee Reports

PUBLIC HEARINGS AND/OR ACTION ITEMS

- 6. Public Hearing/Action Item:** Ordinance No. 06 – Series 2020 (Second Reading) an Ordinance amending the Fiscal Year 2020 Budget for the Town of Minturn – Metteer Pg 62
- 7. Public Hearing/Action Item:** 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. - Hunn Pg 72
- 8. Public Hearing/Action Item:** Resolution 18 – Series 2020 a Resolution of the Town Council of the Town of Minturn, Colorado, amending the approval process for a modification of a liquor premises for use during a local emergency declaration as presented - Metteer Pg 88

DISCUSSION AND/OR DIRECTION ITEMS

- 9. Discussion/Direction Item:** Council Committee Assignments – Metteer Pg 92

COUNCIL INFORMATION / UPDATES

10. Staff Updates

- Manager's Report Pg 94
- Future Agenda Items Pg 96

EXECUTIVE SESSION

- 11. 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) – Egel River Water and Sanitation District and Battle Mountain – Metteer/Sawyer

MISCELLANEOUS ITEMS

12. Future Meeting Dates

- a) Council Meetings:
- May 20, 2020
 - June 3, 2020 (Council Retreat)
 - June 17, 2020

13. Other Dates:

- Memorial Day (Office Closed) – May 25, 2020

14. Adjournment

Town of Minturn
Ethics and Procedure Training

- I. Holding elected office is a public trust “created by the confidence which the electorate reposes in the integrity of public officers.” Conducting the duties of an elected public official in conformance with legal requirements is a “fiduciary duty.” Elected officials are liable to the public for any liabilities suffered by the public resulting from an abuse of trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. CRS § 24-18-103.

- II. Duties of the Board of Trustees (Charter 4.1 and 4.4)
 - a. Legislative (Town Code, Budget). Legislative enactments are generally approved by ordinances. Board members are free to talk to the public about legislative matters.
 - b. Quasi-Judicial (Permits, Liquor Licenses, Land Use Approvals). Quasi-judicial approvals generally involve a right of an individual to do something. All information received by a Board member must be inside the hearing. Do NOT talk to the public!!!
 - c. Policy (purchasing, maintenance of public facilities, more day to day matters). If contracts or personnel matters, may require some discretion about whether to talk to the public.

- III. Procedures for Council Action
 - a. Ordinances – Amending the Town Code, adopting budgets, incurring debt, and selling real property. Two meetings, read title in full, publication in newspaper, public hearing, effective 7 days after “publication following final passage.” (Charter 11.2, 11.3, 11.4, and 11.5, 11.6).
 - b. Emergency Ordinances – needed “for the immediate preservation of the public peace, health, safety or property” may be passed by “unanimous vote of the councilmembers present.” Takes effect immediately upon passage but cannot be in effect for more than 90 days after passage. (Charter 11.7).
 - c. Resolutions – Formal pronouncement of the Town. Everything from celebrating Arbor Day to adopting a new procurement policy. One reading.
 - d. Motions – approving simple agreements, giving direction to staff. Simply vote and decision is recorded in the minutes.

IV. Voting

- a. Voice vote vs. Roll call vote.
- b. Majority prevails. “Every ordinance shall require the affirmative vote of the majority of the entire Council for final passage.” Charter 11.3. Tie votes fail. Certain situations require supermajority (emergency ordinances, executive sessions).
- c. Quorum.
- d. Abstentions. “Every councilmember, when present, shall vote upon ordinances, resolutions and motions, unless excused by the unanimous consent of the remaining councilmembers present; provided that a councilmember shall be excused from voting on any question in which he has a conflict of interest or on any question concerning his own conduct. Each council member who is present shall vote when his name is called. Any councilmember refusing to vote . . . shall be considered delinquent in his duties, and an affirmative vote shall be cast and recorded in his name.”

V. Conduct of Meetings - Ordinance No. 41

- a. Meetings open to the public. Charter 4.10
- b. Discussion/decision items should be on the agenda 24 hours before the meeting.
- c. The Mayor conducts the meeting and regulates the interaction with applicants and the public.
 1. To obtain the floor be recognized by the Mayor. Only one person speaks at a time.
 2. Do not interrupt public comment or an applicant’s presentation with questions. Save them until the end and ask the Mayor to for time to ask questions.
 3. Do not respond to questions posed to you from the public or engage in a dialogue with the public or applicants.
 4. The Mayor should gavel out of order any dialogue from (or with) the audience should be gaveled out of order.
 5. If a response to questions from the public or an applicant is warranted, the Mayor can make time available to staff or a Council person to do so.
 6. If further information is required to make a decision, a request can be made of the staff or applicant to respond to specific questions. The agenda item will then be continued.
 7. Ask questions of your staff, do not attack them. This lowers the trust that the public has in your government’s ability to conduct the Town’s work.

8. On specific agenda items, council time should be used to clarify the issues as opposed to “lecture, give speeches, score debating points, or ask rhetorical questions.”
9. “The Mayor may intervene in Council debate in order to determine whether Council wishes to postpone Council action if more information or staff work appears warranted to facilitate a Council decision.”
10. The Mayor shall interrupt speakers “engaging in personal attacks.”

ii. Rules of Order and Parliamentary Procedure

1. Ordinance 41 – Section IV – Procedure in Handling Motions.
 - a. Council member makes a motion and may state reasons for the motion. – If make the motion cannot vote against it.
 - b. Motion is seconded.
 - c. Mayor restates the motion and asks for discussion.
 - d. Debate between Council. No public comment.
 - e. If debate ends (or a motion to terminate debate is made), the question is called and vote taken.

VI. Conflicts of Interest.

- a. Minturn Charter Section 4.9.

Must declare conflicts of interest that you or immediate family have with Council business. Cannot vote on matters where you or immediate family have conflicts of interest.

(a) Neither the Mayor nor any member of the Council during his term of office shall be a compensated employee of the Town. In the event the Mayor or any Councilmember, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, said Mayor or Councilmember shall declare such interest. If the Mayor or any Councilmember fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest.

(b) Neither the Mayor nor any member of the Council shall vote on any question as to which he has a conflict of interest, other than the common public interest, or on any questions concerning his own conduct.

(c) The Mayor and each member of the Council shall be prepared to fully disclose all information concerning conflicts of interest at the request of the Mayor, members of Council or any interested party.

b. Town Ethics Code. Under Code 2-4-70

A Town officer or Town employee shall not:

- (1) Disclose or use confidential information in order to further a business or other undertaking in which such officer or employee has a substantial financial interest.
- (2) Engage in a substantial financial transaction involving Town business.
- (3) Perform an official act which directly and substantially affects economically a business in which such officer or employee has a substantial financial interest.
- (4) Perform an official act which directly and substantially affects a business by which the officer or employee is employed, or by which such officer or employee is engaged as counsel, consultant, representative or agent.
- (5) Acquire or hold an interest in any business which may be substantially affected to its economic benefit by official action.
- (6) Perform an official act directly and substantially affecting to its economic detriment any business when such officer or employee has a substantial financial interest in a competing business or undertaking.
- (9) Appear on behalf of any private person, business or entity, other than himself or herself, his or her spouse or minor children, before the Town Council, any Town board or the Municipal Court.

Substantial financial interest means an interest owned or held by an officer or employee which is:

- a. An ownership interest in a business;
- b. A creditor interest in an insolvent business;
- c. An ownership interest in real or personal property;
- d. A loan or any other debtor interest;
- e. A directorship or officership in a business;
- f. An employment or prospective employment for which negotiations have begun.

An officer or employee shall be presumed to have a substantial financial interest in any of the above-mentioned interests owned, held or controlled by such officer's or employee's spouse or dependent children.

- c. What is the “common public interest”?
- d. Disclosure Code 2-4-90

Any member of the Town Council who believes he or she has a conflict of interest as defined in [Section 2-4-70](#) above on any matter proposed or pending before the Town Council shall disclose such potential interest to the Town Council. If the Town Council determines that an actual conflict of interest exists, the Councilmember shall not attempt to influence other members of the Town Council in connection with such matter and, except as provided in this Section, the Councilmember shall not vote upon such matter. The Councilmember shall leave the room during the Town Council's discussion and action on the subject, and shall return only when the Town Council has taken up the next agenda item.

VII. Gifts – Colorado Constitution XXIX § 3

- a. Ethics Code 2-4-70 (7) “A Town officer or Town employee shall not: Solicit or accept a present or future gift, favor, loan, service or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, service or thing of value was made or given or primarily for the purpose of influencing or attempting to influence an officer or employee in connection with an official act, or as a reward for official action he or she has previously taken.”
- b. No gifts in excess of \$65 from any person or entity in any Calendar year. Gifts include meals, tickets, invites to events, and tangible things of value.
- c. Does not include small tokens of appreciation (i.e. a plaque or framed photograph).
- d. Does not include cost of food or beverage at a reception or meal where you are speaking or answering questions.
- e. Does not include campaign contributions.
- f. Does not include gifts by personal friends and relatives on special occasions.

VIII. The Appearance of Impropriety

- a. In some areas the law forbids specified actions that while not intended to improperly influence an elected official would give an appearance of impropriety (i.e. accepting gifts from persons with business before the Council).
- b. In other areas, actions may not be specifically forbidden by law, but good governance requires diligent adherence by Council members. Public trust in the government requires that its elected officials set the example. Following laws, ordinances and rules that are generally applicable to the public (you are held up on a pedestal and if you don't comply it will be an excuse for others not to comply).
- c. This is not a "good old boys" government. Do not expect or ask for special treatment for you, your family, or your friends. Don't promise friends or family favorable outcomes involving Town reviews or business. Don't intervene with Town staff to "cut a friend a break." Never tell a government official "do you know who I am."

IX. Open Meetings (CRS 24-6-402) and Open Records

- a. What constitutes a meeting – Three or more members of the Board discussing "any public business" is a "public meeting"
 - i. Meetings can occur in person, on telephone and "electronically"
 1. Email discussions; social media discussions
 - ii. Social events where public business is not discussed are NOT public meetings
- b. Executive Sessions and Attorney Client Privilege CRS 24-6-402(3)
 - i. Matters involving negotiations; receiving advice from attorney; employment matters.
 - ii. Only Board can waive the privilege – except when Board members discuss executive session matters with people who were not in the executive session. Possible breach of fiduciary duty.
- c. What constitutes an open record?
 - i. Applies to writings and documents maintained or kept by a political subdivision for use in performance of public functions.
 - ii. Applies to emails, text messages, and social media posts.
 - iii. Be careful of using your personal email, text messages and social media to discuss Town business – it could end up being a public record.

X. Dealings with Employees

- a. The Town Administrator and Town Attorney are appointed by the Council and “serve at the pleasure of the Council.” (Charter 5.1, 6.2).
 - i. Town Administrator is the “chief administrative officer of the Town.”
This includes the power to remove, discharge, suspend, demote and discipline employees.
- b. The Municipal Judge is appointed to a 2 year term. Charter 6.1.
- c. The Town Clerk and Treasurer are appointed by Council but supervised and can only be terminated by Manager (Charter 5.3; Code 2.04.080)
- d. All other employees are hired, disciplined and fired by Town Administrator or department head.
- e. **Sec. 2-3-30. - Administrative relations.**
“The Town Council shall deal with the administrative functions of the Town through the Town Administrator. Neither the Town Council nor any individual member thereof shall give direction or orders to any subordinate of the Town Administrator, except through him.”
- f. Requirements of confidentiality
- g. If giving direction to staff, it should be done by a majority of the Council during a meeting. Individual Council members should not be giving direction to staff.

HOME RULE CHARTER

for the

TOWN OF MINTURN, COLORADO

April 6, 1982



Municipal Code Corporation P.O. Box 2235 Tallahassee, FL 32316
info@municode.com 800.262.2633 www.municode.com

HOME RULE CHARTER
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ARTICLE I - General Provisions

Section 1.1 - Name and Boundaries.

The municipal corporation heretofore existing as the Town of Minturn in Eagle County, State of Colorado, shall remain and continue as a body politic and corporate and under this Charter with the same name and boundaries as presently established until changed in a manner authorized by law.

Section 1.2 - Form of Government.

The municipal government provided by this Charter shall be the "Mayor-Council" form of government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State Constitution, all powers of the Town shall be vested in an elective council.

Section 1.3 - Powers.

The Town shall have all the power of local self-government and home rule and all power possible for a town to have under the Constitution of the State of Colorado. The Town shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others.

Section 1.4 - Rights and Regulations.

By the name of the Town of Minturn, the municipal corporation shall have perpetual secession and rights including, but not limited to, the following:

- (a) Ownership, possession and holding of all property, real and personal, heretofore owned, possessed and held by the Town of Minturn;
- (b) Assumption, management and disposition of all trusts in any way connected with the holding of real and personal property;
- (c) Succession to all rights and liabilities and acquisition of all benefits of the Town of Minturn including all property rights, contract rights or rights of action of any nature or kind, civil or criminal, vested in the Town of Minturn;
- (d) Assumption and payment of all bonds, obligations and indebtedness of the Town of Minturn;
- (e) Right to sue, defend, plead and be impleaded in all Courts and placed places and in all matters and proceedings;
- (f) Right to purchase, receive, hold, enjoy, sell or dispose of real and personal property;
- (g) Right to have and use a common seal and alter the same at pleasure;
- (h) Right to have any property rights, contract rights or rights of actions of any nature or kind or criminal; and
- (i) The Town of Minturn may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with other governmental units of every kind and character.

ARTICLE II - Elections

Section 2.1 - Election Laws.

Town elections shall be governed by the Colorado Municipal Election Laws as now existing or hereafter amended or modified except as otherwise provided in this Charter or by ordinance hereafter enacted.

Section 2.2 - Types of Elections.

Regular municipal elections shall be held on the first Tuesday following the first Monday in April and biennially thereafter. Special Town elections shall be held in accordance with the provisions of this Charter. Any special Town election may be called by resolution of the Council not less than thirty (30) days in advance of such election or when required by this Charter or by statute. The resolution calling a special Town election shall set forth the purpose or purposes of such election.

Section 2.3 - Nonpartisan Elections.

All municipal elections shall be nonpartisan. In accepting a nomination a candidate shall by affidavit, filed with the Town Clerk, attest to the fact that he has not become a candidate as the nominee or representative of or because of any promised support from any political party, committee, convention or organization representing or acting for any political party.

Section 2.4 - Alcohol Sales.

