



Wednesday May 18, 2022
Executive Session – 3:30pm
Regular Session – 5:30pm

AGENDA

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

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87637575888>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 876 3757 5888**

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

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

1. CALL TO ORDER

The Minturn Town Council will open the Regular Meeting at 3:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.

- 2. Executive Session:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice – Metteer/Sawyer

Executive Session will include legal advice on:

- Settlement of opposition in the Town’s pending Bolts Lake conditional storage right case (Case No. 20CW3136) – Siltanen
- Waiver of representation conflict – Siltanen
- Battle Mountain Litigation – MJS/Anderson

- Belden Place declaratory relief – MJS/Poppe
- HCE Transmission line/NEPA update – RJP

Direction given as a result of the Executive Session:

3. ROLL CALL & PLEDGE OF ALLEGIANCE

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

4.1 May 4, 2022 Meeting Minutes pg 4

4.2 May 5, 2022 Meeting Minutes – Special Meeting pg 9

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

6. DECLARATION OF CONFLICTS OF INTEREST

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

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

9. COUNCIL COMMENTS & COMMITTEE REPORTS

10. DISCUSSION / DIRECTION ITEMS

10.1 Town Lease Lot/Sun Up Sealcoats – Metteer pg 18

10.2 Holy Cross Energy Easement request – Metteer/Peterson-Cremer pg 26

10.3 Joint Council/Planning Commission meeting regarding the 100 Block review – Hunn/Bostic pg 51

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

11.1 Public Hearing Regional Transit Authority – Metteer/Ray pg 88

11.2 Ordinance 06 - Series 2022 (Second Reading) An Ordinance amending the outdoor watering regulations for the Town of Minturn – Metteer/Peterson-Cremer pg 155

11.3 Ordinance 09 – Series 2022 (First Reading) an Ordinance amending Article 19, Chapter 16 Sign Code - Harris pg 161

12. STAFF REPORTS

12.1 Town Manager Update pg 170

13. FUTURE AGENDA ITEMS pgg 171

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- June 1, 2022
- June 15, 2022
- July 6, 2022
- July 20, 2022



**Wednesday May 4, 2022
Regular Session – 5:30pm**

OFFICIAL MINUTES

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

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Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 848 6906 8417**

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1. WORK SESSION

The Council held a scheduled Work Session for the purpose of training and Council Retreat. The Work Session began at 10:30am and continued to approximately 5:00pm. The Work Session was recessed at 5:00pm.

2. CALL TO ORDER

The meeting was called to order by Mayor Earle Bidez at 5:30pm.

3. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present include: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger, Gusti Kanakis, Tom Sullivan, and Kate Schifani.

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, Town Planner

Madison Harris, and Town Treasurer/Town Clerk Jay Brunvand.

The Minturn Town Council will open the Regular Meeting at 5:30pm for the purpose of convening into Executive Session. At (approximately) 6:30pm the Council will convene into Regular Session for the remainder of the meeting.

- 4. Executive Session:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice – Belden Place – Metteer/Sawyer

Motion by George B., second by Kate S., to convene in Executive Session pursuant to Section C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice – Belden Place. Motion passed 7-0.

Those present in the Executive Session were the Council present, Town Manager Michelle M., Town Attorney Michael S and Nick Poppe.

Convened in Executive Session: 5:30pm
Re-convened in Regular Session: 7:46pm

Direction given as a result of the Executive Session: None given.

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

5.1 April 20, 2022 Meeting Minutes

Motion by Terry A., second by George B., to approve the Consent Agenda of May 4, 2022 as presented. Motion passed 7-0

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

Add: Request to continue the Work Session at the end of the Council Meeting was added to the agenda as Item 16.

Motion by George B., second by Terry A., to approve the Agenda of May 4, 2022 as amended. Motion passed 7-0.

7. DECLARATION OF CONFLICTS OF INTEREST

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

Michael S. stated Staff will be asking for continuance of the Belden Place items and comment will not be taken at that time, therefore if one was here to discuss the Belden Place matters, they should do so now.

Michael S. stated Belden Place sued the town and then Belden Place obtained a stay until the issues can be resolved. He stated the request tonight would be to continue the decisions to July 20.

Mr. Tim Christiansan, 1207 Main St, stated they had received a letter and now it was going to be postponed. Mr. Christiansan then stated he and his parents live on the Belden Place property and are asking what they can do to keep this moving. Mr. Christiansan asked what their options might be. Michael S. recommended they speak with the developer. When the developer filed the lawsuit against the town the town is required, by code, to cease all work, this includes the matters that were approved in error due to the suit filed but not served to the town. The proposed action tonight would back up the approvals to immediately prior to the law suit. Mr. Christiansan expressed his concern that his parents Certificate of Occupancy would be pulled; Michael S. stated that would not be the case.

Ms. Holly Sprackling, 1014 Mountain Dr. asked about a copy of the law suit, Michael S. stated it was a public document and if she gave him her email, he would get it for her. She asked if they were allowed to do any work on the site? They are allowed to do grading within the confines of that permit but no foundations or other work is allowed. She stated they are doing work and asked the town to provide oversight of the project or make them stop.

Discussion ensued as to what is being done on the site and what the town is doing to oversee. It was clarified that the town is working to keep them within the grading permit but they have been observed circumventing the town in the past.

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

10. COUNCIL COMMENTS & COMMITTEE REPORTS

Gusty K updated on the interviews held for the proposed water plant engineer.

Terry A. updated on HighFive Media Board Meeting. They have hired new staff who is looking for housing. She also updated on projects HighFive working on. She noted the Climate Action Committee and Shooting Range work that has been occurring.

11. DISCUSSION / DIRECTION ITEMS

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

12.1 Ordinance 7 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer

12.2 Ordinance 08 – Series 2022 (First Reading) an Ordinance for Belden Place

consideration of rescind.

12.3 Resolution 17 – Series 2022 a Resolution for Belden Place consideration of rescind – Metteer/Sawyer

12.4 Resolution 18 – Series 2022 a Resolution for Belden Place consideration of rescind – Metteer/Sawyer

Michael S. stated Staff is requesting the following two Ordinances and two Resolutions be continued to July 20, 2022. He stated a judge had given a 15 day stay in the case but with full agendas and legal work he justified the additional 45days.

Motion by Tom S., second by Gusty K., to continue Ordinance 7 – Series 2022 (First Reading), Ordinance 8 – Series 2022 (First Reading), Resolution 17 – Series 2022, and Resolution 18 – Series 2022 to the July 20, 2022 Council Meeting. Motion passed 7-0.

12.5 Motion to approve Pine St Construction Contract – Metteer

Michelle M. presented Pine Street is in need of a full replacement from the 300-600 block. This includes a complete mill, overlay, drain pan, sidewalk replacement (in sections), and new drainage. The Town does not have the necessary funds to complete this project all at once and so Council provided direction in the fall of 2021 to make the repairs in three phases as budgeting allowed. The costs for Phase 1 of the Pine Street repairs were approved as part of the budget process in 2021. Phase 1 of the Pine Street repairs is effectively the easiest of the three phases from both a timeline, impact and budgetary perspective. Phases 2 & 3 will wait to occur until funds become available. Due to the pending increases in oil costs expected this June, the construction timeline has been bumped up from July to May. Preliminary construction notices have already been left on the doors of all residences on the 300-block with more information forthcoming after the pre-construction meeting.

Jeff S., Intermountain Engineering, discussed the plans, the project will commence between Norman and Harrison on Pine St. He stated the project will begin Monday May 9 and finish approximately May 27. When milling is being done, the area will be closed off, concrete work will require single lane, and paving will also require the road closure.

Discussion ensued on the door-to-door citizen information and the scope of the project.

Michelle M. noted the fire house driveway, 191 Pine, is in disrepair and is requesting this be addressed at the same time as the 300-block work. The estimate is approximately \$18k and the Fire District will contribute 50%.

Motion by Gusty K., second by Tom S., to proceed as presented including the fire station driveway repairs. Motion passed 7-0.

13. STAFF REPORTS

13.1 Town Manager Update

14. FUTURE AGENDA ITEMS

15. ADJOURN

In that there was no further business to conduct the meeting stood in adjournment at 7:36pm. The Council then continued the previously recessed Work Session.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

16. Work Session

At this time the Council continued the recessed Work Session which was held prior to the Regular Session.

- Ethics Training

INFORMATIONAL ONLY ITEMS

Council Meetings:

- May 4, 2022 – Council Retreat
- May 5, 2022 – Special Council Meeting (Minturn North)
- May 18, 2022 – Joint Council/Planning Commission
- June 1, 2022
- June 15, 2022



**Thursday May 5, 2022
Regular Session – 5:30pm**

OFFICIAL MINUTES – SPECIAL MEETING

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

1. CALL TO ORDER

The meeting was called to order by Mayor Earle Bidez at 5:30pm.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

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

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer (via Zoom), Town Planner Madison Harris, and Town Treasurer/Town Clerk Jay Brunvand.

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

Lynn F. requested to add an Executive Session to the end of the meeting regarding legal update on Battle Mountain.

Motion by George B., second by Lynn F., to approve the Agenda of May 5, 2022 as amended. Motion passed 7-0.

4. DECLARATION OF CONFLICTS OF INTEREST

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

5.1 Minturn North PUD Preliminary Plan Review – Hunn/Harris

Scot H. presented that at the regular Town Council meeting of April 6, 2022, Minturn Crossing, LLC, represented by Mr. Greg Sparhawk, requested a continuance or “tabling” for the review of the Minturn North Preliminary Development Plan for PUD. The Council granted the Applicant’s request and tabled the public hearing to a special meeting to be held on May 5, 2022.

The Applicant requested the tabling to allow enough time to update Preliminary Plans and associated documents to reflect a revised phasing plan; a change made right before the April 6th Council meeting.

The Town received updated application materials on or about April 15th and has worked to review the documents for completeness prior to presenting any staff report or findings to Council. After completing its review, staff has determined that the updated application is not complete and/or that certain critical issues have not been adequately addressed.

To summarize, it is clear that the one-month time frame granted during the first continuance request by the Applicant was not enough time to allow for comprehensive updating of the Preliminary Plan documents to reflect the new Phasing Plan or to address some issues that had previously been identified by staff but which remain unresolved. Additionally, while staff typically takes up to four weeks, or twenty “business days” (as provided for in the Minturn Municipal Code) to review submittals for completeness, staff has reviewed the re-submittal in an extremely condensed amount of time in an effort to allow for the special meeting on May 5th to move forward.

Staff’s goal in recommending a second continuance in this instance is to give the Applicant more time to provide a more comprehensive and cohesive set of plans and documents while addressing the provided comments prior to finalizing the Town’s staff report which will analyze the PUD’s conformance with Town standards and approval criteria. Nevertheless, staff believes the special meeting on May 5th is a good opportunity for the Applicant to provide an update to the Town Council and the public about their project - how it has changed since the Planning Commission reviewed the plans in Summer 2021 - and to receive feedback on issues of

importance to the Council during their review of the Preliminary Plan moving forward.

In order to help facilitate an improved and accurate Preliminary Plan application package, staff recommends continuance to a date certain that allows enough time for the Applicant to address all of the of the issues identified by staff with the understanding that staff will need ample time - a month, or 20 business days - to review the resubmitted plans and materials and to generate a new staff report with recommendations and suggested conditions.

In reply to questions following are some of the outstanding concerns:

- Scot H. noted the following concerns:
 - Updates to presented cost estimates
 - Landscaping plan
 - Landscaping in the parking areas
 - ERWSD approvals may need to be updated
- Michael S.
 - Sufficient water capacity for phase 1
 - Parking
 - Who will own/maintain the common grounds? It is proposed Town will own the larger areas, and the Metro district will own the smaller areas.
 - Taylor St ROW needs clarification at Minturn Rd
 - Engineering plans at the S curve concepts; is it within the ROW, is it sufficient
 - Overlay of where the upgrades will reside; town ROW or project owned property to allow determination of if they will efficiently work
 - Drainage plan includes flow onto adjacent RR properties in some areas, does the developer have sufficient permission
 - ROW dedication between what the RR is dedicating vs the land required for the Developers improvements.
 - Other smaller items
- Jeff S, InterMountain Engineering
 - Land survey information needs to be verified that it is NOT in the ROW
 - Verify Minturn RD is not encroached based on the Southern boundary.
 - Legal ROW for Railroad Ave
 - Clarification of the engineered drawings that do not have all the items that the other drawings have such as

Tom S. felt much of this should have been addressed before we got to this point. He felt since the Developer asked for the special meeting, they would have been more prepared. He stated the RR can be difficult to deal with so he is not comfortable with approval tonight without the RR questions asked and answered.