The Council may, by ordinance, control or prohibit the sale of alcoholic beverages during the time the polls are opened by any municipal elections.

Section 2.5 - Recall.

Any elected official of the Town may be recalled at any time after the completion of six (6) months in office by the electors entitled to vote for a successor of such incumbent, as mandated in the Colorado Constitution.

ARTICLE III - Initiative and Referendum

Section 3.1 - General Authority.

Initiative. The qualified electors of the Town shall have the power to propose any ordinance to the Council in accordance with the provisions of this Article of the Charter except budget, appropriation of any revenues or levy of taxes. In the event Council fails to adopt said proposed ordinance without any change in substance, the said proposed ordinance shall be submitted to the registered electors at a Town election for their acceptance or rejection.

Referendum. The qualified electors of the Town shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election in accordance with the provisions of this article of this Charter; provided that such power shall not extend to ordinance adopting the budget, appropriating revenues, levying taxes, calling a special election, or levying special assessments or authorizing the issuance of bonds or other obligations pursuant to Article IX of this Charter or otherwise meeting the contractual obligations of the Town.

Section 3.2 - Petitions.

Number of Signatures. Initiative and referendum petitions must be signed by qualified electors of the Town equal in number to at least ten (10) percent of the total number of electors registered to vote at the last regular municipal election.

Signatures. Each signer must sign his own proper signature in ink or indelible pencil, giving the date of signing said petition and his place of residence, including his street and number. The signatures to the petition need not all be on one sheet of paper. The petition may be circulated and signed in sections with each consisting of one or more sheets, provided that each section shall contain a full and accurate copy of the title and text of the ordinance initiated or referred by the said petition. All sheets and sections shall be filed as one instrument.

Time for Filing Petitions. All signatures on the petitions shall be obtained within thirty (30) days before the date of filing the petition with the Town Clerk.

Section 3.3 - Council Action on Petitions.

When an initiative or referendum petition has been finally determined sufficient, the Council shall, within not more than sixty (60) days, either:

- (1) Adopt the ordinance without alteration and as submitted by the initiatory petition;
- (2) Repeal the ordinance or part thereof referred to by the referendum petition; or
- (3) Submit the proposal provided for in said petition, without alteration, to the qualified electors of the Town as provided in this Charter.

The vote of the qualified electors on a proposed or referred ordinance shall be held as provided in this Charter. Copies of the proposed or referred ordinance shall be made available to the public before the election and also at the polls at the time of the election.

Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by a majority of the petitioners committee. With the consent of the majority of the Council and upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 3.4 - Results of Elections.

Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Referendum. If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

Amendment or Repeal. An ordinance adopted by the electorate may not be amended or repealed by action of the Council for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted by action of the Council for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this article or if submitted to the electorate by the Council on its own motion.

ARTICLE IV - Legislative Body

Section 4.1 - Council.

All powers of the Town of Minturn not otherwise limited or conferred upon others by this Charter shall be vested in a council consisting of six council members and one other member who will run and be elected at large specifically for the office of mayor. In the event there are no candidates for mayor, there shall be a number of council members equal to the number of vacant seats plus one elected at large, and the mayor shall be chosen by the council from the members at large at the first regular meeting after the election.

Section 4.2 - Mayor and Mayor Pro Tem.

- (a) The Mayor shall be the chief executive and administrative officer of the Town government for all legal, dignitary and ceremonial purposes. He shall preside at meetings of the Council and shall have the same right to speak and vote therein as any member. All contracts in writing binding the Town, all conveyances of interest in land by the Town and any other documents requiring his signature shall be signed by the Mayor (or by the person acting as Mayor Pro Tem as provided in this Charter) and attested by the Clerk under the seal of the Town. The Mayor shall be conservator of the peace.
- (b) The Council, by ordinance, may delegate any authority of the Mayor to the Town Administrator as part of the Town Administrator's responsibilities pursuant to Section 5.1.
- (c) The Mayor Pro Tem shall be appointed by the Mayor subject to approval by the Council at the first regular meeting held after each regular municipal election and shall serve at the pleasure of the Mayor for a two-year term.

In the absence or disability of the Mayor, the Mayor Pro Tem shall perform all the duties and have all the powers of the Mayor. In the event of a vacancy in the office of the Mayor Pro Tem, the Mayor shall appoint his successor subject to the approval by the Council.

Section 4.3 - Qualifications.

No person shall be eligible to be elected or appointed to the office of Mayor or council member unless he has been a citizen of the United States for not less than seven (7) years, is at least twenty-five (25) years of age and shall have been a resident of the Town of Minturn not less than two (2) years immediately preceding such election or appointment or in the case of the Mayor, five (5) years immediately preceding such election or appointment. Each elected official shall maintain his residency in the Town throughout his term of office. If an elected official shall move from the Town during his term of office, his seat shall be vacant and such vacancy shall be filled as provided by this Charter. A person who has been convicted of a felony shall not be eligible to become a candidate for a Town office.

Section 4.4 - Powers.

The Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town and shall adopt such laws, ordinances and resolutions as it shall deem proper.

The Mayor may take command of the departments of the Town and govern the Town by proclamation in times of public danger or emergency. A majority of the Council shall determine what constitutes such public danger or emergency and such proclamation may be terminated at any time by the affirmative vote of a majority of the Council.

Section 4.5 - Compensation.

The members of the Council shall receive such compensation as the Council shall by ordinance prescribe; provided, however, it shall neither increase nor decrease the compensation of any member of the Council during his term. Councilmembers may be paid their actual and necessary expenses incurred in the performance of their duties of office.

Section 4.6 - Vacancies.

An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, removes from or becomes a nonresident of the Town, absents himself from meetings of the Council for sixty (60) days, unless excused by resolution thereof, is convicted of a felony or is judicially declared a mental incompetent. In case of vacancy the remaining councilmembers shall choose by majority vote, within thirty (30) days after such a vacancy occurs, a duly qualified person to fill the unexpired term so vacant. If more than three vacancies occur simultaneously, the remaining councilmembers shall call a special election to fill such vacancies provided there will not be a regular general municipal election within thirty (30) days.

If a councilmember's office is vacated during the first two (2) years of a four-year term, the term of the newly appointed councilmember shall expire at the next regular municipal election, and the qualified electors shall elect a councilmember to complete the final two plus years of that term.

Section 4.7 - Terms of Office.

The term of office for the Mayor shall be two (2) years. The terms of office for councilmembers shall be four (4) years. In the regular municipal election to be held in 1982, the three (3) candidates receiving the highest number of votes shall be elected to four-year terms. In the municipal election to be held thereafter, the three (3) candidates receiving the highest number of votes shall be elected to four-year terms. If a vacancy exists, those candidates receiving the fourth, fifth and sixth highest number of votes, depending upon the number of vacancies to be filled, shall be elected to two-year terms.

Section 4.8 - Meetings.

The Council shall meet regularly twice each month on the first and third Wednesday or at a day and hour to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings including attendance requirements.

Special meetings shall be called by the Town Clerk at the request of the Mayor or three (3) members of the Council, on at least twenty-four (24) hour notice, either written or verbal, to each member of the Council, and public notice of the time, date, location and purpose of the meeting shall be posted at two (2) public places and on the Town of Minturn web site twenty-four (24) hours prior thereto. In the event public notice on the Town's website cannot be accomplished, the public notice shall be posted in full at the established public notice locations.

When an emergency exists, as set forth in Section 4.4, twenty-four (24) hour notice and posting of public notices shall not be required. (Amended by Ord. 4-2012 §1 by vote of the people on 4-3-12)

Section 4.9 - Conflicts of Interest.

- (a) Neither the Mayor nor any member of the Council during his term of office shall be a compensated employee of the Town. In the event the Mayor or any Councilmember, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, said Mayor or Councilmember shall declare such interest. If the Mayor or any Councilmember fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest.

- (b) Neither the Mayor nor any member of the Council shall vote on any question as to which he has a conflict of interest than the common public interest, or on any questions concerning his own conduct.
- (c) The Mayor and each member of the Council shall be prepared to fully disclose all information concerning conflicts of interest at the request of the Mayor, members of Council or any interested party.

Section 4.10 - Meetings to be Public.

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold such study sessions and executive sessions as the Council may determine and may exclude from said meetings the public and citizens, provided, however, no formal and legally binding action by the Council for the Town shall be taken at any such executive or study session.

ARTICLE V - Administration

Section 5.1 - Town Administration.

The Council, by majority vote, shall have the authority to select and appoint a qualified Town Administrator, who shall serve at the pleasure of the Council. The Town Administrator shall possess, have and exercise the administrative and executive responsibilities designated by the Council. The administrative and executive duties of the Town Administrator as designated by the Council shall be adopted by ordinance or resolution prior to the employment of said administrator and may thereafter be amended from time to time. The administrator shall be appointed without regard to any consideration other than fitness, competency, training and experience in professional urban administration. The Council may adopt residency requirements, if any, of the Town Administrator. The Town Administrator may be removed without cause by a majority vote of the Council.

Section 5.2 - Departments.

The administrative functions of the Town shall be performed by the departments existing at the time this Charter is adopted and such other departments as may be hereafter established by ordinance. The Council may by ordinance consolidate, merge or abolish any of said departments. Each department shall be under the immediate control and supervision of a department head, appointed by the Council.

Section 5.3 - Town Clerk and Town Treasurer.

- (a) The Council shall appoint a Town Clerk, who may also serve as Town Treasurer, who shall be custodian of the Town seal and who shall keep a journal of Council proceedings and record in full all ordinances motions and resolutions. The Town Clerk shall have power to administer oaths and take acknowledgments under the seal of the Town and shall perform such other duties as required by this Charter or the Council.
- (b) The Council shall appoint a Town Treasurer, who may also serve as Town Clerk, who shall have charge of the financial records of the Town and shall collect, receive and disburse all monies belonging to the Town and shall have all other duties required to administer properly the financial affairs of the Town.

Section 5.4 - Bonding of Employees.

All Town officials and employees dealing directly with municipal funds or substantial inventories of material and supplies shall post bond in an amount and under such conditions as required by the Council at the expense of the Town.

Section 5.5 - Personnel Policies.

The Council, within six months of the adoption of this Charter, shall approve by ordinance or resolution a thorough Personnel Policies and Regulations Manual for the employees and officers of the Town of Minturn. The Personnel Policies and Regulations Manual shall contain provisions for employee classification, pay administration, employment practices, employee conduct, disciplinary actions, employee leave and fringe benefits and such other standard personnel provisions as may be adopted by the Council.

ARTICLE VI - Legal and Judiciary

Section 6.1 - Judiciary.

- (a) Presiding Municipal Judge. There shall be a municipal court vested with jurisdiction of all cases arising under the ordinances of the Town and may be conferred by law. The municipal court shall be a court of record and be presided over and its functions exercised by a judge appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, reappoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term.
- (b) Deputy Judges. Council may appoint one or more deputy judges, as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall serve at the pleasure of the Council.
- (c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the Council which shall not be increased or decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as the Council may determine.
- (d) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the Council for cause if:
 - (1) He is found guilty of a felony or any other crime involving moral turpitude;
 - (2) He has willfully or persistently failed to perform his duties; or
 - (3) He has a disability which interferes with the performance of his duties which is, or is likely to become, of permanent character. (Amended by Ord. 1-2007 §1 by vote of the people on 4-3-07)

Section 6.2 - Town Attorney.

The Council shall appoint a Town Attorney to serve at the pleasure of the Council. He shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town, and he shall advise the Council and Town Officials in matters relating to their official powers and duties and perform such other duties as the Council may prescribe by ordinance or resolution. The Council may provide the Town Attorney such assistants and as the Council may deem necessary and may upon its own motion or upon request of the Town Attorney appoint special counsel to serve under the direction of the Town Attorney. The Council shall establish compensation for the Town Attorney, his assistants and any special counsel.

ARTICLE VII - Boards, Commissions and Committees

Section 7.1 - Existing Boards, Commissions and Committees.

All boards, commissions and committees existing at the time this Charter is adopted shall continue as established by ordinance, except as otherwise provided by this Charter.

Section 7.2 - Right to Establish, Amend and Abolish.

- (a) The Council may create any boards, commissions or committees including advisory and appeal boards, provided no such board, commission or committee shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter. Advisory boards may be created by resolution. Unless otherwise required by law or this Charter, all other boards, commissions and committees shall be created by ordinance, which shall prescribe the duties delegated by Council. Each board, commission and committee shall elect its own chairman and vice-chairman from among its citizens-at-large members. Each board, commission and committee shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council. All board, commission and committee meetings shall be open to the public, and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Council as the Council shall require.
- (b) The Council may increase, reduce or change any or all of the duties and procedures of any board, commission or committee existing at the time of the adoption of this Charter or as created by ordinance or resolution thereafter.
- (c) Any board, commission or committee existing at the time this Charter is adopted or created under the provisions of this Section, which is not required by statute or this Charter, may be abolished by the Council.
- (d) Terms and conditions of appointment and composition of all boards, commissions and committees shall be determined by ordinance.

Section 7.3 - Vacancies.

Whenever a vacancy occurs on any board, commission or committee, the Council shall cause public notice of such vacancy to be made and encourage qualified volunteers to seek appointment to such board, commission or committee. The Council shall then make appointments to fill such vacancies.

Section 7.4 - Planning Commission.

- (a) There shall be, and hereby is, created a planning commission to serve and assist the Council in providing for the orderly development of the Town of Minturn.
- (b) Where not otherwise provided by this Charter or ordinance, the planning commission shall have the powers, perform the functions and follow the procedures set forth in the statutes of the State of Colorado.

ARTICLE VIII - Budget and Finance

Section 8.1 - Fiscal Year.

The fiscal year of the Town and of all its departments, offices and agencies shall begin on the first (1st) day of January of each year and end on the thirty-first (31st) day of December of the same year.

Section 8.2 - Provision for Tax System.

The Council shall have the authority to levy and impose ad valorem taxes for municipal purposes and to provide for their collection. No increase in ad valorem taxes in excess of 10% of the previous year's mill levy shall be adopted until it shall have been approved by a majority vote of the qualified electors voting at a regular or special municipal election. No sales tax, use tax, excise tax, gross receipts tax, real estate transfer tax or any other new tax, unless the same is in effect at the adoption of this Charter, shall be adopted or increased until it shall have been approved by a majority of the qualified electors voting at a regular or special municipal election. The Council shall also have the authority to levy and to provide for the collection of special assessments for local improvement districts as provided in this Charter.