George B. asked if there was a fatal flaw that would not get us to approval. Michael S. stated the current limits on the availability of water will govern what can happen with Phase 1.

Terry A. stated that this Preliminary Plan did go before Planning and was denied. She asked if there was a pathway for this to be referred back to Planning to allow them to have another look? Scot H. confirmed yes. She stated it was good that the community and the council had a chance to

review this but that she did want it to go back for further review. She was concerned the CDOW had not commented and we needed to be cognizant of the elk population. She wanted to ensure the road fill included could not affect the Eagle River. She asked if there was a way to limit ADUs, can we limit ADU's to certain areas of the project. She was concerned that we only have 20 days for our staff to review the plans, this is a big and important development and 20 days is not sufficient.

Mr. Greg Sparhawk, project representative, presented an update and review of the project and their intent is to be able to move forward with the project. He felt of the concerns expressed, much are small, the larger legal ROW issues he felt had been addressed. He stated they have a meeting scheduled with their team to address the legal ROW issues in the next days. He stated the Planning Commission denied the plan based on safety at the "S" curves of Railroad Ave. He stated the overall density is less than what currently exists on Taylor St. He outlined, based on the deposits taken, that most are either Minturn or local residents currently. The presentation included the upgrades the project will bring to enhance storm drainage, bus stop, rebuilding Taylor St, upgrades to the "S" turn to improve pedestrian and vehicle safety, sidewalks, and stated without this project the off-site work would not be occurring. He stated they are only asking for the 70 SFE's promised, they are not asking for more. The money to purchase these taps could be directly tied to paying for the needed water plant.

Public Hearing Opened

Mr. Trent Schaffler, 105 Lions Lane, spoke opposed to the project stating that it is too dense and that the landscaping would not have sufficient space. He felt the many required/requested variances are too much. This is undeveloped land and they should not be asking for a variance and that each rendition has had very significant changes.

- Setbacks are smaller than Miller Ranch
- What would happen if a wildfire came through
- Too dense
- Landscaping (room for trees to grow and mature)
- Too many potential variances
- Each rendition has significant changes

Mr. Daren Tucholke, 530 Taylor, spoke against the project based on water needs. We don't have the water for this project and we should not support it until we have that resolved. He asked Council to deny the project.

- Water system needs to be resolve before any building
- Too many lawsuits

Ms. Anna Robinson, 531 Taylor St, appreciated several of the changes but spoke opposed. She was concerned with the requested variances, felt the sidewalks need to be continuous.

- liked addition of alleyways
- like improvement to Taylor
- liked addition of sidewalks
- liked idea of school bus access and turnaround
- concerned about elk and wildlife

- -concerned about water stopping project

Deputy Deval, CDOW, stated he has reviewed the plans and emphasized his office as a resource for the wildlife needs. He felt the phase 2 will affect the wildlife. He felt allowing undevelopable land in the open space calculation is not realistic.

- -Phase II will have more wildlife interphase and needs to be looked at closely then.
- -Concerns about the open space calculations on steeper terrain.

Mr. Darell Wegert, on-line 1718 Main St, he spoke regarding **no land dedication to the fire district.**

Ms. Raquel Spenser, 554 Taylor St, spoke against the project. She felt the road improvements would not be sufficient for the density of the project.

- Already had trouble in are with installation of modular unit on Taylor; lost power and internet for a couple of days. What to expect with more construction.
- Density not handled by road improvements
- Need to revamp 4th street

Mr. Rob Gosiewski, 560 Taylor St, spoke opposed and felt water, improvements to the S turns, and access would not be sufficient.

- water needs to be secure before development
- S turn improvements need work
- Insufficient access to project

Mr. Chris Reader, 323 Taylor, spoke opposed to the project. He stated there is a concern of trust with the developer and that there are too many variances and still too many questions remain to approve this. He stated the open space is not usable due to size or riparian space.

- building height impacts with land lift
- trust with developer
- snow storage inadequate
- Too many variances
- Open space calculations should not include riparian habitat
- still too much a work in progress

Mr. David Clapp, 392 Taylor, read his prepared statement in opposition to the project that will be included in the record.

- too dense
- duration of construction time
- reputation of developer

Mr. Anthony Martinez, 232 Taylor St,

- liked the revisions
- liked the rebuild of Taylor
- but had concerns of the existing parking that he uses for his home.

Karl Krueger, 372 Taylor, was in support of the revisions the developer has made and spoke with

concern of the building heights and referred to his written comments that are included in the record.

- more multi family units
- no one way traffic
- new intersection
- less Minturn Road driveways
- alleyway additions
- Building height and sight corridor impacts with fill
- Need alleyway modeling for turning and access verification
- How much and what kind of fill dirt for lift
- If rock fall closes highway 24 and Minturn/Elk Road is closed during construction how would Town evacuate
- Park / open space should have buildings facing the park

Mr. Hanni Malek, 498 Taylor St, spoke opposed to the project and referenced his submitted written comments that are included in the record. He stated we are a long way from approvals. He stated the fill dirt is approximately 3,000 to 6,000 truckloads.

- Very concerned about the road and site lift
- Logistics how many trucks for how long
- What kind of material
- Achieving suitable compaction
- Sloping of slopes to support lift
- ROW (right of way) changes due to site and road lift and sloping needs

Madison H. read in to the record mailed in comments which are included in the official record.

Mr. Derek Petak spoke in support of the project.

Ms. Helen Reider, spoke opposed of the project.

- -would this truly be local housing
- -Sidewalks create safety

Mr. Jay Dworkin, spoke opposed

Mr. Ryan Schmidt spoke in support

Ms. Jessica Williams spoke in support

Public Hearing Closed

Mr. Greg Sparhawk answered questions. He outlined how the fill of Minturn Road would be handled and what it would include. He stated the overall project will require approximately 100k yards of dirt.

Gusty K. asked about water and asked what he felt the water would be available; Mr. Sparhawk stated in a couple/few years. Gusty K. stated that it could be much longer. Mr. Sparhawk stated

each lot will be allocated 1sfe and ADU's will be allocated in addition to that. Discussion ensued as to how the ADU sfe's would be allocated if it was in addition to the current allocation of 70sfe, he stated they are looking at not exceeding 70sfes at this time. Michael S. stated an ADU would be counted against that 70sfe. Gusty K. discussed cost sharing this was discussed. Discussion ensued as to what the town would be required to snow plow.

Lynn F. stated it is possible additional water may not be available for 10yrs or more, not 2-4. She did not feel this was properly represented in the planned estimates. Mr. Sparhawk reiterated that they are phasing this project in order to best take advantage of the existing 70sfes. He stated with the phasing they would not have a partially developed eye sore waiting for phase 2 water, it would be natural and presentable.

Terry A. expressed concern with the variances. She clarified the 70sfe's is based on a hard number calculated by our Town Water Engineers. She stated at this time we have ONLY 70, the project is not being extended anything more. She recommended this go back to Planning for further consideration and review, and that the Phase 1 represent only 70 SFE's. Regarding variances, Terry A. stated she was concerned with the fill and how that will affect the heights of the buildings. She stated she would expect variances on existing development, not on undeveloped lands. Mr. Sparhawk stated the variance requests have not increased.

Kate S. stated the ADU's are a way for one to afford a home in this area. If they don't know when they can build their ADU this will affect the affordability for the buyers. She asked about the park costs. Mr. Sparhawk stated it will be open for public use but will be maintained by the project.

Tom S. stated he felt the ROW issues needed to be sorted before this came back to the Council. He also stated the fill was a huge amount, incomprehensible, and the settling issues will go on for years. He was very concerned if this would even work. Discussion ensued as to how the fill would work, it would slope out onto the railroad property. 100,000yards is about 10,000 truckloads. He felt a Metro District was not appropriate, if it is required, he would not support it at final.

Gusty K. asked about the foot traffic, this was discussed. He also felt the back fill was excessive and would affect our existing off site town streets (County Rd/Minturn Rd, Hwy 24, and Bellm Bridge).

Lynn F. understood the benefits and value to the town but felt the proposal was to rebuild a mountain which would create its own problems. She also felt the entire development should include ONLY the existing 70 SFE's and not rely on future unknowns.

Mr. Wendel Porterfield, project attorney, discussed the SFE's. He asked if the 70 was actually available? Yes, it is and is based on capacity in the supply currently available.

Mr. Justin Garnell, project engineer, spoke to the fill and the Minturn Rd. The fill is needed to address the needs on Minturn Rd. He stated the original one-way road proposed would not require the fill, but the two-way would require the fill. The two-way was requested by the citizens. He discussed how the fill would work.

Earle B. asked of building heights from the fill. This was discussed and Earle B. asked for modeling based on code height requirements and based on what it would do to the existing homes. This modeling could be used to illustrate the variances as well. Earle B. also stated he was concerned as to what the construction would impact including the 10,000 trucks of fill. Mr. Sparhawk stated that based on a previous construction timeline, they would be looking at four months for the infrastructure construction and then thereafter, the homes as they are approved. He asked for updates on this.

Tom S. stated again there still exists too many unanswered questions to be coming for approval. He expressed again that raising the ground 8-15 feet is monumental. He stated this project is not ready for approval.

Terry A. asked if the motion could be to send this back to Planning to consider this project again based on the many changes since they denied it?

Scot H. stated the code allows approval, denial, approval with conditions, refer to Planning to consider items.

Tom S. stated he felt so many items were unanswered that he didn't know what the Planning should even be looking at. He stated they had 2-3 months of preparation before they could come back for consideration. He stated that with a request of 15 feet of fill makes this a completely different project and it should go back to Planning.

Mr. Sparhawk stated his two big issues are the ROW and fill questions.

Motion by Terry A., second by George B., to continue Minturn North PUD Preliminary Plan Review for the purpose for staff and the applicant to work through the comments from staff and Council and then to remand the Preliminary Review back to Planning Commission to address the comments presented for a complete review of the project. Motion passed 6-1. (Note: Tom S voted nay.)

5a. Executive Session

Motion by George B., second by Gusty K., to convene in Executive Session pursuant to Section C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice – Battle Mountain. Motion passed 7-0.

Council convened in Executive Session at 8:29pm
Council reconvened in Regular Session; no direction was given.

6. ADJOURN

Motion by Kate S., second by Gusty K., to adjourn at 9:40pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



To: Minturn Town Council
From: Michelle Metteer
Date: May 18, 2022
RE: SunUp Sealcoats Lease Lot

REQUEST:

Support the request for SunUp Sealcoats to utilize a space in the Town's lease lot.

INTRODUCTION:

Due to location, SunUp Sealcoats was denied a conditional use permit for utilization of the railyard. In Council's findings it was determined that no additional "industrial creep" would be allowed toward the north entryway of town. With those findings in place, an alternate location has been identified.

ANALYSIS:

Council was originally concerned about the products utilized by SunUp Sealcoats. After review by Jeff Spanel, Town engineer, it's been determined the products are asphalt based (not tar) and are able to be handled in a safe manner. See included memo from Inter Mountain Engineering.

Contractors in lease lot currently include landscaping, propane, stonework and more. Several of which also have products requiring safe handling.

Leases are on a year to year basis.

COMMUNITY INPUT: The process for approving uses at the Town's lease lot is traditionally handled administratively (see Resolution 13 – Series 2017). This is coming before Council and the public to allow for full transparency.

BUDGET / STAFF IMPACT: \$9000/yr revenue

STRATEGIC PLAN ALIGNMENT:

Practice clear, transparent and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION: Support staff's request for a lease.