Section 8.3 - Capital Program.

- (a) If required by the Council by motion, resolution or ordinance, the Mayor or other qualified person appointed by the Council, with such assistance as the Council may direct, shall prepare and submit to the Council a long-range capital program simultaneously with the recommended budget.
- (b) The capital program shall include the following unless otherwise provided by the Council:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the following fiscal years with appropriate supporting information as to the necessity for improvement;
 - (3) Cost estimates, proposed methods of financing and recommended schedules for each such improvement;
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (c) This information may be revised or extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Section 8.4 - The Budget.

- (a) The Mayor or other qualified persons appointed by the Council shall prepare and submit to the Council, on or before the first regularly scheduled Council meeting in October of each year, a recommended budget for the next fiscal year and an accompanying budget message. Such proposal shall be based upon detailed estimates by the departments and other agencies of the Town Government according to a classification as nearly uniform as possible.
- (b) The message shall explain therein the budget both in fiscal terms and in terms of the work program. It shall contain the proposed financial policies of the Town for the next fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the Town's debt position; give the balance between the total estimated expenditures and total anticipated revenues from all sources, taking into account the estimated surpluses or deficits in the various funds; and include such other material as deemed necessary or which the Council may require.
- (c) The budget shall provide a complete financial plan of all municipal funds and activities for the next fiscal year and, except as required by law or this Charter, shall be in such form as deemed desirable or as the Council may require. The most feasible combination of expenditure classifications by fund, organizational unit,

program, purpose or activity shall be utilized when organizing the budget. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year. It shall include, but shall not be limited to, the following separate sections or columns:

- (1) Detailed estimates of all anticipated revenues of the Town classified as cash surplus, miscellaneous revenues and amounts to be received from property taxes;
- (2) Detailed estimates, with supporting explanations, of all proposed expenditures for each department, office and agency of the Town during the next fiscal year, together with the proposed method of financing such expenditures;
- (3) A reasonable provision for contingencies;
- (4) Required expenditures for debt service, judgments, cash deficiency recovery and statutory expenditures;
- (5) Proposed capital expenditures during the next fiscal year detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure;
- (6) Anticipated net surplus or deficit for the next fiscal year for each utility owned or operated by the Town and the proposed method of its disposition together with subsidiary budgets for each such utility stating anticipated income and expenditures information;
- (7) The bonded and other indebtedness of the Town, showing the debt authorized and unissued and the condition of special funds, if any; and
- (8) Such other information as the Council may request.

Section 8.5 - Budget Hearing.

A public hearing on the proposed budget and proposed capital program shall be held in accordance with this Charter before its final adoption at such time and place as the Council shall direct. Notice of such public hearing and notice that the proposed budget is on file for public inspection in the office of the Town Clerk shall be published in some newspaper of general circulation within the Town one time at least seven (7) days but not more than thirty (30) days prior to the hearing. The complete proposed budget shall be on file for public inspection during regular office hours at such office for a period of not less than seven (7) days prior to such hearing. The Council may, at any time before final adoption, increase, decrease, add or strike out any item in the budget.

Section 8.6 - Council Adoption.

- (a) The Council shall adopt the following year's tax levy by ordinance on or before the final day established by law for the certification of said levy to the County. Adoption of the following year's budget by the Council based upon such tax levy shall take place not less than fifteen (15) days before commencement of the following fiscal year. If the Council fails to adopt the budget prior to such date, the amounts appropriate appropriated for the operation of the current fiscal year, less any capital expenditures, shall be deemed adopted for the following fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts the budget for the following fiscal year.
- (b) Proposed expenditures shall not exceed anticipated revenues unless the Council deems that surpluses from prior years are excessive.

Section 8.7 - Appropriation.

Adoption of the budget by the Council shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

Section 8.8 - Amendments After Adoption.

- (a) Supplemental Appropriations. If during the fiscal year it is certified that there are available for appropriated appropriation revenues in excess of those estimated in the budget, the Council may by ordinance make supplemental appropriations for the year up to the amount of such excess or may by resolution permit funds to be invested as surplus, to meet contingencies to support improvements or to provide earned income.
- (b) Emergency Appropriations. To meet a public emergency which jeopardizes public health, peace, safety or property, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of short-term notes to be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation is made.
- (c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Mayor or the Town Administrator that the revenues available will be insufficient to meet the amount appropriated, a report shall be made to the Council without delay, indicating the estimated amount of deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take action to prevent any deficit and for that purpose it may by resolution reduce one or more appropriations. Except as otherwise specifically provided in this Charter and in accordance with such provisions, the Council shall consistently seek to operate within a balanced budget.
- (d) Transfer of Appropriations and Fund. At any time during the fiscal year the Mayor or the Town Administrator may transfer part or all of any unexpended and unencumbered funds from one department fund, office or agency to another. Cash transfers between Town funds to meet temporary cash deficiencies may be ordered by the Mayor or Town Administrator provided proper report is made to the Council in the regular monthly financial statement.
- (e) Limitation, Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 8.9 - Independent Audit.

An independent audit shall be made of all Town accounts at least once annually, or more frequently if deemed necessary by the Council, of any or all individual funds. Such annual audit shall be made by certified public accountants, experienced in municipal accounting, selected by the Council, who shall complete the audit within one hundred eighty (180) days after the close of the fiscal year. Such audit shall include a capital depreciation review of each of the revenue-producing accounts. Copies of such audit shall be available for public inspection at the office of the Town Clerk, and notice that such copies are available shall be published in a newspaper of general circulation within the Town.

Section 8.10 - Appropriation of Unexpended Funds.

Any funds appropriated but remaining unexpended and unencumbered at the close of the fiscal year shall lapse and shall be available for expenditure in the following fiscal year as determined by the budget for such year.

Section 8.11 - Special Funds.

In addition to the funds provided for in this Charter, the Council may by ordinance establish or abolish such special funds as it deems necessary and appropriate. The ordinance establishing such funds shall clearly state the purpose of the fund.

ARTICLE IX - Municipal Funding

Section 9.1 - Forms of Borrowing.

The Town may borrow money for any municipal purpose provided in this Charter and may issue the following or other securities to evidence such indebtedness:

- (a) Short-term notes;
- (b) General obligation bonds;
- (c) Revenue bonds;
- (d) Refunding securities;
- (e) Tax increment financing;
- (f) Local improvement district bonds;
- (g) Long-term rentals or leases; or
- (h) Any other legally recognized security which the Council may provide by ordinance.

Section 9.2 - Short-Term Notes.

The Town upon the affirmative vote of a majority of the entire Council, may borrow money without an election in anticipation of the collection of taxes and issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature within twelve (12) months.

Section 9.3 - General Obligation Bonds.

- (a) No general obligation bonds of the Town, payable in whole or in part from the proceeds of ad valorem taxes or to which the full faith and credit of the Town are pledged, shall be issued except by ordinance and until the question of their issuance shall have been, at a regular or special election, approved by a majority of the qualified electors voting on the question, except as otherwise provided in this Section.
- (b) General obligation bonds issued for the purpose of acquiring water and rights thereto, for the purpose of acquiring, improving or extending a water system, sewer system or drainage system or for any combination of such purposes may be issued by ordinance without an election.

Section 9.4 - Revenue Bonds.

The Town by ordinance with or without an election, as determined by the Council, may issue bonds or otherwise extend its credit for the purpose of purchasing, equipping, constructing, condemning or otherwise acquiring, extending or improving a water, electric, gas or sewer system or other public utility, facility or project provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system, utility or project, or from the

proceeds of any tax other than the general ad valorem tax imposed by the Town. Such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held. Notice of such hearing shall be published at least once in a newspaper of general circulation within the Town at least thirty (30) days prior to the public hearing.

Section 9.5 - Refunding Bonds.

- (a) Subject to contractual obligations, the Town by ordinance and without an election may issue bonds or other securities for the purpose of refunding and providing for the payment of the outstanding bonds or other indebtedness of the Town, in advance or at maturity, by means of escrow or otherwise.
- (b) Any refunding bonds or other securities issued for the purpose of refunding revenue bonds or other revenue indebtedness shall be payable from the revenues of the utility system, project or capital improvement that was acquired, extended or improved with the proceeds of the bonds refunded.

Section 9.6 - Terms and Disposal of Bonds.

The terms and maximum interest rate of general obligation or revenue bonds or other indebtedness of the Town shall be fixed by the authorizing ordinances, and such securities shall be sold to the best advantage of the Town at public or private sale. Any refunding bond may be exchanged dollar-for-dollar for a bond refunded. All bonds may contain provisions for calling the same as at designated periods prior to the final due date, with or without the payment of a prior redemption premium.

Section 9.7 - Assumption of Indebtedness.

Nothing herein shall be construed to limit the power of the Town to assume part or all of the indebtedness of special taxing districts if the boundaries thereof lie wholly or partly within the Town if such indebtedness was incurred prior to the adoption of this Charter and if a majority of the qualified electors of the Town voting thereon at a regular or special election approve the assumption of such additional indebtedness.

Section 9.8 - Tax Increment Financing.

Any urban renewal plan approved by the Town pursuant to the Colorado Revised Statutes, as from time to time amended, may contain provision for tax increment financing in accordance with the Colorado Revised Statutes, as from time to time amended.

Section 9.9 - Local Improvement Districts.

The Town shall have the power to create local improvement districts and to assess the cost of the construction or installation of special or local improvements of every character against the property benefited thereby within designated districts in the Town as follows:

- (a) By ordinance adopted by the Council provided no protest is filed within thirty (30) days of final passage of the ordinance creating the district by the owners of more than fifty (50) percent of the property to be included in the proposed district; or
- (b) On petition filed by more than fifty (50) percent of the landowners in the area of the proposed district.

Section 9.10 - Hearing - Bonds - Special Levy.

- (a) A public hearing shall have been held at which all interested parties may appear and be heard. Right to protest

and notice of public hearing shall be given by the Council by ordinance. Any improvements ordered shall confer special benefits to the real property within the district and general benefits to the Town at large. The Council shall have the power by ordinance without an election to create the local improvement district, to prescribe the method of making the improvements ordered, to assess the cost thereof and to issue bonds for the purpose of constructing or installing such improvements including the costs incidental thereto.

- (b) Whenever all outstanding bonds of a local improvement district have been paid and monies remain to the credit of the district, they shall be transferred to a special surplus and deficiency fund; whenever there is a deficiency in any local improvement district fund to meet the principal payments of outstanding bonds and interest due thereon, such deficiency shall be paid out of said surplus and deficiency fund. Whenever three-fourths of the bonds issued in connection with a local improvement district have been paid, and for any reason the remaining assessments are not paid in time to pay the remaining bonds of the district and the interest due thereon and there are insufficient monies in the special surplus and deficiency fund, the Town shall pay said bonds when due together with interest and reimburse itself by collecting the unpaid assessments.
- (c) In consideration of the general benefits conferred upon the Town at large by reason of the creation of a local improvement district, the Council may levy a general ad valorem tax without an election, at a rate to be determined by the Council, for the purpose of making payments of principal and interest on the bonds issued in connection with any local improvement district. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein. In lieu of such levy, the Council may annually transfer to such special fund any available monies of the Town.

Section 9.11 - Long-Term Rentals and Leaseholds.

- (a) In order to provide necessary land, buildings, equipment and other property for governmental or proprietary purposes, the Town may enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the Council.
- (b) The Council may provide for payment of installments thereof out of the general ad valorem tax levy, by the imposition of rates, tolls or service charges for the use of such property or any part thereof, out of any other available municipal revenues or by any combination of the foregoing methods.

Section 9.12 - Industrial Development Revenue Bonds.

The Town may authorize by ordinance bonds without an election pursuant to the provisions of the Colorado Revised Statutes, as from time to time amended; provided such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held. Notice of such hearing shall be published at least once in a newspaper of general circulation within the Town at least thirty (30) days prior to the public hearing.

ARTICLE X - Public Utilities and Franchises

Section 10.1 - General Powers.

The Town shall have and exercise with regard to all utilities and franchises all municipal powers including, without limitation, all powers not existing and which may be hereafter provided by the Constitution and statutes of the State of Colorado. The right of the Town to construct, purchase or condemn any public utility, work or way is expressly reserved. Except as otherwise provided by the Constitution or this Charter, all powers concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Council.

Section 10.2 - Water Rights.

The Town shall have the power to buy, exchange, lease, own, control or otherwise deal in water rights.

Section 10.3 - Utility Rates and Service Areas.

The Council shall by ordinance establish rates for services provided by municipally owned utilities. All newly annexed territory shall be served by municipal utilities within a reasonable period of time after annexation. If the Council desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

Section 10.4 - Granting of Franchises.

No franchise shall be granted that exceeds ten (10) years.

Section 10.5 - Franchise Review.

Each franchise granted under the provisions of this Charter shall include a section specifying an annual review of said franchise. Prior to any rate increase by any franchise holder, a public meeting shall be held regarding justification of said increases at a regular or special meeting of the Council.

Section 10.6 - Franchise Records.

The Council shall cause to be kept in the office of the Town Clerk an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record shall contain a complete history of all such franchises, a comprehensive and convenient reference to all actions at law affecting the same and copies of all annual reports and such other matters of information and public interest as the Council may from time to time require.

Section 10.7 - Existing Franchises.

All franchise ordinances of the Town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

Section 10.8 - Sale of Utilities.

No utility owned by the Town and no water rights owned by the Town shall be sold or otherwise disposed of by the Town unless the question of such sale and the terms and consideration therefore therefor shall first have been approved by a majority vote of the qualified electors voting thereof thereon at a regular or special election.

Section 11.1 - Prior Town Legislation.

- (a) The Municipal Code of the Town of Minturn and all laws, ordinances, resolutions, rules and regulations of the Town which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect after the effective date of this Charter until repealed or amended.
- (b) If any law, ordinance, resolution, rule or regulation provides for the appointment of any officers or members of any board or commission, any vacancy on such board or commission shall, after the effective date of this Charter, be filled as provided in this Charter.
- (c) The provisions of any law, ordinance, resolution or policy which are inconsistent with this Charter are hereby repealed.

Section 11.2 - Ordinances, Resolutions and Motions.

The Council shall act only by ordinance, resolution or motion. All legislative enactments of a permanent nature shall be in the form of ordinances. Except as otherwise required by this Charter, all other actions may be in the form of a resolution or motion. All ordinances and resolutions, except repealing ordinances and an ordinance making a general codification of ordinances, shall be confined to one (1) subject, which in the case of ordinances shall be expressed in the title; provided, however, that ordinances making appropriations shall be confined to the subject of appropriation but may include more than one (1) appropriation.

Section 11.3 - Voting.

- (a) A roll-call vote shall be taken upon the passage of all ordinances. A voice or roll-call vote shall be taken upon the passage of all resolutions and motions. Except as provided in Section 11.7, every ordinance shall require the affirmative vote of the majority of the entire Council for final passage. Every councilmember, when present, shall vote upon ordinances, resolutions and motions, unless excused by the unanimous consent of the remaining councilmembers present; provided that a councilmember shall be excused from voting on any question in which he has a conflict of interest or on any question concerning his own conduct. Each councilmember who is present shall vote when his name is called. Any councilmember refusing to vote, except when not required to by this Charter, shall be considered delinquent in his duties, and an affirmative vote shall be cast and recorded in his name.
- (b) The votes upon all ordinances, resolutions and motions shall be entered upon the minutes except that where the vote is unanimous, it shall only be necessary to state that the vote was unanimous.

Section 11.4 - Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing the borrowing of money, establishing any rule or regulation for the violation of which a penalty is imposed or placing any burden upon or limiting the use of private property shall be by ordinance.

Section 11.5 - Form of Ordinance - Effective Date.

All ordinances shall be introduced in written or printed form, and no ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall read, "The Town of Minturn, Colorado, Ordains," but such clause may be omitted as to ordinances compiled in book form or revised and codified by order of the Council. With the exception of emergency ordinances, the effective date of all ordinances shall be seven (7) days after publication following final passage unless a later date is prescribed in the ordinance. If any portion of an ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end all ordinances are declared to be severable. Each ordinance shall be deemed to have included as a part of it this severability provision even though this severability provision is not set out in the ordinance unless an ordinance shall expressly provide that this severability provision is not applicable.

Section 11.6 - Procedure for Passage of Ordinance.

Except emergency ordinances, ordinances making general codification of existing ordinances and ordinances adopting standard codes, the procedure for enactment of ordinances shall be:

- (a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.
- (b) The ordinance title shall be read in full, and copies of the ordinance shall be available for public information at said meeting.
- (c) After the first reading of the ordinance the same shall be approved with or without amendment, rejected or tabled by vote of the Council.
- (d) If the ordinance is approved on first reading, it shall be published in full in a newspaper of general circulation within the Town unless otherwise provided herein. The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication. Such hearing shall be held not earlier than four (4) days after the first publication.
- (e) If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.
- (f) The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only in second reading. The ordinance may be amended before final approval or rejection by vote of the Council, provided the text of any such amendment or amendments shall be read in full.
- (g) Except as otherwise provided in this Charter, an ordinance, if amended in substance, shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

Section 11.7 - Emergency Ordinances.

- (a) An ordinance which is declared therein to be an emergency ordinance and which is necessary for the immediate preservation of the public peace, health, safety or property may be enacted only by unanimous vote of the councilmembers present at the regular, special or emergency meeting at which it is introduced and may be enacted without the requirements of publication, public hearing and second reading approval. The facts showing such emergency shall be specifically stated in the ordinance itself. An emergency ordinance,

provided the subject thereof has been included in the notice of such meeting, shall take effect immediately upon passage and may be adopted at the same meeting at which it is introduced. Publication shall occur within ten (10) days of final passage or as soon thereafter as possible.

- (b) No ordinance granting any special privilege, levying taxes, incurring indebtedness, authorizing the borrowing of money or fixing rates of municipal utilities shall be passed as an emergency ordinance except as provided in Section 8.8(b) of this Charter.
- (c) An emergency ordinance shall not be in effect more than ninety (90) days after passage and shall not be extended as an emergency ordinance.

Section 11.8 - Codification.

The Council shall cause the ordinances of the Town to be codified and maintained thereafter in current form. Each Council shall review the ordinances of the Town and examine them on the basis of current needs. The Council may by ordinance prescribe the procedures for making a general codification of existing ordinances. Copies of the ordinances, of the codification thereof and of provisions adopted by reference in accordance with this Charter shall be certified by the Town Clerk and when so certified shall be competent evidence in all courts and other legally established tribunals as to the matters contained therein.

Section 11.9 - Amendment or Repeal.

No ordinance, section or subsection thereof shall be amended, superseded or repealed except by an ordinance regularly adopted. No ordinance shall be amended by reference to its title only. The revised sections or subsections of any ordinance, as amended, shall be reenacted. However, an ordinance, section or subsection thereof may be repealed by reference to its title and ordinance or code number only. The provisions of this Section shall not apply to any ordinance enacted under the provisions of Article III of this Charter, nor shall this Section authorize the Council to repeal a repealing ordinance.

Section 11.10 - Publication of Ordinances.

Ordinances required to be published shall be published by title only after first reading and posted in full on the official Town website. In the event publication on the Town's website cannot be accomplished, the Ordinance shall be posted in full as a public notice at the established public notice locations. (Amended by Ord. 5-2012 §1 by vote of the people on 4-3-12)

Section 11.11 - Codes.

Standard codes promulgated by the federal government, the State of Colorado, by any agency of either, by any municipality within the State of Colorado or by recognized trade or professional organizations, including amendments or revisions thereof, may be adopted with or without amendment by reference; provided, the publication of the ordinance adopting any such code shall state that copies and any amendments are available for inspection at the office of the Town Clerk and further provided that any penalty clause in any code may be adopted only if it is set forth in full and published in the adopting ordinance.

Section 11.12 - Disposition of Ordinances.

A true copy of every ordinance, as adopted by the Council, shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. A true copy of every ordinance adopted by vote of the electors of the Town shall be

separately numbered and recorded. The failure to file and authenticate any ordinance shall not however, invalidate or suspend such ordinance.

ARTICLE XII - Miscellaneous

Section 12.1 - Eminent Domain.

The Town shall have the right to eminent domain to acquire property both within and without the boundaries of the Town for any purpose deemed by the Council to be in the best interests of the Town.

Section 12.2 - Reservation of Power.

The power to supersede any law of the State of Colorado now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the Town, acting by ordinance, subject to the restrictions of Article XX of the Colorado Constitution, subsequent amendments to this Charter or any ordinance.

Section 12.3 - Liability of Town.

No action for recovery of compensation for personal injury, death or property damage against the Town on account of its negligence or other tort shall be maintained unless written notice of the alleged injury, death or property damage including the time, place and cause thereof is given by the claimant, his agent or attorney within one hundred eighty (180) days of the occurrence causing the same. This provision shall not be construed as a waiver of any governmental immunity the Town may have now or in the future.

Section 12.4 - Bequests, Gifts and Donations.

The Council, on behalf of the Town, may receive or refuse bequests, gifts and donations of all kinds of property in fee simple, in leasehold or in trust for public, charitable or other purposes and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations including the power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Section 12.5 - Municipal Property.

No public buildings or real property used for park purposes or for any governmental purpose shall be sold or otherwise disposed of unless the question of such sale shall have been approved by a majority vote of the qualified electors voting thereon at a regular or special election. The Council may by ordinance sell or dispose of any other real estate, including public buildings no longer used for any municipal purpose, upon such terms and conditions as the Council may determine at any regular or special meeting.

Section 12.6 - Charter Amendments.

This Charter may be amended at any time in the manner provided by statute. Nothing herein contained shall be construed as preventing the submission to the qualified electors of the Town or of more than one (1) Charter amendment at any one (1) election. If the provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 12.7 - Severability of Charter Provisions.

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 12.8 - Interpretations.

Except as otherwise specifically provided or indicated by the contents hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word *person* may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 12.9 - Definitions.

- (a) *Appropriation*. The authorized amount of monies set aside for expenditures during a specified time for a specific purpose.
- (b) *Town*. Town of Minturn, Colorado, municipal corporation.
- (c) *Clerk*. The Town Clerk of the Town of Minturn.
- (d) *Constitution*. The Constitution of the State of Colorado.
- (e) *Elector*. A person who is entitled to vote at a particular time. Includes the term *qualified elector*.
- (f) *Emergency*. A condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace or safety.
- (g) *Employee*. A person employed by the Town of Minturn not including elective officers of the Town.
- (h) *Franchise*. A privilege granted by the Town permitting a specified use of public property for a specified length of time.
- (i) *Officer*. Any person elected to office or appointed by the Council including appointees to boards, commissions and committees.
- (j) *Board, Commission or Committee*. A board, commission or committee intended by the Council to be a part of the permanent governmental structure of the Town of Minturn as established by ordinance.
- (k) *Utility*. Any heat, power, light, refuse, communications, cable t.v., water, sewer or transportation systems.
- (l) *Registered Elector*. A person who is qualified to vote under applicable law and who is also registered to vote in municipal elections.
- (m) *Regular Municipal Election*. A municipal election held every two years at which candidates for elective offices of the Town are voted upon in accordance with this Charter.
- (n) *Statutes*. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.
- (o) *Town Administrator*. The Town Administrator of the Town of Minturn.
- (p) *Treasurer*. The Town Treasurer of the Town of Minturn.
- (q) Except in reference to signatures, the words *written* and *in writing* include printing and typewriting.

Section 12.10 - Liquor.

The Council shall by ordinance regulate the types and classes of liquor licenses issued in the Town including but not limited to: prohibiting the issuance of a type or class of liquor license, regulating the hours of any type or class of liquor license and issuing liquor licenses with conditions not necessarily required by state statute.

ARTICLE XIII - Transition Period

Section 13.1 - Effective Date of Charter.

This Charter, after voter approval, shall become effective immediately upon filing and recording the Charter with the Secretary of State of the State of Colorado.

Section 13.2 - Present Elected Officials to Continue in Office.

The Board of Trustees and Mayor in office at the time of the adoption of this Charter shall continue in office at their present salaries until their successors are duly qualified.

Section 13.3 - Continuation of Present Boards and Commissions.

All boards and commissions in existence at the time of the adoption of this Charter shall continue to function under the provisions of this Charter.

Section 13.4 - Continuation of Appointed Officers and Employees.

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and employees of the Town shall continue in that Town office of employment which corresponds to the Town office or employment held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter except that any officer or employee who holds a position shall hold such position only at such pleasure regardless of the term to which he was originally appointed.

Section 13.5 - Saving Clause.

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town of Minturn and individuals, corporations or public agencies.

Section 13.6 - Continuity of Government.

The Council shall have the power to provide for continuity of government of the Town of Minturn in the event of natural or enemy-caused disaster. Such power shall be employed in a manner which will preserve representative government in the Town of Minturn and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor, the Mayor Pro Tem and shall then revert to the councilmembers by order of seniority then to the Chief of Public Safety; provided the Council by majority vote may designate the Town Administrator in the line of succession.

We, the undersigned, present members of the Minturn Charter Commission, duly elected by the people of Minturn, Colorado, at the election held on October 6, 1981, under the Authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Minturn, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Commission on the third day of February, 1982, for submission to the people of Minturn at an election to be held on the sixth day of April, 1982.

Done in triplicate at Minturn, Colorado, this 7th day of April 1982.

/s/ Karl Ahlswede

/s/ Ernie Chavez

/s/ Mike Gallagher

/s/ Bernard Gregory

/s/ Lorraine Haslee

/s/ Buck Martinez

/s/ Leroy Roybal

/s/ George Shaffer

/s/ Judy White

TOWN OF MINTURN, COLORADO

RESOLUTION NO. 41 - SERIES 2008

A RESOLUTION ESTABLISHING PROCEDURES TO GOVERN ACTIONS OF THE TOWN COUNCIL FOR THE TOWN OF MINTURN IN THE GENERAL CONDUCT OF BUSINESS AND TO SERVE AS A REFERENCE IN SETTLING PARLIAMENTARY DISPUTES.

WHEREAS, the Home Rule Charter for the Town of Minturn provides at Section 4.8 that the Town Council shall determine the rules of procedure governing meetings; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town Council of the Town of Minturn to have established procedures for the general conduct of its business and to serve as a reference to settle parliamentary disputes.

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

CONDUCT OF COUNCIL MEETINGS

The Town Council hereby adopts the following procedures for conduct of business at Town Council Meetings. This procedure shall govern the conduct of all Town Council Meetings, however, in handling routine business, the Council may, by general consent, use a more informal procedure than that set forth in this procedure. The council may suspend these rules of procedure at any time by vote of five council members or two-thirds of the Council Members present, whichever is greater.

I. **Presiding Officer.** The Mayor is responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the Mayor retains all of the prerogatives of a duly elected council member; the Mayor may make and second motions and take part in discussions and must vote on all matters not involving the Mayor's personal financial interest or the Mayor's official conduct.

II. **Agenda.**

A. Items are placed on the agenda by the staff in consultation with the Mayor. Council members who have items for the agenda should present agenda requests at work sessions or regular meetings. A consensus of the majority of the members present at the work sessions or regular meetings is necessary to place a matter on the agenda.

B. Urgent items, time budget, and order of agenda. The staff and Town Council may designate urgent new agenda items, for which delay is not possible or advisable, so that the Town Council can deal with such items prior to adjournment. The staff, in consultation with the Mayor, will set the order of the agenda, which shall be generally as follows:

1. Call to order by the Mayor;
2. Determination of quorum;
3. Approval of minutes of preceding meetings;
4. Citizen Participation (5 minute limit per person, on a first come first served basis). Citizen participation is a time set aside for citizens to address the Council concerning Town business not otherwise on the agenda. The Council reviews citizen participation and assures that an appropriate response is given if the Council determines that a response is required. Such review is usually immediately following the citizen participation. Staff and Council responses are discouraged at the meeting, except for referral to the staff for further analysis and reports and ultimate Council decisions on a future agenda.
5. Consideration of Ordinances, Resolutions and Motions. Expected substantial public comment items are generally placed first on the agenda, but critical short items or items of extreme public interest may be placed first when deemed appropriate by the Town Council.