ATTACHMENTS:

- Inter Mountain Engineering Memo
- Resolution 13 – Series 2017 – Lease Lot

May 12, 2022

Ms. Michelle Metteer
Town of Minturn
PO Box 309
Minturn, CO 81645
Via email: manager@minturn.org

Re: SunUp Sealcoats
Engineering Comments – SDS sheets
Project No. 22-0001

Dear Michelle:

SunUp Sealcoats would like to lease a small portion of the Town's industrial property near the Public Works yard. We understand SunUp plans to store two products on the property – "AsPen AC" and "Crackmaster". Both are products of "SealMaster Pavement Products & Equipment". Safety Data Sheets (SDS) for both products were provided. The SDS includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. The Town should keep the SDS on file.

AsPen AC:

AsPen is an asphalt emulsion surface treatment for asphalt pavement. The following are some highlights included in the AsPen Safety Data Sheet:

- This chemical is not considered hazardous according to the OSHA Hazard Communication Standard 2012 (29 CFR 1910.1200)
- The product is available in 5 gallon and 55 gallon containers. Empty containers are not to be reused.
- The product should be stored in sealed containers away from acids and oxidizing agents.
- Spill clean-up: Dam and soak up with inert absorbent material. Transfer absorbent material to properly labeled containers and clean contaminated surface thoroughly.
- Disposal: The material is not a hazardous waste as supplied.

CrackMaster 6690:

The CrackMaster product is heated, and the molten material used to fill cracks in asphalt and concrete pavement. The following are some highlights included in the CrackMaster Safety Data Sheet:

- Cautions to avoid breathing vapors and skin contact.
- The material is considered a possible carcinogenic.

VAIL VALLEY OFFICE

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

DENVER OFFICE

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | info@inter-mtn.net

May 12, 2022
Ms. Michelle Metteer
Re: SunUp Sealcoats
Engineering Comments – SDS sheets
Project No. 22-0001

- Material is supplied in 50 lb. box with two 25 lb. cubes per box. I understand the individual cubes are wrapped in plastic.
- Secure storage away from sources of ignition. is recommended.
- The material is to be stored in properly closed & labeled containers away from sources of ignition.
- Spill cleanup: Carefully stop the flow of molten material and contain with dikes or absorbents to prevent migration and entry into sewers or streams. Allow the molten material to cool. Soak up spills with inert solids, such as clay or diatomaceous earth as soon as possible. On land, sweep or shovel into suitable containers.
- Disposal ; The material is considered a non-hazardous material.

In addition to reviewing the SDS and product literature, I called the SealMaster home office as well as a competitor - Denver Industrial Sales & Service Company. Both said the products are safe when handled in accordance with manufacturers recommendations and were surprised when I asked about CrackMaster being carcinogenic. Neither considered it a significant risk.

SunUp considers the technical information proprietary; however, the Town should keep the Technical Data Sheet and the Safety Data Sheet for both products on file in case of an emergency. I recommend the Town obtain strong assurances (possibly surety) that the materials will be properly stored, handled & cleaned up in the event of a spill and at the termination of their lease.

If you have further questions, please feel free to call.

Sincerely,
Inter-Mountain Engineering



Jeffery M. Spanel PE

CC: Madison Harris; Michael Sawyer; Richard Peterson-Cremer, Scot Hunn

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 13 — SERIES 2017**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 01-2017 FOR
810 CEMETERY ROAD AKA THE LEASE LOT, TOWN OF MINTURN**

WHEREAS, The Town of Minturn has submitted a land use application for a Conditional Use Permit to allow a specified list of uses to be available for lease on the identified property known as The Lease Lot; and

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

WHEREAS, on June 14, 2017, the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application as presented with no conditions; and

WHEREAS, on June 21, 2017 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.230, the Town Council makes the following findings:

- That the proposed location of the use is in accordance with the purposes of Chapter 16 of the Minturn Municipal Code, the Community Plan and the purposes of the zone in which the site is located;
- That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
- That the proposed use will comply with each of the applicable provisions of Chapter 16 of the Minturn Municipal Code.
- That the town has upgraded the proposed site with an area shielding berm, installed security gates, installed concrete barriers to identify the proposed subleased lots, and has identified uses which would be of low impact to the site in general.

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

Section 1. that the application for a Conditional Use Permit for File No. CU 01-2017 be approved.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21st day of June, 2017.

TOWN OF MINTURN

By: 
Matt Scherr, Mayor

ATTEST:


Jay Brunvand, Town Clerk



Jay Brunvand
Town Treasurer/Town Clerk
P.O. Box 309 ♦ 302 Pine St
Minturn, CO 81645
970-827-5645
treasurer@minturn.org



TOWN COUNCIL
Town Council
Mayor – John Widerman
Mayor Pro Tem – Earle Bidez
Councilmember – Terry Armistead
Councilmember – George Brodin
Councilmember – Brian Eggleton
Councilmember – Chelsea Winters

POLICY – LEASE LOT RENTALS

Policy:

- 1) The Town of Minturn will lease specific parcels of land to private commercial enterprises on the town owned land known as the Lease Lot.
- 2) As laid forth and approved by the Minturn Planning Commission and Town Council in Resolution 13-2017 (Exhibit A), all such leases will fall under a single Conditional Use Permit to be held by the Town and managed by the Town Manager and administrated through the Town Clerk/Treasures office.
- 3) The Town Staff is authorized to sublet established parcels for minimal impact light industrial use. The intent would be to offer LOW IMPACT leases managed by the town staff whereby it can be maintained in a clean business-like enterprise with minimal impact on the town in general.
- 4) The property will be shielded from view from the west to the extent possible with the berm landscaping between the site and Cemetery Road.
- 5) The land leases will include:
 - a. Staff approved uses:
 - Landscape companies
 - Commercial Vehicle parking (van, bus, limousine/taxi, and commercial trucking)
 - Equipment storage
 - Employee drop-off/pick-up/surface parking. Parking would be limited by number of vehicles and/or number of employees based on lot size and business impact.
 - Organized nonpermanent storage containers
 - b. Annual lease to be approved by the Town Attorney as to form with automatic renewal in order to review and reconsider each lease and any concerns.
 - c. Leases may be reasonably modified by Staff in order adapt to the Staff approved leases insomuch as these modifications do not materially alter the overall low-impact uses authorized under the CUP.
 - d. Non-Staff approved leases may be submitted to Council for specific approval.

Layout of land:

- 1) Review map in packet – EXHIBIT B and C
 - a. East side of river; cemetery, Minturn Public Works, Concrete Plant, Proposed Site, fee based Public Snow Storage.
 - b. Natural barriers
 - i. North: light industrial use which has existed in the location in excess of approximately 40+ years; town operated leases of the area have operated for at least 20 years
 - ii. East: steep mountain range
 - iii. South: Town operated seasonal fee-based public snow storage and further south the shooting range
 - iv. West: Town built berm, access road, rail tracks, open space railroad right of way, Eagle River, Housing, Hwy 24

History:

- 1) In the 1970's, the Town was given two parcels of land by Vail Resorts for public use. The existing use of light industrial has been previously approved by Vail Resorts.
- 2) The site is unique to this end of the Eagle valley in that it is a large parcel of contiguous land, flat, undeveloped, sufficient distance from other planning zones, and leased directly by the town so that desirability and business-like operations are considered and reviewed. The adjacent land is owned by the town and used for similar light industrial uses yet is reasonably distant and shielded from other zoning districts such as distant residential.
- 3) Previous uses of the site include: (all prior to much of the renovation of the parcel)
 - * Multiple heavy equipment companies *Open pit aggregate quarry and hauling * 300ft tall lighted AM radio tower *snow storage operations *multiple garden and landscape companies *Construction staging sites *dirt storage for the Avon Round-Abouts
 - *limited camping *aggregate storage
- 4) The southern parcel was annexed in to Minturn via Ordinance 174-1978 and Ordinance 10-1995.
- 5) The entire parcel was zoned Agricultural and Open Space via Ord 20-1995.
- 6) It was rezoned via Ord 25-1999 where the proposed Staff approved proposed uses were allowed in the outlined zone as a use by right.
- 7) The land is currently zoned "Light Industrial And Public Facilities Zone" via Ord 15-2008 however there are zero Use-by-Rights and currently no Conditional Use permits extended other than to Wilcon Energy (Lease Lot site #3).
- 8) MMC Sec 16-11-30(b) identifies the purpose of the zoning as "... to accommodate a range of low-impact light industrial activities that are of limited duration and

intensity, such as contractor trades, research and development institutions, wholesaling and small scale production, fabrication, assembly or processing activities to help provide a diversified employment base for the community. Uses established in this area should be screened to minimize the impact on surrounding open space and recreation areas. In addition, the purpose of the area is to limit uses to those that will not create traffic hazards, noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems, but their operating characteristics and appearance may have impacts not desirable in other areas within the Town.”

- 9) Res 04-2015 established further procedures to guide the lease of this property. In the Resolution, the CUP process was formally established as part of the approval procedure. This Proposal modifies this procedure slightly by issuing the CUP to the town and then the town sublets under that CUP. It has been found by Staff that this complex process places an undesirable facet to the process for the consumer.
- 10) As a result of ongoing Council discussions over the past several years the town has at significant cost in staff hours and equipment:
 - a. Extended the berm approximately 250ft at an approximate height of 12ft
 - b. Electricity has been installed in a central location of the general area and is financially maintained by the town
 - c. Installed limited seasonal potable water service to the site
 - d. The individual lots have been cleared, graded, and organized
 - e. Jersey Barriers have been installed at the corners of each individual lot
 - f. The entry was moved approximately 175 feet to the south to provide a second entry point to the specific proposal.
 - g. A circulation road was established with roto-mill
- 11) As a result of the most recent discussion on October 10, 2016 as a part of the 2017 Budget process the Council directed:
 - a. A policy be established to simplify the lease process.
 - b. As stated in the proposed resolution, and all Ordinances and Resolutions of the town, that the health and welfare of the town must also be considered. This consideration is established whereby the funds will enhance the quality of life in Minturn by furthering the goal of diversifying the town’s various revenue streams while consideration is given to ensure the least impact to the citizens.

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

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

DATE: May 13, 2022
TO: Minturn Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Holy Cross Energy Transmission Line

Before Council at the May 18 meeting is a discussion and direction item relating Holy Cross Energy's (HCE) 15kV Avon to Gilman Transmission Line. There are several components to HCE's proposal currently under discussion. They include (1) the completion of the U.S. Forest Service (USFS) Special Use Authorization (SUA) and accompanying Environmental Assessment (EA); (2) HCE's request for easements across Town property; and (3) application of Minturn Municipal Code Chapter 16, Article 25 – Areas and Activities of State Interest, also known as 1041 Regulations. This memorandum will briefly discuss each in turn.

USFS SUA and EA

Since 2016, HCE has been engaged with USFS and stakeholders regarding obtaining permission to construct 3.2 miles of transmission line across federal public land in and around the Town. In 2019, HCE submitted its SUA application to USFS. The Town has been a "cooperating agency" pursuant to USFS regulations that include local governments in the internal review process. In early 2020 USFS held a "scoping period" for public comment pursuant to the National Environmental Policy Act (NEPA) where the public identified issues to be considered in the forthcoming NEPA process. In September 2021 USFS issued an EA, Finding of No Significant Impact (FONSI) and Decision Notice (DN), which were then rescinded and the EA was opened to public comment. USFS is now in the final stages of preparing a decision on the SUA and EA, which we expect to be published in the coming weeks. Several changes have occurred during this period and in response to public comment that we expect HCE to discuss in their presentation to Council.

Easement Requests

HCE is currently going through its right-of-way acquisition process, which involves negotiating with landowners along the transmission line alignment for easements to construct the facility. In the event that an agreement cannot be reached with a landowner, HCE has the power of condemnation under state law.

In April, HCE made a request to the Town for easement rights across three parcels of Town-owned property. These would all be for underground segments of the transmission line near the Town lease lot, bike park, and cemetery adjacent parcels. Staff have identified some conflicts relating to utilities, recreational amenities, Town operations, and title issues. We expect HCE to discuss the necessity of acquiring these easements as opposed to any alternative alignments.

Town Regulatory Process

Minturn Municipal Code Chapter 16, Article 25 requires that an entity seeking to construct a transmission line through the Town apply for an Areas and Activities of State Interest Permit, also known as a 1041 Permit. HCE approached the Town several years ago about this requirement and staff responded that they should complete the USFS authorization process prior to applying for Town approvals. This is based on the requirement in Code Sec. 16-25-270(8)(e) that as part of the application, there be provided “Proof of ownership or a contractual right to develop the property.” However, it is possible that discussion of the easements may end up straying into the 1041 regulatory realm on issues such as infrastructure, open space, and recreational impacts. As such, Council may wish to discuss how to address timing issues relating to the property rights (easement) conveyance with the submittal of a 1041 Permit Application.



3799 HIGHWAY 82 · P.O. DRAWER 2150
GLENWOOD SPRINGS, COLORADO 81602
(970) 945-5491 · FAX (970) 945-4081

To: Minturn Town Council

May 13, 2022

From: David Bleakley
VP Engineering
Holy Cross Energy

RE: Preliminary Easement Information

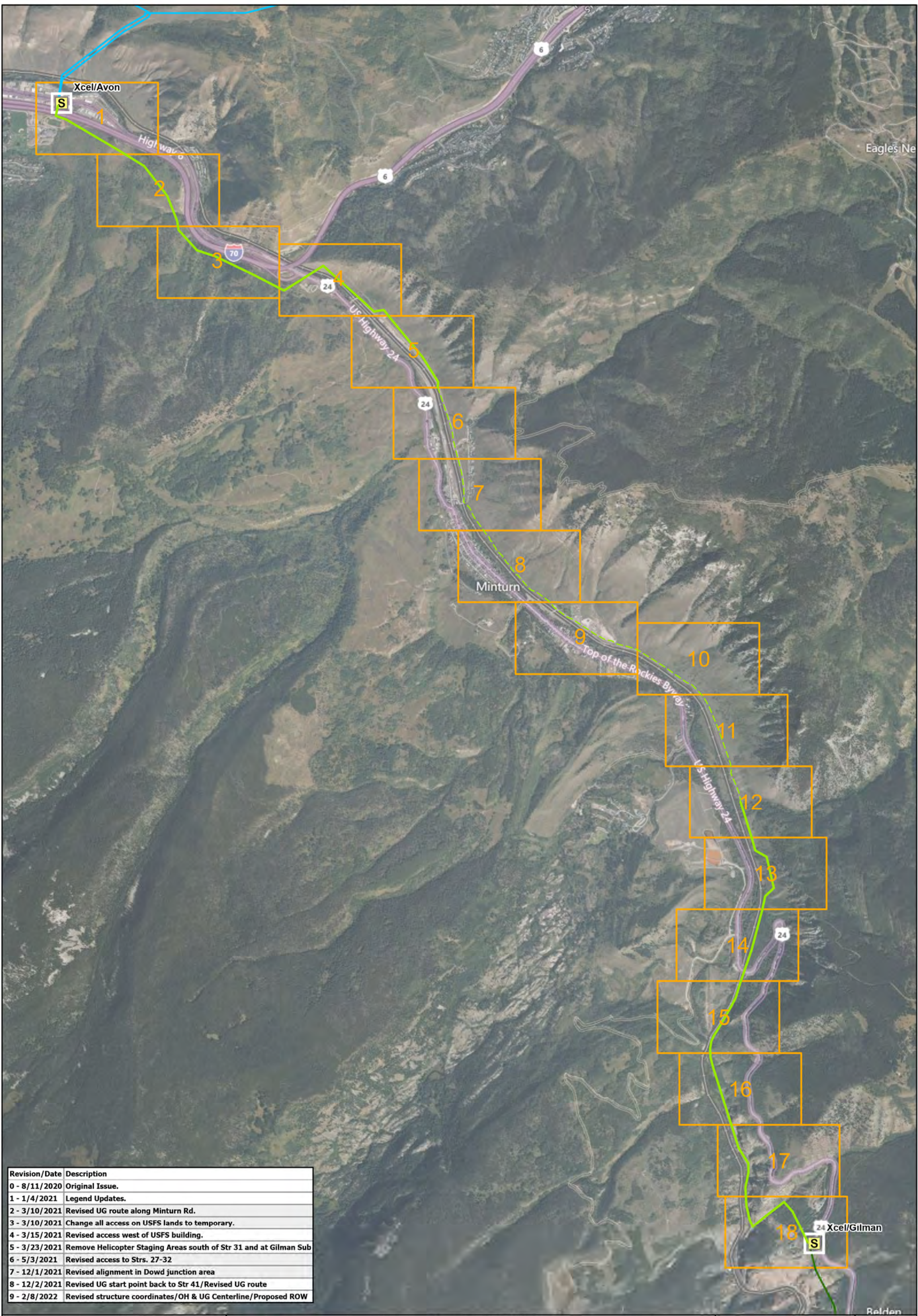
Approximately 8 years ago, HCE began preliminary discussions with the Minturn Town Manager and Town Planner about a proposed transmission line between the two Xcel Energy substations Avon and Gilman. Over the years, there has been a number of conversations with various stakeholders to determine the least impactful route and configuration for a new 115kV transmission line. Because part of the route is being installed on National Forest Service land, a formal NEPA process was required. The Environmental Assessment (EA) began in 2016 and should be concluding this summer. One of the next steps once NEPA has concluded is the acquisition of private easement along the route where the line crosses private property.

Attached is the most recent route detail that approximates locations of both poles and underground cable for the entire route. The preliminary design includes roughly 3 miles of underground line and 6 miles of overhead line. The underground cable begins at the north side of Two Elks trailhead (map 12 structure 43) and ends approximately 1000' north of Game Creek (map 5 structure 44). The underground line will cross three parcels of land that are Minturn Town property that appear not to contain any public right of way.

The HCE franchise agreement with Minturn states in section 4.1 that written approval must be granted by Council for the installation of facilities in recreational areas/open space. Due to the lack of any public rights of way in these areas, HCE will be requesting Council grant an easement on these parcels for the underground line.

The 3 attached draft easement exhibit are being provided to detail the location of the 30' wide underground transmission line easements that will be requested once the NEPA process is finalized.

Thank you,



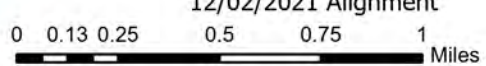
Revision/Date	Description
0 - 8/11/2020	Original Issue.
1 - 1/4/2021	Legend Updates.
2 - 3/10/2021	Revised UG route along Minturn Rd.
3 - 3/10/2021	Change all access on USFS lands to temporary.
4 - 3/15/2021	Revised access west of USFS building.
5 - 3/23/2021	Remove Helicopter Staging Areas south of Str 31 and at Gilman Sub
6 - 5/3/2021	Revised access to Strs. 27-32
7 - 12/1/2021	Revised alignment in Dowd junction area
8 - 12/2/2021	Revised UG start point back to Str 41/Revised UG route
9 - 2/8/2022	Revised structure coordinates/OH & UG Centerline/Proposed ROW

S Substation
 Avon-Gilman 115kV Transmission Line 12/02/2021
 — Overhead
 - - - Underground



Avon - Gilman 115 kV Transmission Line

Right of Way Map Book
12/02/2021 Alignment

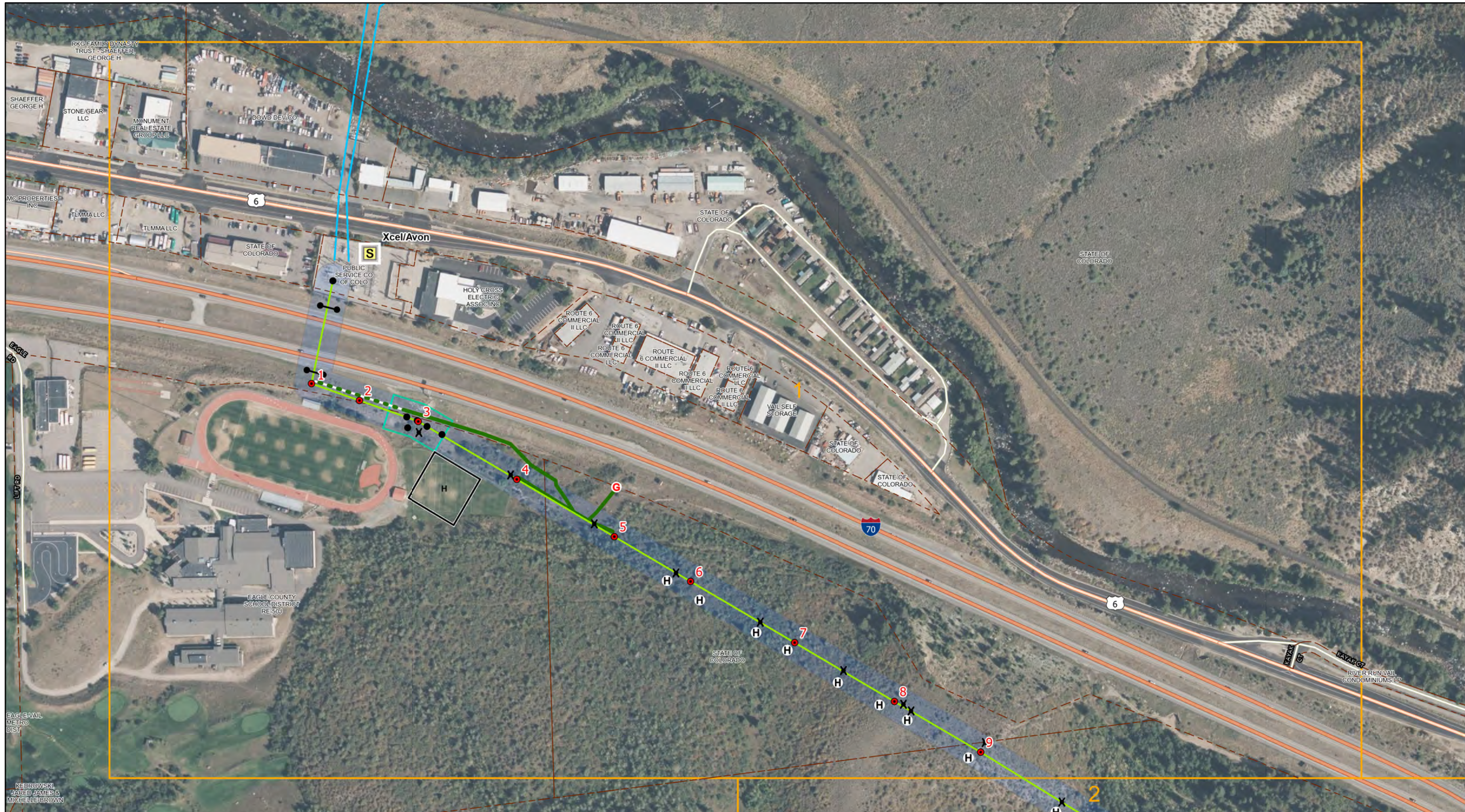


Revised: 3/15/2022



3540 JFK Parkway
 Fort Collins, CO 80525
 970-224-9100
 www.thinkESC.com





Structures		ROW 12/02/21 Access Roads		Temporary Work Areas	
● Existing	— Existing, No Improvement	★★★ Timber Mats	— Existing, Improvement Required	H Helicopter Access Only	— Wire Pull Site
X Existing, Remove	●●● Existing, Improvement Required	G Existing Gate	— Permanent 30' Disturbance Width	G New Gate	— Guy Pocket
● Structures 12/02/2021	— Permanent 50' Disturbance Width	C New Culvert	— Temporary 30' Disturbance Width	— Crane Pad	— Helicopter Staging Area
S Substation	— Temporary 50' Disturbance Width		— Overhead	— Construction Yard	
			— Underground		



Avon - Gilman 115 kV Transmission Line Right of Way Map Book 12/02/2021 Alignment



1 inch = 250 feet Revised: 3/11/2022
0 62.5 125 250 375 500 Feet

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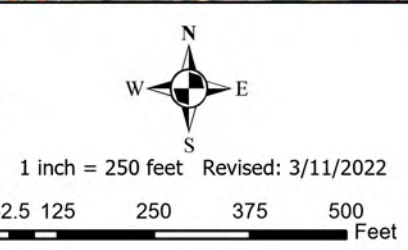
Map
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Structures		ROW 12/02/21 Access Roads		Temporary Work Areas	
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S Overhead	--- Underground	— Existing, No Improvement	— Existing, Improvement Required	— Permanent 30' Disturbance Width	— Permanent 50' Disturbance Width
		— Temporary 30' Disturbance Width	— Temporary 50' Disturbance Width	— Wire Pull Site	— Guy Pocket
				— Crane Pad	— Helicopter Staging Area
				— Construction Yard	