Although second readings of ordinances are generally calendared last on the agenda, the Town Manager may request that a particular second reading be scheduled earlier on the agenda when Council/Public/staff interaction on the item is important on second reading;

6. Consideration of other matters on the agenda;
7. Reports from Town Administrator, Town Clerk, Department Heads and Town Attorney.
8. Statements, observations and inquiries by the Mayor and Council members. At this point, any Council member may place before the Council matters which are not included in the formal agenda. This item is generally limited to responses to citizen participation, appointments to boards and commissions, sharing of information and requests for advice concerning matters pending before other bodies, requests for staff work, and requests for scheduling future agenda items. Matters requiring a formal Council vote, such as motions to sponsor an event or to allocate funds are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item;
9. Concluding statement by Mayor;

10. Adjournment. The Council's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 10:00 p.m. and no later than the end of the first item finished after 10:00 p.m. Generally, absent a deadline which the Council cannot affect, no new substantial item will be addressed after 10:30 p.m. unless two-thirds of the Council members in attendance at that time agree. All Council meetings shall be adjourned at or before 11:00 p.m. unless two-thirds of the Council members in attendance, by motion duly adopted, extend that deadline. Items not completed prior to adjournment will generally be taken up at a special meeting at 7:00 p.m. on the following Wednesday evening.

III. Rules of Speaking.

- A. To obtain the floor, a Council member or staff member addresses the Mayor.
- B. To assign the floor, the Mayor recognizes by calling out the person's name. Only one person may have the floor at a time. A person shall not speak while another has the floor. The Mayor generally next recognizes the person who first asks for the floor after it has been relinquished.
- C. During citizen participation or public hearings, members of the public are recognized by the Mayor. No person shall make a presentation (not including Council questions) longer than 5 minutes, unless given permission by majority direction of the Council to extend the time limit.
- D. Speakers will not generally be permitted to "pool" their time. Permission may be granted if the Town Council determines that substantial time can be saved thereby and issues better addressed in order to facilitate public participation in Council decision making. Speakers who desire to pool their time will not be granted the full pooled total, but a portion determined by the Town Council in light of the complexity of the issues to be addressed and the projected time saved from the pooling. All persons wishing to pool their time must be present at the meeting in order for the Town Council to recognize pooled time. No pooled time presentation will be permitted to exceed 10 minutes total.
- E. Proponents of an agenda item, especially in a quasi judicial proceeding, may request additional time, as reasonably required to present their case. In response, the Town Council may designate a longer time period for proponents, generally not to exceed 15 minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support from proponent's positions should come from additional witnesses.
- F. All Council members, staff members and members of the public are requested to direct their remarks to the Council action that they are requesting. Speakers engaging in personal attacks shall be interrupted by the Mayor, and if such conduct continues the speaker's time may be immediately terminated.

- G. The staff and the Mayor will attempt to focus discussion of agenda items in accordance with the materials which should contain a proposed outline of decisions. Staff presentations are generally limited to a 3 minute summary of the packet material and issues for Council decision. New information, large graphics, and any presentation authorized by the Council are exceptions to this rule.
- H. Council members should minimize debate prior to public hearings and use the period to ask questions for clarification rather than to lecture, give speeches, score debating points, or ask rhetorical questions. The Mayor may intervene to avoid extended debate prior to public hearings. Council members may also request intervention by making a point of order.
- I. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of Council discussion prior to making a nondebatable motion.
- J. Council members will when possible give early warning to the Mayor and the Town Administrator whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and Council response can be prepared.
- K. Questions are rotated so that to the extent practicable, different Council members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
- L. The Mayor may intervene in Council debate in order to determine whether Council wishes to postpone Council action if more information or staff work appears warranted to facilitate a Council decision.

IV. **Procedure in Handling Motions.**

- A. A Council member, after obtaining the floor, makes a motion. (If long or involved, the motions should be in writing). The Council member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other Council members. Having made a motion a Council member may neither speak against it nor vote against it.
- B. Another Council member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The person seconding the motion does not, however, have to favor the motion in order to second it, and may both speak and vote against it. If there is no second the Mayor shall not recognize the motion.

- C. The Mayor states the motion and asks for discussion.
- D. General debate and discussion follow, if desired. Council, members, the Town Administrator, or the Town Attorney, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion because....." "I am opposed to this motion because...." etc. Remarks should be addressed to the Mayor.
- E. The Mayor restates the motion and puts the question. Negative as well as affirmative votes are taken. In the case of a tie vote, the motion is lost.
- F. The Mayor announces the result. The motion is not completed until the result is announced.

V. **Procedure in Handling Ordinances and Important Motions.**

- A. All ordinances, with the exception of an emergency ordinance, require at least two readings, and the Town Charter requires publication of an ordinance prior to second reading.
- B. On first reading, the Mayor reads the title in full of the item set forth on the agenda, followed by the staff presentation, and then the Council has an opportunity to ask questions of the staff. Thereafter, the Mayor opens a public hearing and supervises the public hearing. If any Council member wishes, questions may be asked of persons testifying. The Mayor then requests an appropriate motion. Once seconded, the Mayor restates the question, followed by discussion by the Council, the Town Administrator, and the Town Attorney and dialogue with staff in response to questions raised by the Council, followed by debate, proposal of amendments, if any, in consideration thereof in the form of motions. After debate, the Mayor restates the questions and requests a vote. After conclusion of the vote, the Mayor declares the ordinance adopted or defeated. If an ordinance is approved on first reading, it shall be published as provided for in the Town Charter. The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance and notice of such day, hour and place shall be included in the first publication. If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.
- C. The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council, provided the text or any such amendment or amendments shall be read in full. An ordinance, if amended in substance, shall be published in full after final passage. If not amended in substance, it may be published by title or in full, as the Council may determine after final passage.

VI. **Voting.**

Voting ultimately decides all questions. A roll-call vote shall be taken upon the passage of all ordinances. For other matters the Council may use any one of the following methods of voting.

- A. **Voice Vote:** All in favor say "AYE", and all opposed say "NO". If the Mayor is in doubt of the result of a voice vote the Mayor may call for a roll call vote. If any Council member is in doubt of the result of a voice vote, the Council member may obtain a roll call vote by calling for it (without the need to be recognized by the Mayor).
- B. **Roll Call:** The Mayor (or Clerk at the Mayor's request) calls the roll of the Council members and each member presents votes "aye" or "no" as each name is called.

VII. **Research and Study Sessions.**

- A. **Information/Research Requests.** Requests for information or for a briefing should be directed to the Town Administrator who shall direct the request to the appropriate staff member or the Town Attorney. A single council member may request the Town Administrator to provide available information or to answer any question concerning an agenda item. The concurrence of three additional Council members is required to assign a matter for research by staff. For staff to spend more time than the Town Administrator or Town Attorney considers reasonable in light of other staff time commitments, the concurrence of five Council members is required. In such case, the Administrator or Attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the Administrator or Attorney proposes. In any case, a vote shall be taken at a Council meeting, but work may proceed in an emergency pending such vote. The Council shall be informed of any such emergency work.
- B. **Work Sessions.** Material for work sessions generally will be made available to the Council and the public at least twenty four hours before the date of the work session. Notice will be given as for other Council meetings. Written comments received by staff prior to noon on the Friday preceding the work session will be included in the Council packets. Testimony of persons other than staff is not permitted at work sessions unless a majority of the Council members present vote to suspend this rule. The Council will give direction to staff at work sessions for the presentation of action items at future regular Council meetings. Summaries of works sessions are placed on the Council agenda for approval, including the direction given, any remaining issues, and any staff reaction or proposed plan in response to the work session.

VIII. Parliamentary Procedure.

Except as otherwise provided herein, all matters of procedure are governed by Robert's Rules of Order Newly Revised (1990), as amended.

RESOLVED this 20 day of August, 2008.

TOWN OF MINTURN

By: Geary Brooks
Mayor

ATTEST:

7/22
Town Clerk



ARTICLE 4 - Code of Ethics

Sec. 2-4-10. - Citation.

This Article shall be known and may be cited as the "Minturn Town Code of Ethics." (Prior code 2-71)

Sec. 2-4-20. - Declaration of policy.

The proper operation of democratic government requires that public officers and employees be independent, impartial and responsible to the people; that government decisions and policy be made within the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all Town officers and employees is adopted. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all such officers and employees by setting forth those acts or actions that are incompatible with the best interest of the Town, and by directing disclosure by such officers and employees of private financial or other interests in matters affecting the Town.

(Prior code 2-72)

Sec. 2-4-30. - Finding of local concern.

The Town Council hereby finds and determines that the matter of ethical municipal government is a matter of local concern upon which home rule municipalities in the State are fully empowered to legislate and to supersede conflicting state statutes.

(Prior code 2-73)

Sec. 2-4-40. - Authority.

This Article is adopted in order to implement Section 4.9 of the Minturn Town Charter.

(Prior code 2-74)

Sec. 2-4-50. - Effect of common law.

This Article shall supersede and override the common law as to the subject matter of this Article.

(Prior code 2-75)

Sec. 2-4-60. - Definitions.

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

Business means any corporation, limited liability corporation, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

Confidential information means all information, whether transmitted orally or in writing, which is of such a nature that is not, at that time, a matter of public record or public knowledge.

Council or Town Council means the Town Council of the Town of Minturn, Colorado.

Councilmember means any member of the Town Council.

Employee means any person holding a position by appointment or employment in the service of the Town, whether paid or unpaid, including the members of the Planning Commission and the members of any other Town board, committee or commission. The term *employee* shall not include independent contractors.

Officer means any person holding a position by election in the service of the Town, whether paid or unpaid, including the members of the Town Council.

Official act or official action means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

Substantial financial interest means an interest owned or held by an officer or employee which is:

- a. An ownership interest in a business;
- b. A creditor interest in an insolvent business;
- c. An ownership interest in real or personal property;
- d. A loan or any other debtor interest;
- e. A directorship or officership in a business;
- f. An employment or prospective employment for which negotiations have begun.

An officer or employee shall be presumed to have a substantial financial interest in any of the above-mentioned interests owned, held or controlled by such officer's or employee's spouse or dependent children.

(Prior code 2-76; Ord. 15-2008 §1)

Sec. 2-4-70. - Conflict of interest.

A Town officer or Town employee shall not:

- (1) Disclose or use confidential information acquired in the course of such officer's or employee's duties in order to further a business or other undertaking in which such officer or employee has a substantial financial interest.

- (2) Engage in a substantial financial transaction involving Town business for his or her private business purposes with a person whom such officer or employee inspects or supervises in the course of his or her official duties.
- (3) Perform an official act which directly and substantially affects economically a business or other undertaking in which such officer or employee has a substantial financial interest.
- (4) Perform an official act which directly and substantially affects a business or other undertaking by which the officer or employee is employed, or by which such officer or employee is engaged as counsel, consultant, representative or agent.
- (5) Acquire or hold an interest in any business or undertaking which such officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the agency over which he or she has substantive authority.
- (6) Perform an official act directly and substantially affecting to its economic detriment any business or other undertaking when such officer or employee has a substantial financial interest in a competing business or undertaking.
- (7) Solicit or accept a present or future gift, favor, loan, service or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, service or thing of value was made or given or primarily for the purpose of influencing or attempting to influence an officer or employee in connection with an official act, or as a reward for official action he or she has previously taken. The provisions of Paragraph (8) below shall not apply to those circumstances described in Paragraph 2-4-80(3) below.
- (8) Make or accept any ex parte communication or contact concerning a matter which is to be determined after a public hearing without making the contents of such communication or contact a part of the record of such public hearing.
- (9) Appear on behalf of any private person, business or entity, other than himself or herself, his or her spouse or minor children, before the Town Council, any Town board or the Municipal Court.

(Prior code 2-77)

Sec. 2-4-80. - Exemptions.

The provisions of Section 2-4-70 above shall not prohibit an officer or employee from:

- (1) Accepting or receiving a benefit as an indirect consequence of the performance of an official act.
- (2) Taking official action when such officer or employee is similarly situated to other Town

residents, such as adopting general land use regulations, owning property within a special or local improvement district, voting for taxes or bonds, adopting ordinances of general applicability or otherwise acting upon matters involving the common public interest.

- (3) Soliciting or accepting gifts or loans which are:
- a. Campaign contributions reported as required by law;
 - b. An occasional nonpecuniary gift, insignificant in value;
 - c. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
 - d. Reimbursement for or acceptance of an opportunity to participate in a social function or other meeting which is offered to such officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;
 - e. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events;
 - f. Payment for speeches, debates or other public events, reported as honorariums to the Town Administrator; or
 - g. A loan at a rate of interest which is not substantially lower than the commercial rate then currently prevalent for similar loans within the Town.
- (4) Receiving such compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget or other similar official action.

(Prior code 2-78)

Sec. 2-4-90. - Disclosure of conflict of interest in legislative action.

Any member of the Town Council who believes he or she has a conflict of interest as defined in Section 2-4-70 above on any matter proposed or pending before the Town Council shall disclose such potential interest to the Town Council. If the Town Council determines that an actual conflict of interest exists, the Councilmember shall not attempt to influence other members of the Town Council in connection with such matter and, except as provided in this Section, the Councilmember shall not vote upon such matter. The Councilmember shall leave the room during the Town Council's discussion and action on the subject, and shall return only when the Town Council has taken up the next agenda item.

(Prior code 2-79)

Sec. 2-4-100. - When Councilmember with conflict of interest may vote.

Notwithstanding the provisions of Section 2-4-90 above, a Councilmember may vote upon a matter with which he or she has a conflict of interest if:

- (1) His or her participation is necessary to obtain a quorum or to otherwise enable the Council to act; and
- (2) He or she complies with the disclosure provisions of Section 2-4-110 below.

(Prior code 2-80)

Sec. 2-4-110. - Mandatory disclosure to Secretary of State.

No later than seventy-two (72) hours before voting pursuant to Section 2-4-100 above, the Councilmember will give written notice to the Secretary of State and to the Town Council. Such notice shall clearly state the nature of his or her conflict of interest.

(Prior code 2-81)

Sec. 2-4-120. - Public contracts.

- (a) Except as provided in Subsection (b) below, no officer or employee shall have an interest in any contract made by the Town.
- (b) The provisions of Subsection (a) above shall not apply to:
 - (1) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures.
 - (2) Merchandise sold to the highest bidder at public auctions.
 - (3) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys.
 - (4) A contract between the Town and an officer or employee if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that the Town could not otherwise reasonably afford itself of the subject of the contract if the additional cost to the Town is greater than ten percent (10%) of a contract with an officer or employee or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.
 - (5) A contract with respect to which the officer or employee has disclosed his or her personal or financial interest to the Town Council and has not voted thereon, or with respect to which the Councilmember has voted therein in accordance with Section 2-4-100 of this Article.
- (c) No Town official shall be a purchaser or vendor in connection with any sale or purchase

made by him in his or her official capacity. The provisions of this Subsection shall not apply to those contracts described in Subsection (b) above.

(Prior code 2-82)

Sec. 2-4-130. - Limitation on subsequent employment.

A former Town officer or employee may not, within six (6) months following the termination of his or her office or employment with the Town, contract with or become employed by an employer who contracts with the Town involving matters with which such officer or employee was directly involved during the term of office or employment with the Town.

(Prior code 2-83)

Sec. 2-4-140. - Enforcement.

- (a) The Town Council shall have the primary responsibility for the enforcement of this Article. It shall have the power to investigate any complaint, to initiate any suit and to prosecute any criminal or civil action on behalf of the Town wherein it believes such action is appropriate.
- (b) The Town Council may direct the Town Attorney to investigate or prosecute any apparent violation of this Article, or the Town Council may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one (1) or more persons of this Article.
- (c) Any person who believes that a violation of any portion of this Article has occurred may file a complaint with the Town Council, which shall promptly investigate such complaint and take such action thereon as the Town Council shall deem to be appropriate. However, nothing in this Article shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

(Prior code 2-84)

Sec. 2-4-150. - Penalties and remedies.

- (a) Any person convicted of willfully and knowingly violating any provision of this Article shall be punished as provided in Section 1-4-20 of this Code. Additionally, upon conviction, such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation.
- (b) Upon conviction for any violation of this Article, such officer or employee shall immediately forfeit his or her office or position. Nothing in this Article shall be construed to prohibit such public officer or employee from being reelected, reappointed or otherwise rehired to any position forfeited under the provisions of this Article.
- (c) Any court of competent jurisdiction called upon to enforce the provisions of this Article may,

with the consent of the Town Council, exempt from the provisions of this Article any conduct of a Town officer or employee upon the finding that the enforcement of this Article with respect to such officer's or employee's conduct would not be in the public interest.

(Prior code 2-85)

Sec. 2-4-160. - Distribution of Code of Ethics.

The Town Clerk shall cause a copy of this Code of Ethics to be available to every public officer and employee of the Town. Each public officer and employee elected, appointed or engaged shall be furnished a copy of this Code of Ethics before entering upon the duties of his or her office or employment.

(Prior code 2-86)



To: Mayor and Council
From: Michelle Metteer, Town Manager
Scot Hunn, Planner
Date: May 20, 2020
Agenda Item: Work Session – Cemetery Improvements Discussion

REQUEST:

N/A – Discussion only.

INTRODUCTION:

The Riverview Cemetery would like to increase on-site storage capacity. The layout of the cemetery currently provides for storage primarily at the northwestern end of the property. For the ability to increase storage, the Cemetery is interested in the Town of Minturn considering the sale of a small sliver of land immediately adjoining the northwest section of the Cemetery’s parcel. (see yellow highlights on second map)

ANALYSIS:

There are two ways the Town of Minturn can sell or dispose of property, Ordinance or vote of the electors. Included is Article XII Section 12.5 – Municipal property as it reads in Minturn’s Town Charter:

Section 12.5 - Municipal Property.

No public buildings or real property used for park purposes or for any governmental purpose shall be sold or otherwise disposed of unless the question of such sale shall have been approved by a majority vote of the qualified electors voting thereon at a regular or special election. The Council may by ordinance sell or dispose of any other real estate, including public buildings no longer used for any municipal purpose, upon such terms and conditions as the Council may determine at any regular or special meeting.

COMMUNITY INPUT:

Public Hearings required

BUDGET / STAFF IMPACT:

Tbd

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Discussion only.

ATTACHMENTS:

- Riverview Cemetery Annexation maps



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 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

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 – 5:30pm

- Quarterly Task Update – Metteer
- Housing Ordinance Review – Hunn

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John W. at 6:33pm 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, Eric Gotthelf, and Gusty Kanakis.

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, Town Attorney Richard Peterson-Cremer, 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)

Michelle M. read an email submitted by Ms. Jill Koellhoffer, 421 Taylor St, requesting assistance with a concern regarding completion of a project at 1012 Main St and the affect it not being completed has caused their rental located next door. Michelle M. noted she is in discussion with the Koellhoffer and the Town Attorney regarding this matter.

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
- April 24, 2020 Special Meeting Minutes

Motion by Terry A., second by Earle B., to approve the Consent Agenda of May 6, 2020 as presented. Motion passed 7-0.

4. Approval of Agenda

- Items to be Pulled or Added

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

- Declaration of Conflicts of Interest

5. Special Presentations

- Vail Valley Mountain Trails Alliance Update

Mr. Ernest Saeger, Vail Valley Mountain Trails Alliance, gave an update on the fund raising and public outreach regarding the Minturn Bike Park. They were able to fund raise approximately \$52,000 in cash and over \$150,000 in in-kind donations. He stated they did not receive the GOCO Grant they had applied for. Mr. Saeger stated they plan to use the donated cash and will be adding almost \$57,000 from the VVMTA to begin Phase I. Mr. Saeger outlined the proposed schedule for Phase I this summer, and Phase IIA and Phase IIB next summer.

Discussion and questions ensued to include proposed parking and volunteer opportunities. Mr. Saeger noted the volunteer nights will begin in June or when allowed in light of the COVID-19 restrictions. www.vvmta.org is the website to gain information, volunteer opportunities, and to donate funds.

Terry A. stated the intent is to NOT close the Lease Lot area. This area will remain open and available for tenant leases. Terry A. recommended the Town contact the lease holders and let them know the confirmed direction.

Brian E. noted the Minturn Mini-Mile is open for the season.

- Council Comments/Committee Reports

George B. noted the leak detection system has been purchased and install will begin upon receiving the equipment. Water field testing along the Eagle River south of town is being set up. A non-potable water system will be updated for use at Little Beach Park and up to the proposed bike park. This system will use adjudicated water rights owned by the town and diverted at Little Beach Park from the Eagle River.

Brian E. stated the Battle Mtn HS seniors will be celebrated on Main St. in Minturn on Thursday May 7 at 2:30pm he encouraged everyone to cheer them on. The Climate Action Collaborative has posted a survey on-line. By completing the survey, you are entered to win an e-bike.

Brian E. noted the efforts undertaken to revise the FY2020 Budget to adapt to the issues presented by the COVID-19 concerns. This item will be covered late on the agenda as an Ordinance. Brian E. gave an update on the water bill adjustments for affected businesses in town. A letter has been sent out to those businesses outlining the adjustment.

Eric G. reminded the public that face masks are required in public and is an important part of the Social Distancing guidelines.

Earle B. spoke about meetings held with ERWSD. These meetings are with board and staff, not attorneys regarding a joint agreement on Bolts Lake. John W. stated these discussions are very encouraging and appreciative.

John W. thought using ZOOM for Minturn Matters would be a great idea and would allow for community outreach. This would allow conversation while adapting with the Safer-At-Home regulations. He asked about committee appointments being discussed at the May 20 meeting and retreat. Michelle M. updated on the Minturn Fitness Center. The MFC is currently closed, they can open with 10ppl or less and the next meeting is May 7. Terry A. stated MFC classes are being held via ZOOM on line and they are starting one-on-one classes.

John W. noted that his has officially graduated graduate school. Congratulations to John!

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

Michael S. updated there are no changes from First Reading. This is an Ordinance to conserve our limited water taps. Under very extreme water drought conditions it is estimated we can accommodate approximately 70 new taps not currently accounted for. He noted the water detection system, the non-potable use at LBP and other options will potentially extend this. The moratorium does not limit the towns ability to accept and process new large applications but that the developer understands upfront that the potential exists that the town might not be able to service the new developments. He reviewed the Ordinances provisions and how they would be applied.

Public Hearing opened
No Public Comment
Public Hearing closed

Motion by Brian E., second by Gusty K., to approve Ordinance 05 – 2020 (Second 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.

- 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

Richard P-C. updated. There is a change from First Reading to include golf carts. He outlined the complete changes and how they are addressed to provide for a Town issued permit to ensure insurance and liability. This insurance requirement will extend to snowmobiles too. He reminded this is only on municipal streets, snowmobiles and golf carts are not allowed on Main St/Hwy 24.

Earle B. asked if this would require inspections, lighting, etc.? No, this is limited to the insurance concern.

Gusty K. noted the Ordinance addresses electric golf carts, he stated there is currently one that is gas. At this point gas powered is not covered.

Brian E. noted the June 1 deadline for the permit process. He felt the 10pm restriction should address lights on the vehicle as well as other questions that limited occupancy. It was directed to modify the deadline for compliance window to July 1, restrict operation from sunrise/sunset, and allowed occupancy limited to the number of installed seats.

Public Hearing opened
No Public Comment
Public Hearing closed

Motion by Earle B., second by Brain E., to approve Ordinance No. 04 – Series 2020 (Second Reading) 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 Amending Chapter 8 of the Minturn Municipal Code to Adopt the 2020 Model Traffic Code for Colorado with Local Amendments and to include the following additional amendments. Motion passed 7-0.

Amendments:

- Effective date
- Hours of operation to be sunrise/sunset
- Manufacture installed seats
- Allow gas and electric
- Liability Waiver

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

Jay B. outlined the changes proposed to the budget, that this was early in the fiscal year, and that if we were to make changes this is definitely the time to do so with the most minimal impact to service levels.

Michelle M. noted that there is an amendment request from Staff to request \$25,900 for the install of water lines to carry non-potable water in the Little Beach Park area including up to the proposed bike park. These funds would come from the Enterprise Fund and uses previously adjudicated water rights on the Eagle River.

Public Hearing opened
No Public Comment
Public Hearing closed

Motion by Earle B., second by Eric G., to approve Ordinance No. 06 – Series 2020 (First Reading) 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 as amended. Motion Passed 7-0.

Amendment:

- Add Enterprise Expense of \$25,900 for the install of water lines to carry non-potable water in the Little Beach Park area including up to the proposed bike park.

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

Michelle M. stated in accordance with the CIP plan, a site for a new town water tank was necessary. She noted the proposal recommends locating the new tank on the property of the current water plant. This land is owned by the town, is in good proximity to the water plant, and leave open the ability to seek funding through grants and/or loans. She noted the Maloit Park tank should be addressed as well. She expressed the importance of locating our large assets on town owned property which is at the water treatment plant.

Discussion ensued as to the merits of the site locations. It was noted there would be an interconnect between the town and Maloit systems as well as the merits of multiple tanks and parallel systems for both the town and Maloit systems and even elevated tanks. Ryan G. stated some roads were included in the costs outlined but not the possible need to purchase land for site acquisition.

In reply to questions Michelle M. said the soil samples and environmental studies would be the next steps. Following would be the tank and system design.

Town Engineer Ryan Gordon, SGM, Scenario 2 as recommended proposes tanks are built to service the Maloit Park service area and the Town service are independently. The recommended proposal for the Maloit Park tank anticipates locating the tank on Battle Mountain property.

Public Hearing opened
No Public Comment
Public Hearing closed

Motion by Terry A., second by George B., to approve Resolution No. 17 – Series 2020 A Resolution selecting the proposed water tank and water treatment plant site (Scenario 2) as presented. Motion passed 7-0.

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.

Scot H. outlined the Ordinance and what was covered in the Work Session as comments. This request amends the Minturn Municipal Code for the purpose of creating housing standards and guidelines as pertain to Chapter 6 – Business License and Regulations (Article 7 – Short Term Rentals (and Chapter 16 – Zoning (Article 2, Definitions and NEW Article 26 Community Housing Standards and Guidelines). Scot H. noted the Minturn Housing Action Plan was approved in August 2019 setting goals which have been incorporated within the Ordinance.

John W. asked if a PUD could circumvent the requirements set forth in this Ord? It could but by doing so would require additional steps in the review process which could hold up the project approval process. He stressed the need to uphold this for the community by requiring developers to include affordable housing. Scot H. stated this Ordinance sets the bar and it is in the best interest

to include the requirements in a PUD because this highlights what the citizens and town desire based on public input and background work leading up to the Ordinance. This would be an additional layer of what a developer needs to consider. Scot H. expressed this is fairly straight forward and enforceable for the town.

Gusty K. felt it was important to not allow more housing and mother-in-law units in order to adapt to the new Ordinance at the expense of the existing neighborhood. Discussion ensued as to the community housing requirements proposed as well as how this would affect discussed and proposed developments. Scot H. noted the Planning Commission felt the proposed numbers were sufficient and that taken together with some of the other developer incentives would provide sufficient leeway for the developers and the town to make an agreement.

Public Hearing opened
No Public Comment
Public Hearing closed

Motion by Earle B., second by Brian E., to approve 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 as presented. Motion passed 7-0.

COUNCIL INFORMATION / UPDATES

11. Staff Updates

- Manager's Report

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.

Terry A. inquired on the Minturn Market taking place. Michelle M. stated that at this point it is not determined and no decision has been made. She anticipates a decision next week.

John W. and Michelle M. did confirm that the Minturn 4th has been canceled.

- Future Agenda Items

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

Motion by Earle B., second by Brian E., to convene in 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. Motion passed 7-0. Note: Council present and Town Manager Michelle Metteer and Town Attorney Michael Sawyer participated in the Executive Session

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

Motion by Earle B., second by Brian E., to adjourn at 11:22pm. Motion passed 7-0.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: May 15, 2020

Agenda Item: Recent Planning Commission Recommendations and Actions

REQUEST:

Review and approval of Planning Commission actions from their regular meeting of April 29, 2020. The following actions were taken by the Planning Commission:

1207 U.S. Hwy. 24 – Christiansan Residence Exterior Modifications

The Planning Commission reviewed updated exterior materials and colors for a new, single-family residence currently under construction at 1207 U.S. Hwy. 24.

INTRODUCTION:

Final Plans for the new home at 1207 U.S. Hwy. 24 were reviewed and approved in the summer of 2020. The home is currently under construction and the residents – Beverly and Elmer Christiansan – requested review of slightly modified exterior materials, details and colors in order to better conform with materials and colors in the surrounding neighborhood.

The Planning Commission voted unanimously to **approve** the proposed modifications based on their overall continuity with the originally approved plans and due to the project’s conformance with the Town’s design standards.

ANALYSIS:

In reviewing the modifications, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. Staff and the Commission determined that the modifications comply with the Town’s standards for design and development of new structures. The Town does not regulate exterior building colors and the materials conform to Town standards.