Avon - Gilman 115 kV Transmission Line Right of Way Map Book 12/02/2021 Alignment



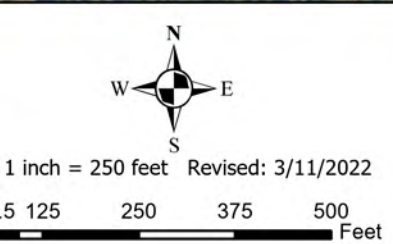
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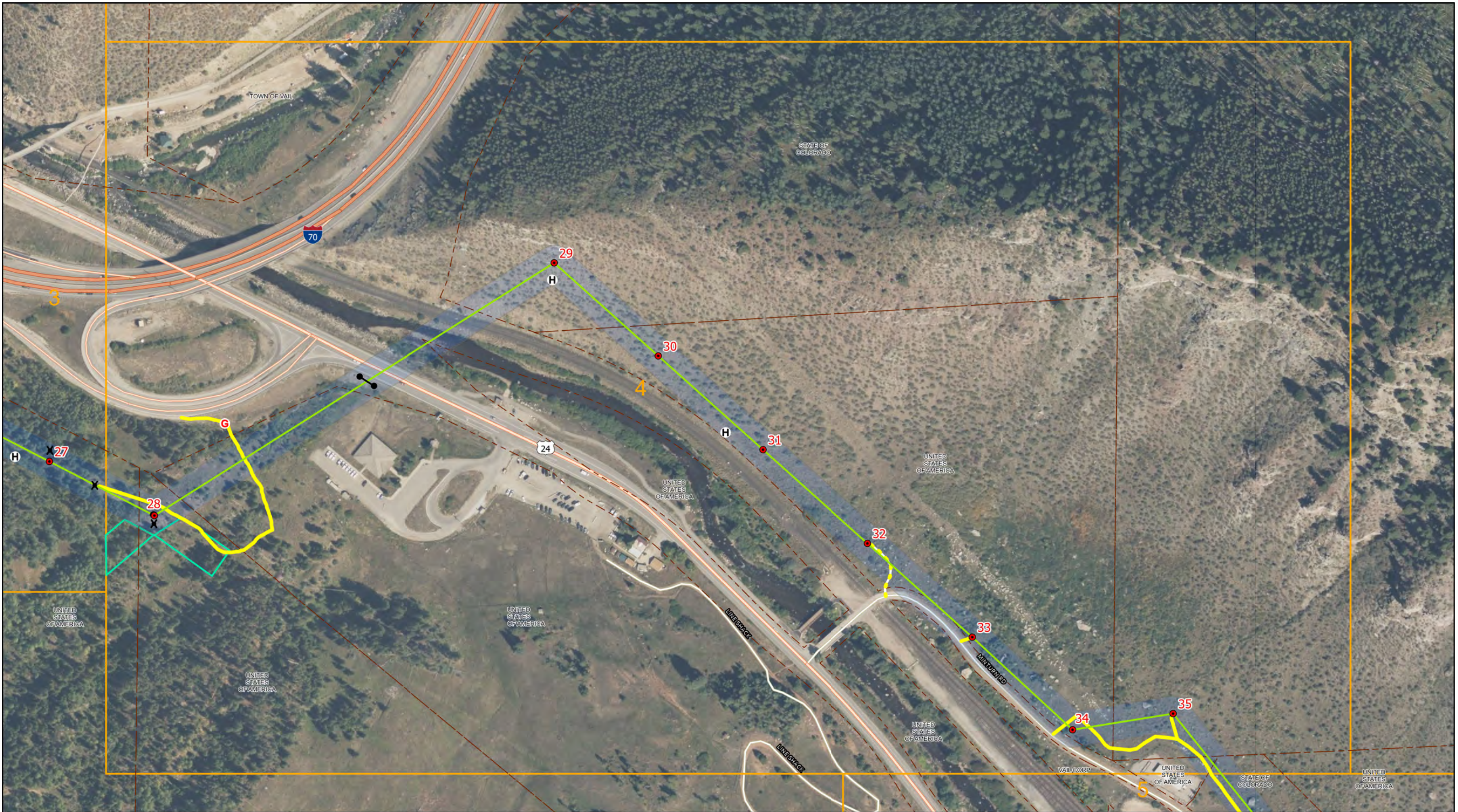
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— Underground		C New Culvert			



Avon - Gilman 115 kV Transmission Line Right of Way Map Book 12/02/2021 Alignment



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S	— Permanent 50' Disturbance Width		G				
Substation	— Temporary 30' Disturbance Width						
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Underground							



Avon - Gilman

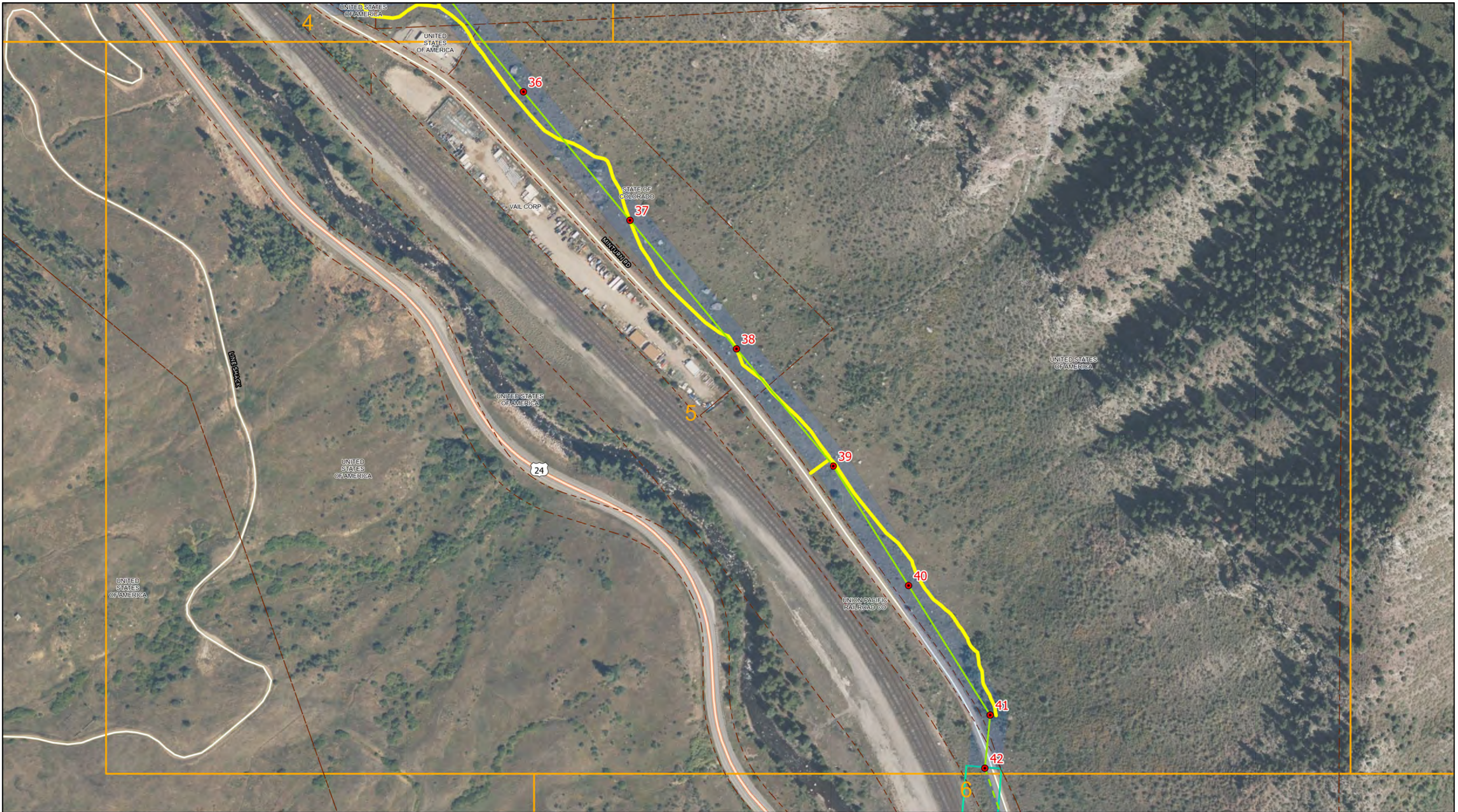
115 kV Transmission Line

Right of Way Map Book
12/02/2021 Alignment

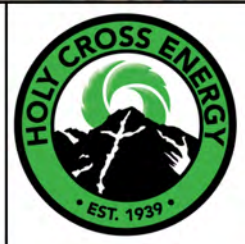
1 inch = 250 feet Revised: 3/11/2022

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Avon - Gilman

115 kV Transmission Line

Right of Way Map Book

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1 inch = 250 feet Revised: 3/11/2022

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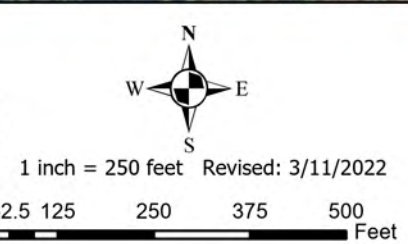


Avon - Gilman

115 kV Transmission Line

Right of Way Map Book

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Structures

- Existing
- ✕ Existing, Remove
- Structures 12/02/2021

ROW 12/02/21 Access Roads

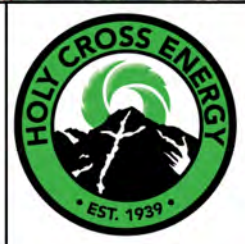
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Avon - Gilman

115 kV Transmission Line

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1 inch = 250 feet Revised: 3/11/2022

0 62.5 125 250 375 500 Feet

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Structures

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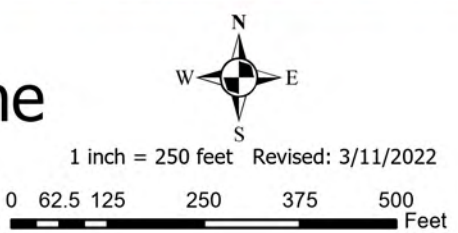


Avon - Gilman

115 kV Transmission Line

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Map
8



Structures	ROW 12/02/21 Access Roads	Timber Mats	Temporary Work Areas
● Existing	— Existing, No Improvement	★★★ Helicopter Access Only	— Wire Pull Site
✕ Existing, Remove	- - - Existing, Improvement Required	G Existing Gate	— Guy Pocket
● Structures 12/02/2021	— Permanent 30' Disturbance Width	G New Gate	— Crane Pad
S Overhead	— Permanent 50' Disturbance Width	C New Culvert	H Helicopter Staging Area
— Underground	— Temporary 30' Disturbance Width		Construction Yard
	— Temporary 50' Disturbance Width		



Avon - Gilman

115 kV Transmission Line

Right of Way Map Book

12/02/2021 Alignment



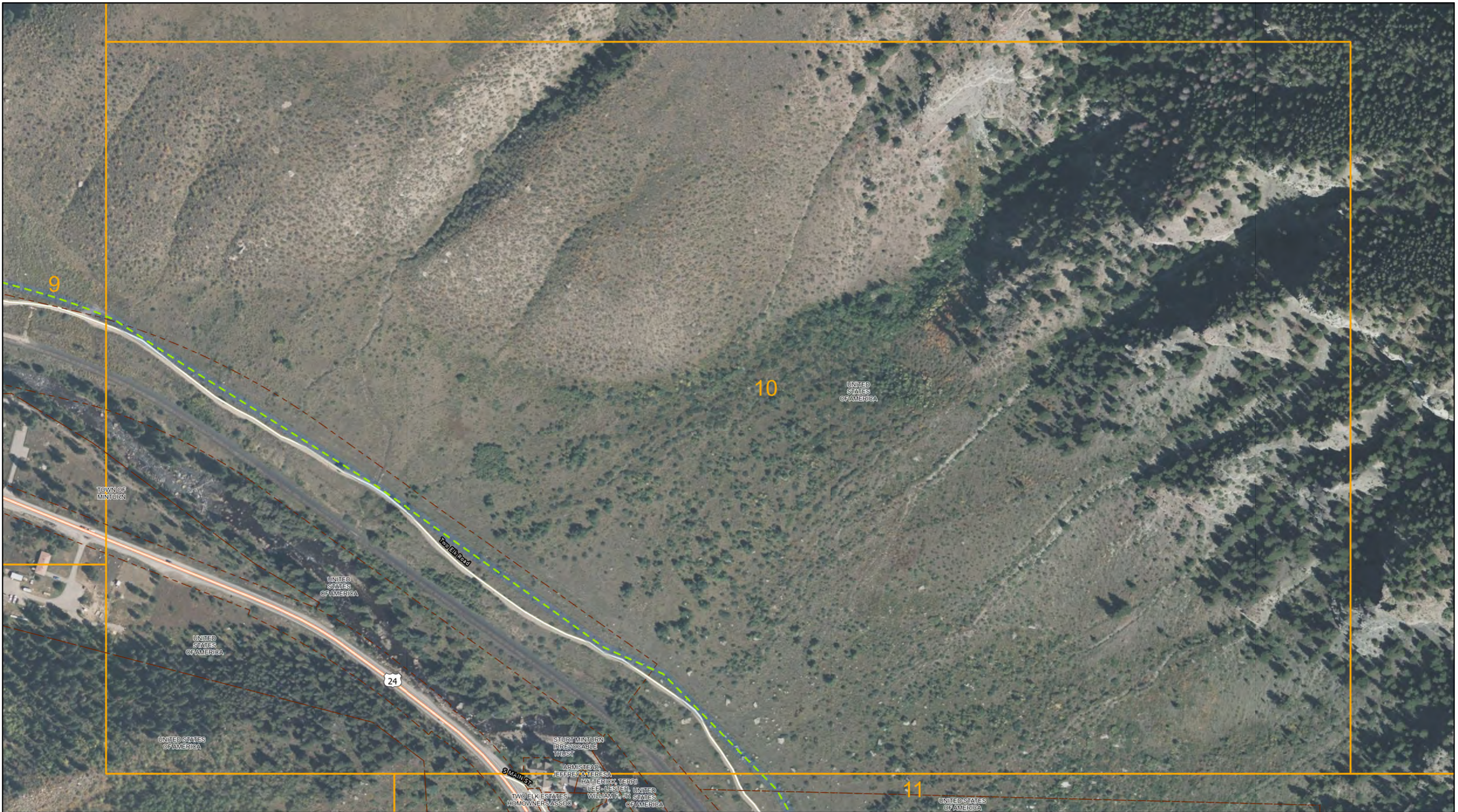
1 inch = 250 feet Revised: 3/11/2022

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Map
9



Structures		ROW 12/02/21 Access Roads		Temporary Work Areas	
● Existing	— Existing, No Improvement	★★★ Timber Mats	— Existing, Improvement Required	H Helicopter Access Only	□ Wire Pull Site
X Existing, Remove	— Permanent 30' Disturbance Width	G Existing Gate	— Permanent 50' Disturbance Width	G New Gate	□ Guy Pocket
● Structures 12/02/2021	— Temporary 30' Disturbance Width	C New Culvert	— Temporary 50' Disturbance Width	□ Crane Pad	□ Helicopter Staging Area
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Map
10



Structures

- Existing
- ✕ Existing, Remove
- Structures 12/02/2021
- S** Substation

ROW 12/02/21 Access Roads

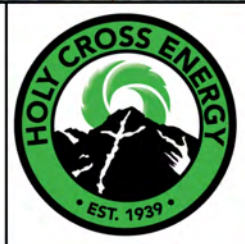
- Existing, No Improvement
- - - Existing, Improvement Required
- Permanent 30' Disturbance Width
- Permanent 50' Disturbance Width
- Temporary 30' Disturbance Width
- Temporary 50' Disturbance Width

Timber Mats

- ★★★ Timber Mats
- H** Helicopter Access Only
- G** Existing Gate
- G** New Gate
- C** New Culvert

Temporary Work Areas

- Wire Pull Site
- Guy Pocket
- Crane Pad
- H** Helicopter Staging Area
- Construction Yard



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115 kV Transmission Line

Right of Way Map Book

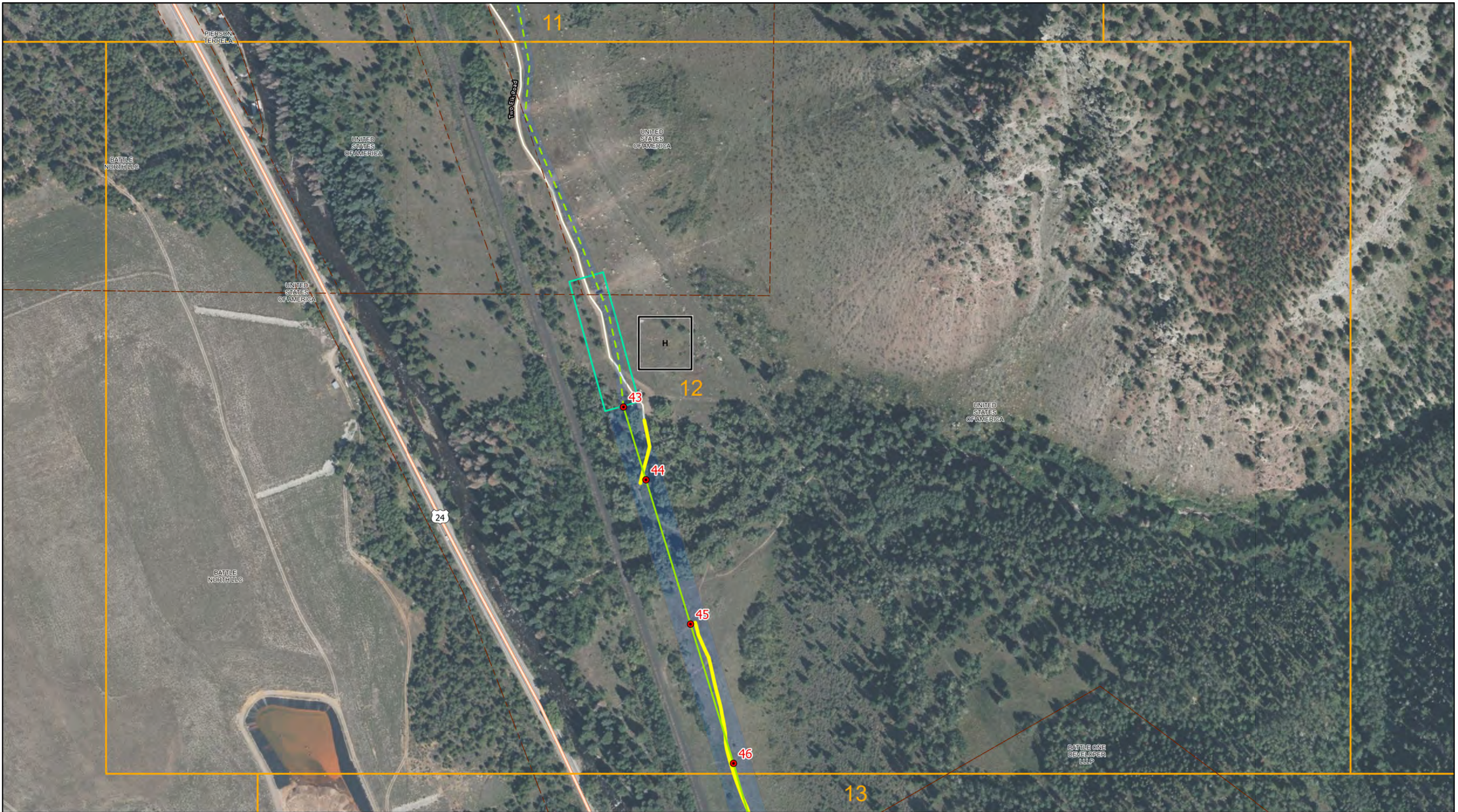
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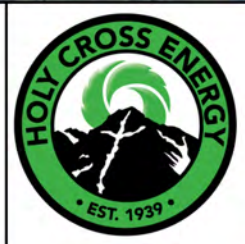
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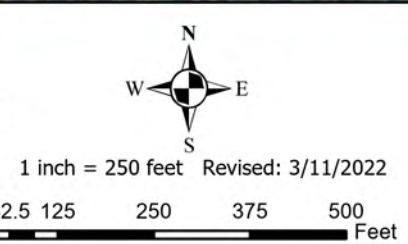
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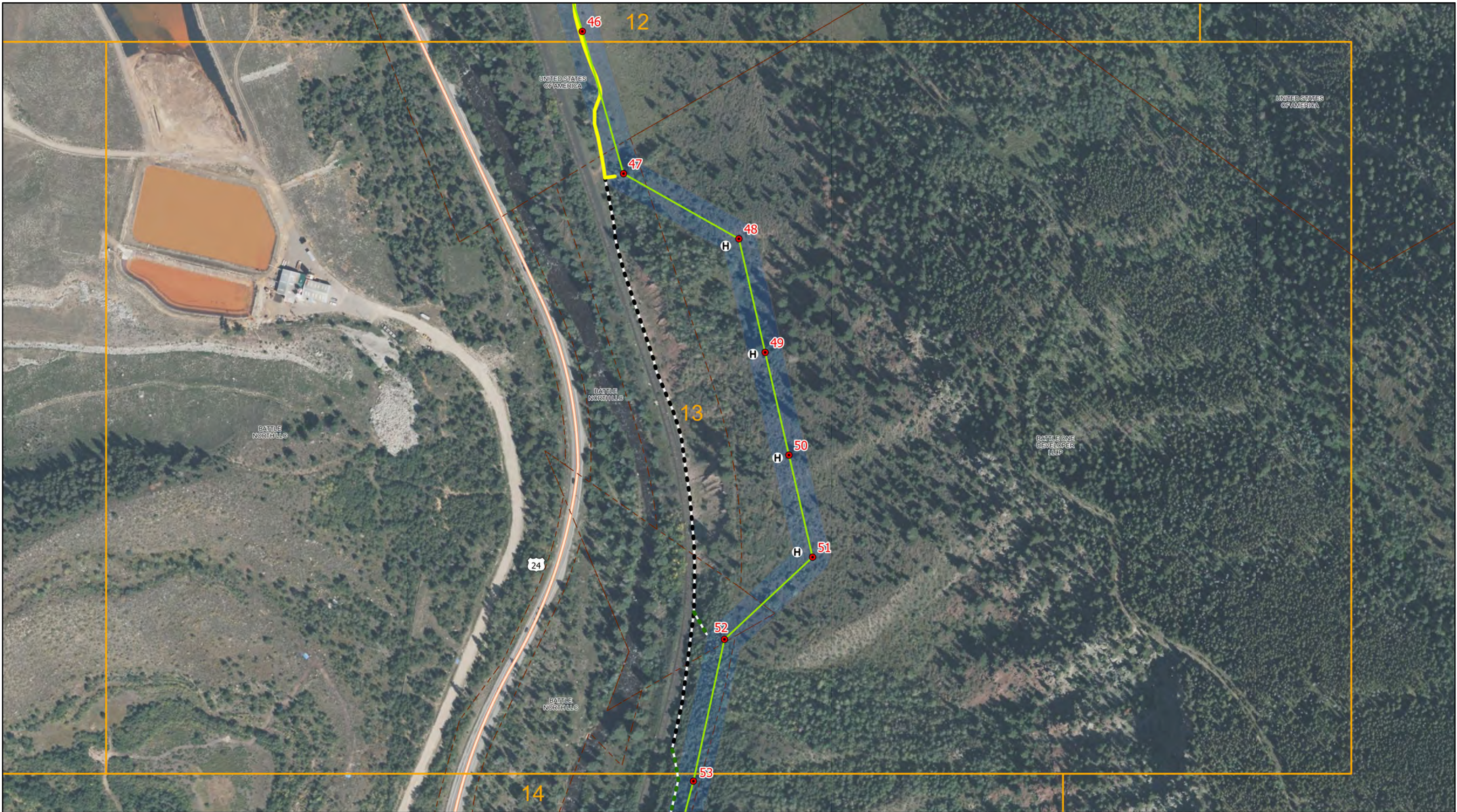
Structures		ROW 12/02/21 Access Roads		Timber Mats		Temporary Work Areas	
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X Existing, Remove	— Existing, Improvement Required	G	— Permanent 30' Disturbance Width	G	— Crane Pad	—	— Crane Pad
● Structures 12/02/2021	— Permanent 50' Disturbance Width	C	— Temporary 30' Disturbance Width		H	— Helicopter Staging Area	— Construction Yard
S	— Temporary 50' Disturbance Width						
Substation	Overhead	Underground					