COMMUNITY INPUT:

The regular meeting of the Planning Commission was advertised and noticed according to the provisions of the Minturn Municipal Code and an opportunity for public comment was given during the DRB hearing. No members of the public spoke at the DRB hearing.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Planning Commission’s review of proposed development projects and their actions to approve minor modifications for individual projects, acting as the Town of Minturn Design Review Board, aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

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

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve the following DRB application on consent:

1. 1207 U.S. Hwy. 24 Christiansan Residence Modifications to Exterior Materials and Colors

ATTACHMENTS:

- None



To: Mayor and Council
From: Jay Brunvand
Date: May 20, 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.

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). **STAFF IS ADDITIONALLY REQUESTING \$37,000 FROM THE CONSTRUCTION USE TAX FUND TO SUPPORT BUILDING OF PHASE 2A OF THE MINTURN BIKE PARK (AND ALLOW MINTURN NAMING RIGHTS) FOR A TOTAL OF \$47,000. THIS IS AN APPROVED, SOCIALLY-DISTANCED ACTIVITY WITH THE ABILITY TO BRING ECONOMIC DEVELOPMENT TO TOWN.**

COMMUNITY INPUT: 2019 & 2020 Community Survey

BUDGET / STAFF IMPACT:

This Ordinance reduces anticipated sales tax and interest earned revenues and reduces expenses as outlined in Exhibit “A” **AND INCREASES EXPENSES IN THE CAPITAL IMPROVEMENT FUND BY \$37K IN ADDITION TO THE ORIGINAL \$3,000 FOR SIDEWALKS AT THE CARWASH AND SOUTH.**

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 \$92,681.00, and unappropriating General Fund expenditures in the amount of \$97,775.00, and appropriating additional Enterprise Fund expenditures in the amount of \$25,900, and appropriating additional Capital Fund expenditures in the amount of \$40,000.00 as presented.

ATTACHMENTS: • Ordinance 06-2020 & Minturn Bike Park Site Map



MINTURN BIKE PARK

PHASED CONCEPT PLAN - 3/9/20

- ### LEGEND
- 1 ENTRY SIGNAGE / SPECTATOR AREA (SITE MAP & SAFETY SIGN, BENCHES, FLEX SPACE)
 - 2 BEGINNER/SPECTATOR ACCESS TRAIL * (8'W CONTOURED CRUSHER FINE PATH)
 - 3 BEGINNER GRAVITY SKILLS TRAIL (BERMS, ROLLERS, ROCK & BUILT SKILLS FEATURES)
 - 4 BEG/INTM GRAVITY SKILLS OPTION (TECHNICAL DIRT AND ROCK SKILLS FEATURES)
 - 5 BEG/INTM PROGRESSIVE DROP ZONE (PROGRESSIVE LADDER BRIDGE AND ROCK DROPS)
 - 6 EXISTING MINI MILE TRAIL * (MULTI-USE, CONTOURED SINGLETRACK TRAIL)
 - 7 BEG/INTM GRAVITY FLOW TRAIL * (BERMS, ROLLERS, TABLE-TOPS & ROCK FEATURES)
 - 8 INTERMEDIATE DH TECH/FLOW OPTION (ROCK DROPS, JUMPS & TECH FEATURES)
 - 9 INTM/ADV GRAVITY FLOW TRAIL (BERMS, ROLLERS, JUMPS & ROCK FEATURES)
 - 10 ADV DH TECH/FLOW OPTION (ROCK DROPS, GAP JUMPS & TECH FEATURES)
 - 11 INTM/ADV TECH/FLOW TRAIL (ROCK JUMPS & BERMS, DROPS & TECH FEATURES)
 - 12 BEG/INTM DUAL SLALOM COURSE (DUAL ROLLERS, BERMS AND RYTHM FEATURES)
 - 13 BEG-ADV PUMP TRACK (PHASE 2) (PROPOSED DIRT OR HARD SURFACE PUMP TRACK)
 - 14 BEG-ADV DIRT JUMP ZONE (PHASE 2) (DIRT & PREFAB JUMPS, BERMS & BUILT FEATURES)
- *ACCOMODATES ADAPTIVE MOUNTAIN BIKING

- PHASE 1** *Open Summer/Fall 2020
 KIDS SKILLS AREA, DIRT JUMPS & ROLLERS
 PARKING, TEMP RESTROOMS, PICNIC TABLES, &
 GATHERING AREA
- PHASE 2A** *Actively Fundraising for Summer 2020
 BEG/INT/ADV FLOW TRAILS & PUMPTRACK
- PHASE 2B** *Planned Summer 2021
 FLOW TRAILS & DUAL SLALOM COURSE
 TREES/LANDSCAPING, PERMANENT RESTROOMS



LEGEND

- ① Entry Sign
- ② 15 x 25' Shade Structure
- ③ Ornamental Trees with Timber Tree Wells
- ④ Bike Park Safety Signage
- ⑤ Bike Racks
- ⑥ Flagstone Staging Area with Boulder Seating and Picnic Tables
- ⑦ 2 Stall Vault Toilet
- ⑧ "Wind Row" of Shade Trees
- ⑨ Bike Stand and Maintenance Area
- ⑩ Drinking Fountain
- ⑪ 10x15' Maintenance Shed
- ⑫ Kids Skills Area

Phasing Legend

- PHASE 1** *Open Summer/Fall 2020
KIDS SKILLS AREA, DIRT JUMPS & ROLLERS
PARKING, TEMP RESTROOMS, PICNIC TABLES, &
GATHERING AREA
- PHASE 2A** *Actively Fundraising
for Summer 2020
BEG/INT/ADV FLOW TRAILS & PUMPTRACK
- PHASE 2B** *Planned Summer 2021
FLOW TRAILS & DUAL SLALOM COURSE
TREES/LANDSCAPING, PERMANENT RESTROOMS

SCALE: 1" = 30'-0"
0 15' 30'

MINTURN BIKE PARK

Plan Enlargement



For the May 4th, 2020 Town Council meeting, the Emergency Funding ad-hoc committee presented potential COVID-19 coronavirus impact scenarios to the Minturn 2020 Budget revenue and proposed 2020 budget expenditure reductions. On May 4th, the ad-hoc committee noted that receiving the March sales tax revenue around May 10th would accommodate an update on how Minturn is tracking in terms of revenue in comparison with the budget for the May 20th Town Council meeting.

Please note for months beyond March 2020, sales tax revenue data is not known at this time. Additional updates should be available for the 2nd meeting of each month for the remainder of 2020, with April sales tax revenue data available on or around June 10th, 2020. April will be the first full month of the stay-at-home order, so will better represent COVID-19 coronavirus economic impacts to Minturn.

Sales Tax Revenue Numbers Update

With March sales tax revenue numbers in, Minturn remains in a sales tax revenue surplus for the 2020 year (January through March) due to higher than budgeted January and February sales tax total revenues. March 2020 sales tax total revenue was down 16% compared to the 2020 budget expectation.

Month	“Traditional” sales tax revenue	Online sales tax revenue (a)	Total sales tax for the month	2020 Budget expected sales tax revenue for the month	% change from the budget
January	\$61,953	\$30,362	\$92,315	\$71,528	129%
February	\$54,977	\$9,731	\$64,708	\$31,263	207%
March	\$26,781 (b)	\$8,619	\$45,220	\$53,561	-16%
Totals	\$153,531	\$48,712	\$202,243	\$156,352	129%

(a) In 2019, online sales tax revenue was not *required* until April 30, 2019, and there is no online sales tax revenue data for January and February 2019.

(b) One caveat to the March “traditional brick & mortar” sales tax revenue is that Gov Polis and the state of Colorado deferred the requirement for businesses to report and submit sales tax for the periods starting with March, 2020 until July, 2020. Several major sales tax generating restaurants in Minturn did not submit any sales tax revenue information for March; there is the opportunity that the March “traditional” sales tax number could be revised higher during sales tax revenue reporting in June, July and perhaps into August 2020, as those deferred payments are submitted to the State for remittance to Minturn.

March 2020 sales tax total revenue amount, \$45,220, is 16% less than the 2020 budget anticipated. That 16% shortfall is representative of the “Scenario A” revenue forecast from the May 4th Emergency Funding Ad-hoc Committee Memo. That “Scenario A” contemplates a [straight 15% reduction in “traditional, brick & mortar” town sales tax revenue](#) across the entire year from the approved 2020 Budget sales tax revenue # of \$620,000. “Scenario A” is the less severe revenue reduction model of the two presented in the May 4th 2020 Emergency Funding Memo.

In the effort to start a consistent monthly review of this information, below is an updated table that breaks out online sales tax revenue, year to date and collected in 2019.

Minturn Online Sales Tax Revenue

	2019 Online Sales Tax Revenue (all #s are actual)	2020 Online Sales Tax Revenue Forecast (85% of 2019 #s)	Actual 2020 Online Sales Tax Revenue
January	0	\$30,362 (actual)	\$30,362
February	0	\$9,731 (actual)	\$9,731
March	\$3,220	\$2,737	\$8,619
April	\$3,683	\$3,131	
May	\$4,917	\$4,179	
June	\$10,151	\$8,628	
July	\$8,324	\$7,075	
August	\$9,799	\$8,329	
September	\$12,818	\$10,895	
October	\$8,612	\$7,320	
November	\$19,535	\$16,605	
December	\$14,586	\$12,398	
Totals	\$95,645	\$121,391	\$48,712

At this time, no additional fiscal measures beyond those already enacted by Council need to be contemplated in terms of changes to the 2020 Town budget for revenues or expenses. The April and May sales tax revenue numbers will be very helpful to understand how quickly the current sales tax revenue surplus will deplete.

The Council's approval of the \$96,500 in 2020 budget expenditures at the May 4th, 2020 meeting provides additional "cushion" for the Town to absorb reduced sales tax revenues throughout 2020. Online sales tax revenues have the potential to make up for lost "traditional brick & mortar" sales tax revenue throughout the year, however at this time the real effect of the online sales tax "bump" is not known.

The Emergency Funding Ad-hoc Committee intends to provide a similar update every month to make sure Minturn remains up to date on the impacts to the Town's budget throughout the 2020 fiscal year.

**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 \$92,681.00, AND UNAPPROPRIATING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$97,775.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPENDITURES IN THE AMOUNT OF \$25,900.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND EXPENDITURES IN THE AMOUNT OF \$40,000.00.

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

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 INCLUDING ALL ORDINANCES IN CONFLICT THEREWITH, AND IMPOSING PENALTIES FOR VIOLATION THEREOF, AND AMENDING REFERENCES TO THE CODE RELATING TO REGULATION OF VEHICLES WITHIN THE TOWN.

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 Wideman IV, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 07 - SERIES 2020

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTERS 8 AND 18 OF THE MINTURN MUNICIPAL CODE FOR THE PURPOSES OF ADOPTING INCLUSIONARY ZONING FOR AFFORDABLE HOUSING.

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 MEETINGS OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF MAY, 2020 AT 5:30P.M. AT THE MINTURN TOWN HALL, 312 PINE STREET, MINTURN, COLORADO 81242.

TOWN OF MINTURN, COLORADO

John Wideman IV, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 08 - SERIES 2020

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING A LABORATORY ON THE ALLOCATION OF WATER FEES FOR NEW BUILD CONSTRUCTION SUBJECTS REGULATING MORE THAN THREE SINGLE FAMILY COUPLANT UNITS

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 Wideman IV, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 08 - 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 \$87,681.00, AND TRANSFER THE SAME TO THE GENERAL FUND.

THE TOWN OF WIRITURIS, COLORADO, HAS RECEIVED AN AMOUNT OF \$87,775.00 AND
HEREBY REQUESTS AN ADDITIONAL ENTERPRISE
FUND FOR THE PURCHASE OF EQUIPMENT,
\$25,000.00, AND FOR CAPITAL EXPENDITURE
CAPITAL FUND EXPENDITURES IN THE
AMOUNT OF \$62,775.00.

TOWN OF WIRITURIS, COLORADO

John Williamson, Mayor

ATTEST:

Sally Buchanan, Town Clerk

Published in the West Daily on May 9, 2004.
0605375983

Ad shown is not actual print size.



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: May 15, 2020

Agenda Item: Town of Minturn Inclusionary Housing Ordinance – Second Reading

REQUEST:

Review and approval on second 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. In August 2019, the Town of Minturn Housing Action Plan was approved. The first action following adoption of the Plan was to move forward with an Inclusionary Housing ordinance. This ordinance was forwarded for consideration by the Planning Commission in April 2020.

Planning Commission Review and Recommendation – April 8, 2020

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.

Town Council Review and Approval on First Reading – May 6th

On May 6, the Town Council held a work session to consider and review Ordinance No. 7 and subsequently voted to approve the ordinance on first reading during a duly noticed public hearing. During the Council’s work session and deliberations, and following the Council’s vote on first reading, the following comments were received by staff:

- Increase the Resident Occupied deed restriction requirement. Current proposal is 20% and Council members suggest 30%-35%.
- Consider revising Section 16-26-110. A - *Incentives for Residential Developments (Inclusionary Housing) Over One (1) Dwelling Unit* to remove or amend incentives that encourage or allow 1) density bonuses, or 2) flexibility in site design of a residential or mixed-use project.

One potential solution to address concerns regarding incentives that allow for density bonuses or flexibility in the application of development standards involves the provision of maximum potential relaxation of a particular standard and clarification that any deviations or flexibility shall only be granted after public notice and hearings by the Planning Commission and Town Council. The following revisions are provided for consideration:

Density Bonus Language: (new language double-underlined)

“Density Bonus. As part of any new residential or mixed-use development, the Town may offer a density bonus. In no case shall any density bonus request associated with a community housing request result in a relaxation from applicable development standards of more than five (5%) deviation; and, in all cases, applications for density bonuses associated with community housing proposals require public notification of adjacent property owners in accordance with public notification requirements of the Minturn Municipal Code. All applications for density bonuses associated with community housing proposals shall require review and approval by the Town of Minturn Planning Commission and the Town Council during duly noticed public hearings.”

Site Design Flexibility: (new language double-underlined)

“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. Required off-street parking and/or snow storage requirements shall not be eligible for consideration in any request for flexibility or relaxation in the application of the Town’s development standards. In no case shall any flexibility or relaxation in applicable development standards exceed five (5%) deviation; and, in all cases, applications for flexibility or relaxation in applicable development standards associated with community housing proposals shall require public notification of adjacent property owners in accordance with public notification requirements of the Minturn Municipal Code. All applications for flexibility or relaxation in applicable development standards associated with community housing proposals shall require review and approval by the Town of Minturn Planning Commission and the Town Council during duly noticed public hearings.”