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S Substation	— Overhead	— Underground	★★★ Timber Mats	H Helicopter Access Only	G Existing Gate	G New Gate	C New Culvert	— Wire Pull Site
								— Guy Pocket
								— Crane Pad
								H Helicopter Staging Area
								— Construction Yard



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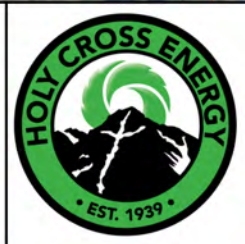
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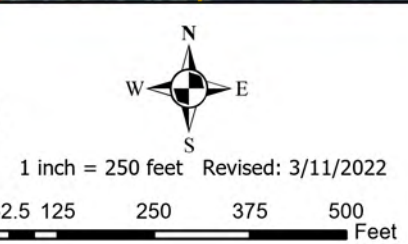
Map
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Underground	— Temporary 30' Disturbance Width	C New Culvert	□ Construction Yard
	— Temporary 50' Disturbance Width		



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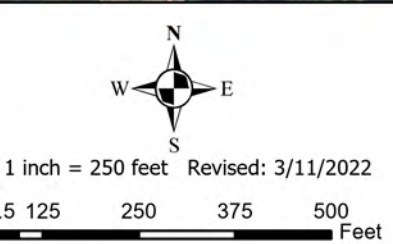
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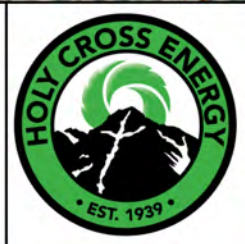
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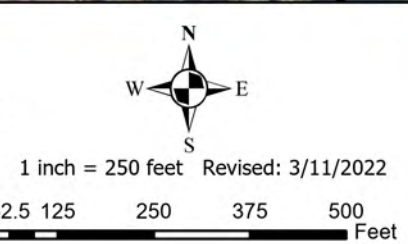
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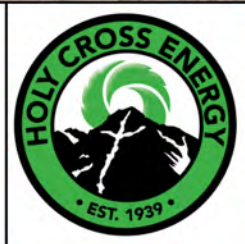
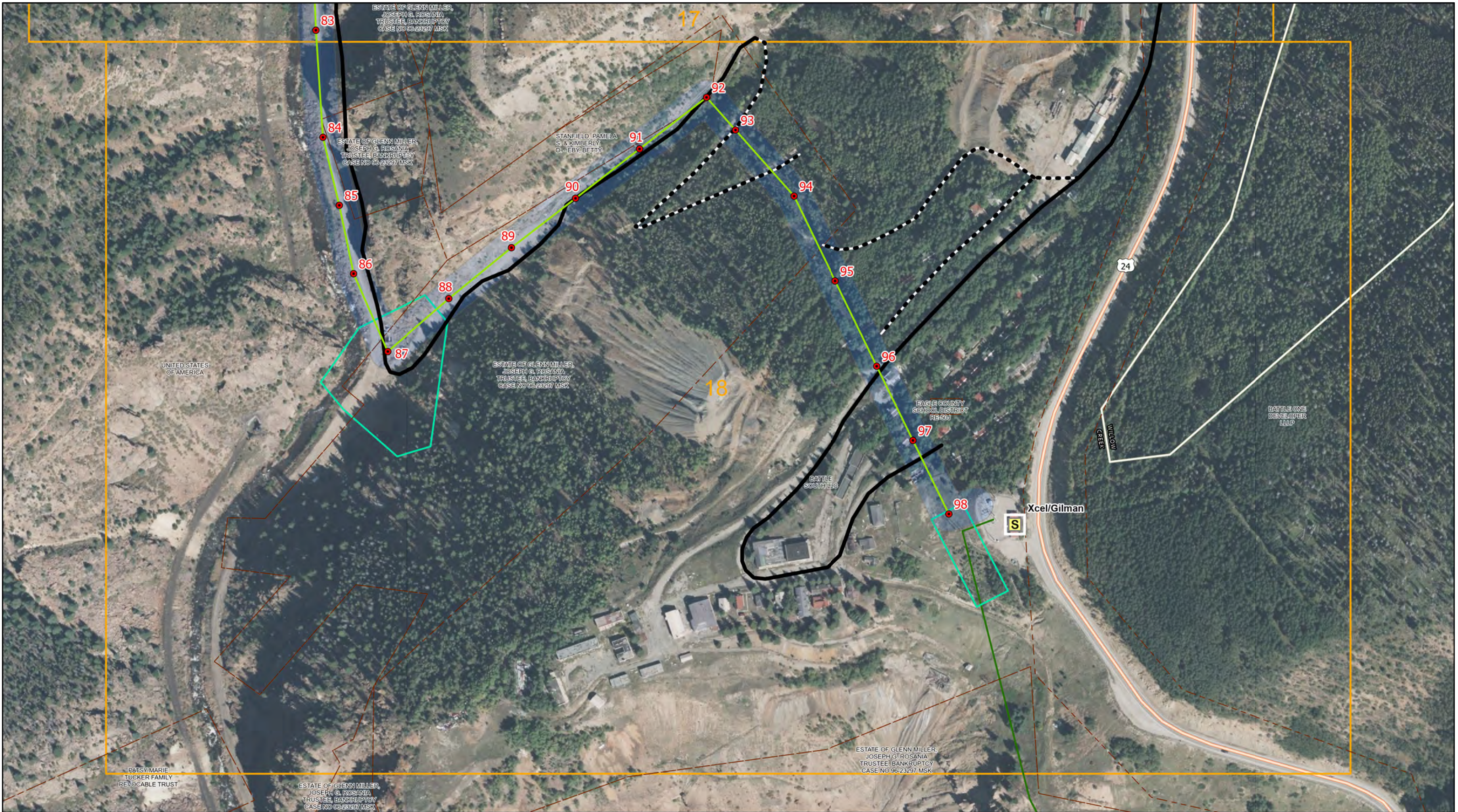
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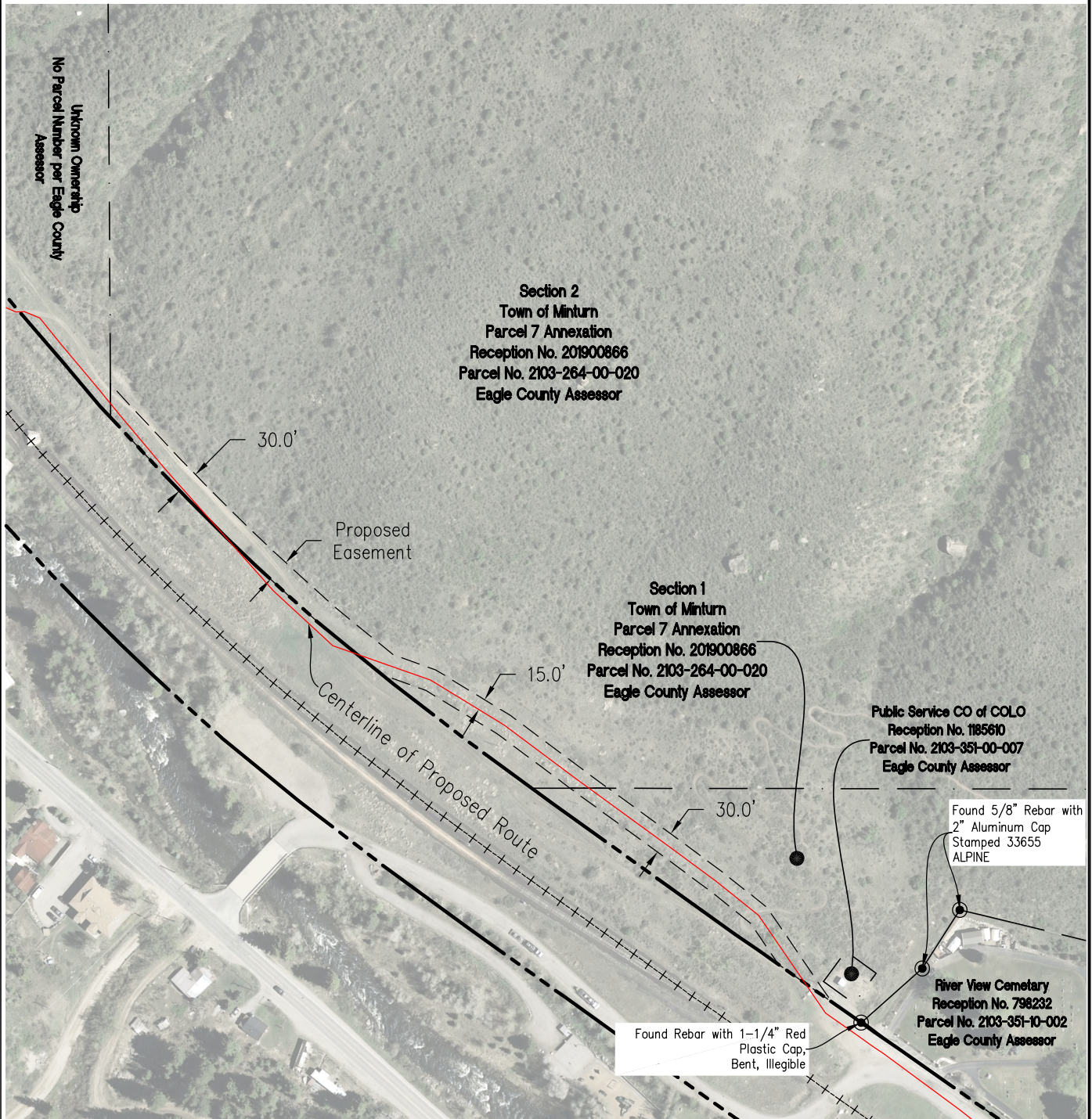
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Map

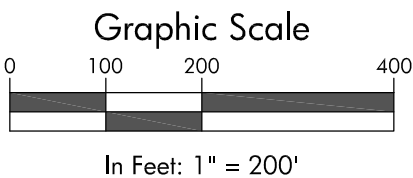
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- Exhibit A -