Last, as a key component of the Town’s development of community housing guidelines and administrative procedures setting forth how, exactly, housing requirements will be administered and enforced, staff confirmed that Eagle County Government is willing to assist the Town. In a recent email to Town staff, Kim Bell Williams, Executive Director of the Eagle County Housing and Development Authority, provided the following thoughts for consideration:

- The Town of Minturn Planning Commission’s recommendation for 10% deed restricted, price-capped housing provision within new developments appears appropriate given the difficulty for developers to meet a higher requirement, as well as the direction that Eagle County is headed while updating County housing guidelines. This is based on the County’s experience over the years attempting to enforce 25% requirement for deed restricted, price-capped units within new developments.
- The County’s current efforts to update the County Housing Guidelines may create a sliding scale for mitigation, potentially reducing the percentage requirement for price capped units from 25% to 12.5%.

- Resident Occupied (R.O.) requirements tend to be more popular and feasible for developers. The County is considering a 50% requirement for R.O. units in new developments. The County also allows for projects to mitigate their price-capped obligation by providing up to 100% R.O. units.
- Setting mitigation at 25% - like Eagle County's current requirement – makes sense given the housing and affordability gaps documented in Eagle County; there is a documented need for price-capped inclusionary housing. However, this mitigation rate is difficult (for developers) to achieve without public subsidies (e.g., land donation or tax exemptions) and partnerships.

Ms. Williams has provided a draft Intergovernmental Agreement (IGA) setting forth a scope of services that would be provided by the Eagle County Housing and Development Authority for the Town's consideration as a first step toward formalizing the County's relationship with the Town for providing services aimed at developing specific guidelines and administrative procedures and, ultimately, to assist the Town in administering the guidelines.

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. On May 6, 2020 the Minturn Town Council held a work session to consider the ordinance, followed by a review and vote on first reading of the ordinance during a duly noticed public hearing.

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 second reading, with suggested revisions to ordinance language pertaining to incentives.

Recommended Motion:

“I move that the Minturn Town Council approve Ordinance No. 7, Series 2020, on second reading as presented and with suggested revisions to ordinance language 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. 7 – 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 COMMUNITY
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 and May 20, 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 Town of Minturn Town Council, which guidelines shall be titled "Town of Minturn 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



To: Mayor and Council
From: Jay Brunvand
Date: May 20, 2020
Agenda Item: Resolution 18 – Series 2020

REQUEST:

Council is asked to approve Resolution 18 – Series 2020 which allows licensed establishments to add or modify their outdoor seating premises by a staff review/approval process, while still maintaining the safe distancing practices set forth by the State of Colorado and Eagle County.

INTRODUCTION:

Under our current procedures a liquor licensed establishment can add or extend outdoor seating based on Council approval. COVID-19 is forcing governments at all levels to adjust regulations and procedures for the adaption to ever-changing public health orders. This Resolution will allow the Town Manager to approve a premises modification application at staff level. This is a temporary Resolution as it only extends through September 30, 2020 or as the various State, County, and municipal emergency declarations are in place and as modified from time to time.

ANALYSIS:

The state and municipality have a dual authority to approve liquor licenses. This request allows the Town Manager to approve a request to modify the outdoor seating premises. Approval of this Resolution will allow the modification at staff level, will be temporarily effective immediately – pending a 10-day public comment period.

The application would be submitted to the Town Clerk, once reviewed for completeness the Town Manager would approve or disapprove on a temporary basis until the application has completed the 10-day public comment period at which point the modification would be (temporarily) finalized.

COMMUNITY INPUT:

The Community will have time to comment. In the event an issue is brought to light, the request would then be taken to the Council for a public hearing. Otherwise, no public hearing would be required.

BUDGET / STAFF IMPACT:

Staff is recommending all town fees be waived. Appropriate state fees would be collected and remitted to the state.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 18 – Series 2020 a Resolution of the Town Council of the Town of Minturn, Colorado, amending the approval process for a modification of a liquor premises for use during a local emergency declaration as presented.

ATTACHMENTS: Resolution 18 – Series 2020

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 18 – SERIES 2020**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF MINTURN, COLORADO, AMENDING THE APPROVAL
PROCESS FOR A MODIFICATION OF A LIQUOR
PREMISES FOR USE DURING A LOCAL EMERGENCY
DECLARATION**

WHEREAS, the Governor of the State of Colorado on March 10, 2020 and as amended and extended has declared a statewide emergency regarding the occurrence or imminent threat resulting from the COVID-19 Pandemic; and

WHEREAS, the County of Eagle and the Town of Minturn (“Minturn” or the “Town”) declared states of emergency for our respective jurisdictions; and

WHEREAS, the Town of Minturn (“Minturn” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Minturn Home Rule Charter (the “Charter”); and

WHEREAS, Section 5.1 of the Minturn Town Charter details how the Town Manager shall possess, have and exercise the administrative and executive responsibilities designated by the Council; and

WHEREAS, pursuant to Section 12.10 of the Minturn Municipal Code the Minturn Town Council is the designated Local Liquor Authority; and

WHEREAS, pursuant to the powers inherent in the office, the Governor of Colorado has authority to declare a state of emergency; and

WHEREAS, It is the intent of this resolution to supplement Code section 2-3-40(11) in the event of an emergency declaration; and

WHEREAS, Town Council has determined that it is in the best interest of the public health, welfare, and safety of the residents of the Town of Minturn to allow the Town Manager to approve Liquor License Applications for the Modification of Premises to allow modified outdoor seating of existing liquor license establishments.

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

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

Section 2. The Town Council of the Town of Minturn hereby authorizes the Town Manager to review and render approval or denial of applications submitted by an existing licensed liquor establishment within the Town of Minturn requesting to modify the premises map to allow or extend outdoor seating.

Section 3. The Town Council of the Town of Minturn hereby adopts the Emergency Temporary Modification of Premises Policy, attached hereto as **Exhibit A**.

Section 4. The Temporary Modification of Premises Policy adopted herein shall only apply declaration of a local disaster emergency pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, or the declaration of a state of emergency by the Governor of Colorado.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day of May, 2020.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

Jay Brunvand, Town Clerk

EXHIBIT A

Rules for Emergency Modification of Premises to allow or expand outdoor seating at licensed liquor establishments.

- 1) This is a temporary rule effective immediately and continuing through September 30, 2020 unless otherwise extended or modified.
- 2) Establishment MUST be an existing liquor licensed business serving malt, vinous, or spirituous liquor by the glass in open containers for consumption on site.
- 3) The Town Clerk will accept legally complete temporary modification applications on state forms with necessary State fees, a permission letter from the property owner (whether it be city property or private property), and with two premises diagrams- one showing the premises "before" change and one showing the premises "after" the modification. The "after" diagram should include sufficient information to show containment of the expanded area, whether through temporary fencing, usage of walls/landscaping/planter, increased signage, or stationed restaurant staff assigned to outside expanded areas for control of alcohol so that the alcohol remains within the expanded area. CCR 47-302, Changing, Altering, or Modifying Licensed Premises will be consulted and followed by City Licensing.
- 4) Once a legally complete temporary modification application as above described is received, The Town Clerk's office shall supply the liquor licensee with an application poster that shall be conspicuously posted at the licensed premises for a 10-day period. Any public comment or comments from law enforcement shall be used to determine the approval of the temporary modification. If law enforcement or negative public comment is received, the application shall be scheduled to be heard at the next possible Minturn Liquor Authority/Town Council hearing with direct notice of the hearing supplied to both the liquor licensee and the party who has supplied comment. This process shall be deemed to have fulfilled the needs and desires requirements and deliberations for temporary modifications of liquor licensed premises for the purpose of adding additional outdoor area so that restaurant dining area can be added to facilitate a liquor licensee's ability to maintain social distancing for patrons in their restaurants.

Council Committees

Non-Profit Entities Requiring Directors Appointed by Council

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

Representation to other Government Agencies

1. **NWCCOG/QQ; Jon Stavney jstavney@nwccog.org**
Responsibilities: COG: oversees budget and operations of NWCCOG
Appointees: John Widerman
QQ; Torie Jarvis qqwater@nwccog.org: advises on water legislation issues.
Appointees: George Brodin
Time Commitment: quarterly meetings for COG, differing locations; QQ quarterly in Summit
2. **ECO Transit; Claire Wilson Claire.wilson@eaglecounty.us**
Representation: one member and one alternate, may be Council or staff
Responsibilities: advises County Commissioners on budget, operations, schedules, capital spending of bus system.
Time Commitment: Quarterly in Gypsum
Appointees: John Widerman, alternate George Brodin

Representation to Membership Entities

1. **Club 20: 970-242-3264 or communication@club20.org**
Representation: regular and alternate members
Responsibilities: advocacy, education and legislation affecting western slope
Time Commitment: quarterly meetings in Grand Junction
Appointees: George Brodin
2. **High Five Media; JK Perry jk@highfivemedia.org**
Representation: one regular member
Responsibilities: oversee operations of Channel 5
Appointees: Terry Armistead
Time Commitment: Quarterly
3. **Radio Free Minturn; Alex Griffin alexander.h.griffin@gmail.com**
Representation: One ex-officio member
Responsibilities: Connection between RFM Board & Council
Appointees: Brian Eggleton
Time Commitment: Quarterly
4. **Compact of Colorado Communities; Daniel Kreeger dkreeger@ckunateiffucers.org**
Representation: one regular member
Responsibilities: advocacy, education and legislation for Colorado
Time Commitment: Quarterly
Appointee: John Widerman

5. **Climate Action Collaborative; Kim Schlaepfer kim@walkingmountains.org**
Representation: two regular members
Responsibilities: Creation and advocacy of climate action policies for Eagle County.
Time Commitment: Quarterly
Appointee: Brian Eggleton

Council Advisory Sub-Committees

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

Battle Mountain; Michelle Metteer manager@minturn.org

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

Time Commitment: Can be substantial

Appointees: Earle Bidez and Terry Armistead

Water Committee; Michelle Metteer manager@minturn.org

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

Time Commitment: busy at times

Appointees: John Widerman and George Brodin

Dowd Junction Committee; Michelle Metteer manager@minturn.org

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

Time Commitment: TbD

Appointees: John Widerman and Earle Bidez

Economic Development; Cindy Krieg events@minturn.org

Function: The Economic Development Advisory Committee (EDAC) works to strengthen and expand economic opportunities within and for the Town of Minturn, its residents, and its businesses. It achieves this primarily with the creation and management of Minturn's economic development strategic plan.

Time Commitment: Quarterly

Appointees: Brian Eggleton & Eric Gotthelf

Railroad Committee; Michelle Metteer manager@minturn.org

Function: Advises Council on Railroad relations, zoning enforcement

Time Commitment: variable

Appointees: Terry Armistead &

Eagle County Housing & Development Authority Advisory Committee

Contact: Eagle County Housing, Kim Bell Williams kim.williams@eaglecounty.us

Appointee: Eric Gotthelf

Michelle Metteer
Town Manager
301 Boulder St #309
Minturn, CO 81645
970-827-5645 x8
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

TOWN MANAGER UPDATE

May 20, 2020

Colorado Tourism Office Update – Tourism Suspended (snippet from article at KRDO.com)

The Colorado Tourism Office has created a campaign urging out-of-state travelers to not visit Colorado this summer.

"This is the first time we've actually launched a campaign telling people not to come," said Cathy Ritter, Director of the Colorado Tourism Office.

"It generated 1.37 billion in state and local tax revenues, so it's a huge source of income for communities across the state," Ritter said.

There is no date on when the office expects out-of-state tourists will be invited back. Until then, it has asked travelers to share their past travel moments to Colorado via social media using #WAITINGTOCO.

Minturn Market

Minturn is excited to present a "scaled-down" version of our annual summer market. Minturn Market organizers are coordinating with other markets throughout the State to outline best practices in operations for meeting the State and County public health orders (PHOs).

The Minturn Market will focus this year on locals...local vendors and (minimal) marketing to locals. Per current best practices, no seating or music will be offered. Market visitors will have directional guidance on getting through the market (like the floor decals seen in grocery stores). Staff will be limited to Cindy and one market helper.

The first market date has been pushed back to July 4, 2020 (June market dates are cancelled). Market organizers *may* extend the market dates into the fall but a decision will not be made for several months on the end date.

Municipal Court

Minturn Municipal Court will reopen to in-person services July 20, 2020. Staff is obtaining the necessary PPE equipment for court participants who attend without such items.

Transition Trail Map – Blue Phase

On May 14, 2020 Eagle County Government announced that Eagle County be moving into the ["Blue Phase" of the Transition Trail Map on May 25, 2020](#). The Blue Phase provides the opportunity for restaurants/bars to reopen with 50% indoor capacity. To assist Minturn's F&B

industry further, we are utilizing our special events permitting process to facilitate outdoor seating wherever possible. **ALL PERMIT PROCESSING FEES WILL BE WAIVED FOR THIS PURPOSE.** The special events application is a tool to coordinate the adjustments being made and to ensure all aspects of operations have been addressed – the most significant aspect (other than public health) is for each entity to have a weather plan in place. Should outdoor seating be implemented, there will need to be a plan for addressing Colorado’s ever-changing weather. Tenting of the outdoor seating area is one way to address this option. More to come.

Town Clean-Up Day

Town Clean-Up Day remains scheduled for June 13, 2020. This is an outdoor event that can follow all necessary social distancing guidelines. As with prior years, Clean-Up Day will start at 7:00 am and end at 1:00 pm. In addition to the services typically provided, this year Minturn is partnering with Steam Master for recycling of electronic waste. There will be a charge to the public for this service based on the weight of the electronic so come prepared.

Sanitary Survey

John Volk will be conducting the sand filter liner integrity testing next week. This test is required within the Sanitary Survey follow-up to CDPHE.

Public Meetings

In-person meetings for the Town Council and Planning Commission will resume the first week of June. Public Health Orders and social distancing requirement will need to be maintained so if occupancy of the Council chambers reaches a volume which inhibits the ability to maintain social distancing we will require additional attendees to participate remotely.

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
 Gusty Kanakis

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

REGULAR TOWN COUNCIL MEETINGS
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
June 3, 2020
Council Retreat (details tbd)
June 17, 2020
Fiscal Year 2019 Audit acceptance – Brunvand
Work Session - Vasquez Land Purchase request - Review
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