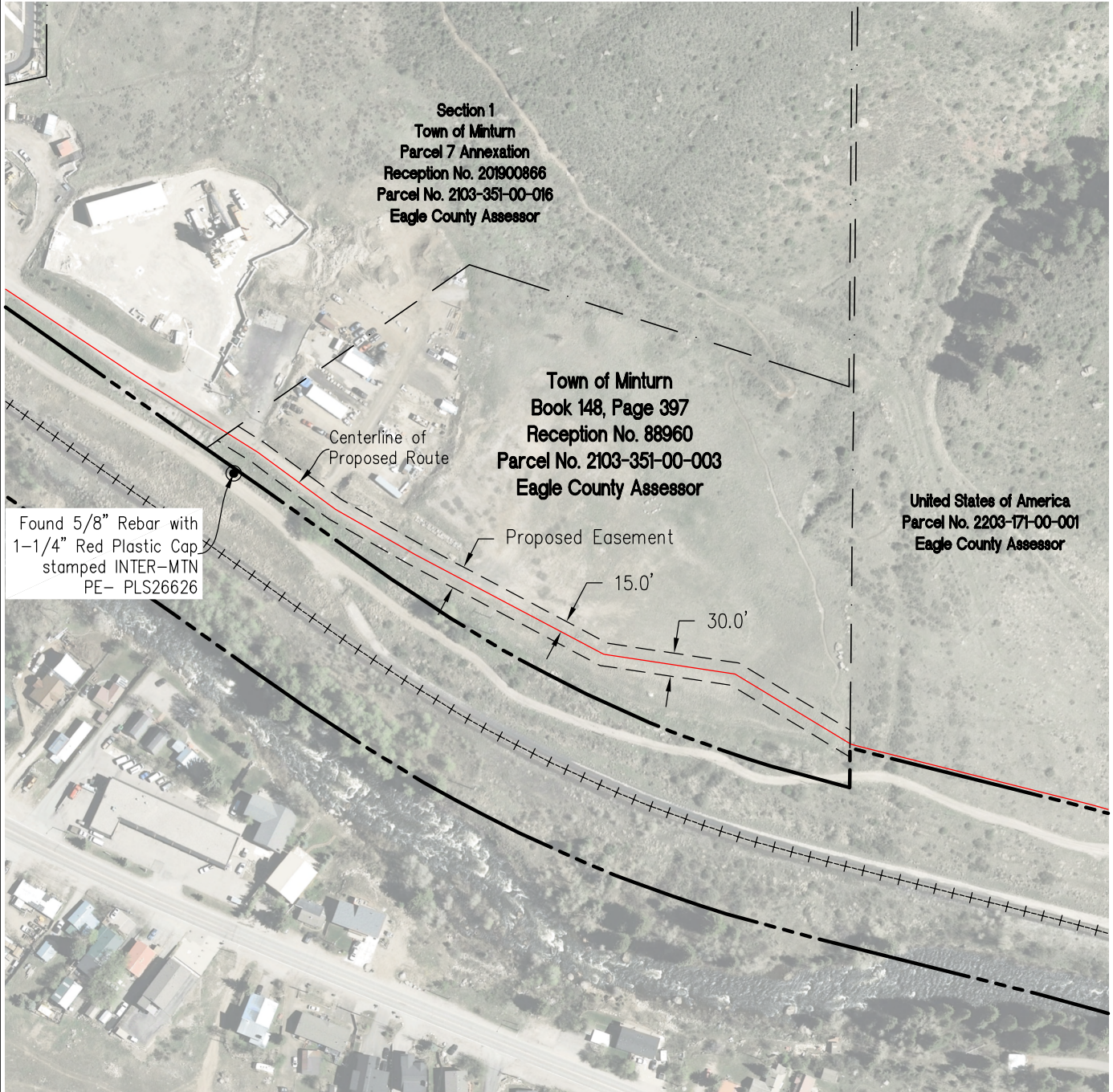


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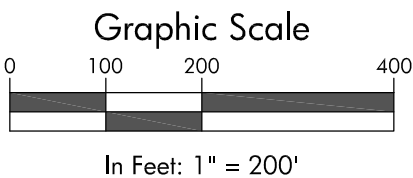


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- Exhibit A -

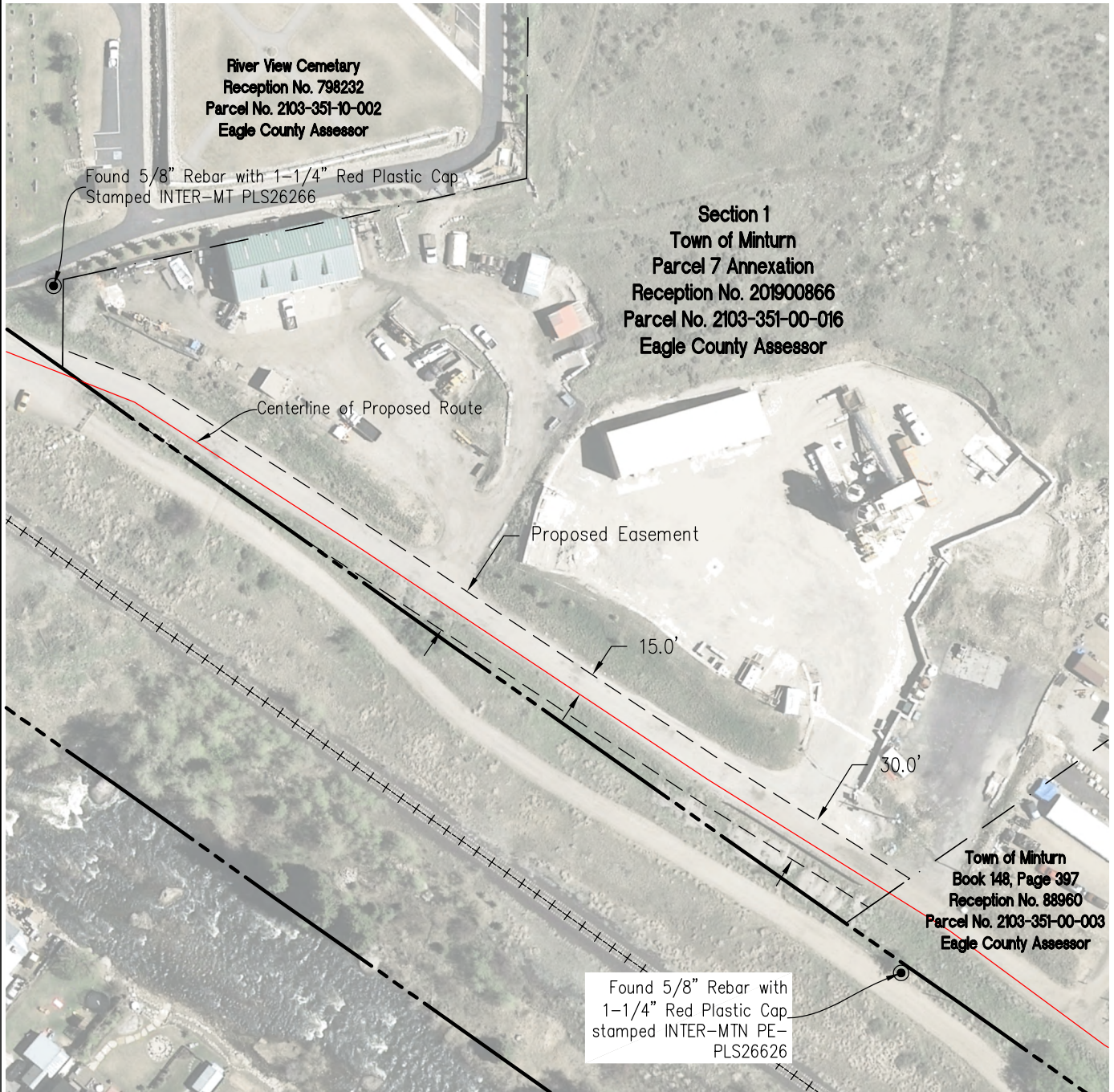


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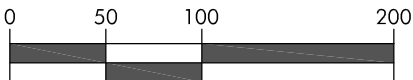
- Exhibit A -



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Graphic Scale



In Feet: 1" = 100'

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MAY 18, 2022 JOINT WORK SESSION ON 100-BLOCK STANDARDS

MEMORANDUM

On **February 15, 2022** a virtual community design workshop was held to receive feedback and direction on critical design topics for the 100 Block including: land use, building height and mass, and site requirements such as setbacks, building coverage, and parking requirements. The goal of the workshop was to receive community input on critical design elements for the 100 Block to update the zoning code and 100 Block Design Standards and Guidelines by the time the moratorium is lifted in August 2022. Results from the workshop can be found at www.imagineminturn.org. Following the workshop, consultants developed draft regulations for consideration.

On **April 26, 2022** a presentation of the design workshop outcomes and draft regulations were presented to Planning Commission. This packet can be found online or by contacting Madison – planner1@minturn.org.

This packet is for a joint work session with Town Council and Planning Commission on May 18, 2022. It includes an updated set of regulations with general comments and feedback from the April 26th meeting in red boxes explaining why some things have changed. A summary of key items that need general consensus or discussion include:

- 1) **How and where to allow residential uses** – one Commissioner expressed an opinion that residential uses should continue to be a “conditional use” only on upper floors. 30% of the community selected this option in the design workshop. This is not the majority opinion but should be discussed and direction solidified ASAP.
 - a. **Expert opinion/discussion point:** Everyone agrees that the 100 Block should be the town’s “business core” and that new uses should contribute fiscally to the town via sales tax. However, allowing residential by-right (at least on upper floors) should be considered for the following reasons:
 - i. **Vibrancy:** full-time residents would help activate the 100 Block and keep it vibrant and safe at all times of the day, whereas if only commercial uses existed, it would feel empty at certain times.
 - ii. **More Sales:** full-time residents would shop at the local businesses, adding to the consumer base.
 - iii. **Development Feasibility:** with high construction costs, local businesses may not be able to afford the rents needed to support new construction. Residential is the strongest market, generating the highest values, that could help subsidize commercial space to make sure it is attainable for local businesses. If residential is not allowed, or conditional, it may be challenging to find commercial tenants on upper floors. Our team is currently studying and testing financial feasibility models and tax generation.

- iv. **Conditional Use Approval:** if residential were a conditional use, a project would need Council approval, which can lengthen the time a project is reviewed, costing more time and money and delaying progress.
 - v. **Parking:** residential uses require less parking than commercial uses.
- 2) **Allowing 3rd story by-right, as incentive, or not at all** – there are still mixed opinions on whether allowing more height/floors on Main Street should be allowed. In the design workshop, the #1 option selected was allowing a maximum of 2-stories for a flat roof and incentivizing pitched roofs by allowing a 2.5 story structure where a 3rd floor can be “tucked into” the roof. Variations of allowing 3-stories on Main were also welcomed, and some even voiced options for more than 3-stories or no rules/limits.
- a. **Expert opinion/discussion point:** The proposal for allowing a 3rd floor only as an incentive (i.e. developer provides a needed community benefit in exchange for extra entitlement) was thought to be a happy-medium between those who do not want any additional height and those that do. The dimensions and requirements thoughtfully considered the following:
 - i. **Not everyone will do it** – incentivizing 2.5 story structures (a 3rd floor would be allowed to be tucked into a roof structure) would be appealing enough to some.
 - ii. **Sun access** - Community concerns around sun access and shading were taken into account by requiring that any 3rd floor on Main be reduced in mass so that a building does not appear bulky and so that sun access is maintained. We have 3D models and diagrams (see section drawing in packet) to prove this. This also allows for rooftop decks that overlook Main Street and the river, which is desired.
 - iii. **Parking** – even with our incentive parking program, it would be difficult to park more than 3 floors of development due to the nature of the 100 Block and lot sizes.
- 3) **Parking Reduction Incentive** – Current parking requirements are typical of large-lot development that has enough space to fit a development program *and* parking. The 100 Block is not “typical” and has historic-sized lots that were developed prior to parking regulations. A recent parking study suggests that the public parking available on streets and in municipal lots could be better utilized. Therefore, it is suggested that parking requirements be significantly reduced or eliminated for commercial uses and slightly modified for residential uses so that residential parks on-site, but commercial uses can use streets and public parking lots instead. This is a typical approach in historic downtowns. However, the suggested approach is offered as an incentive-based program. In other words, if someone wanted to develop to current parking standards, they can. But if they want a reduction, they would need to pay an “in lieu” fee to the town, in addition to some other site improvements (refer to packet) to encourage walking, biking, and transit. The money from this fund could be used to improve municipal lots, negotiate with the railroad for longer leases, provide signage and wayfinding, and generally improve the overall parking experience in the 100 Block. This would need to be monitored overtime and could be updated if it is not working as intended. Some commissioners were concerned with this proposal because the town does not own the large municipal lot; it is not under permanent control of the city.

The packet’s last three pages includes an outline of future design standards and guidelines that will accompany the development regulations and dimensional standards herein. It is most critical that we receive feedback and guidance on the above issues before moving on.

This project is essential for meeting the town's moratorium deadline of end of August 2022. Therefore, the team is working diligently to listen to the community, planning commission and council to meet those deadlines. There will be mixed opinions and realistically not everyone will be happy. Our goal, as is yours, is to do what is best for the Town of Minturn. It is the goal of future recommendations to:

- Reflect the community's wishes for the future of the 100 Block.
- Ensure that new development maintains/incorporates the historic character of the 100 Block.
- Be feasible to implement (both from a developer/property owner's standpoint and administratively.)
- Provide predictability with regards to what is/isn't allowed.
- Provide community benefits that are desired for the 100 Block.
- Pre-emptively consider unintended consequences and mitigate them through testing and multiple reviews of draft language.

The following timeline is an estimated goal for finalizing the updated 100 Block regulations and design standards:

May 18 – A joint workshop with Town Council and Planning Commission

June 22 – Second Check-In with Planning Commission

July 6 – Anticipated 1st Reading to Town Council

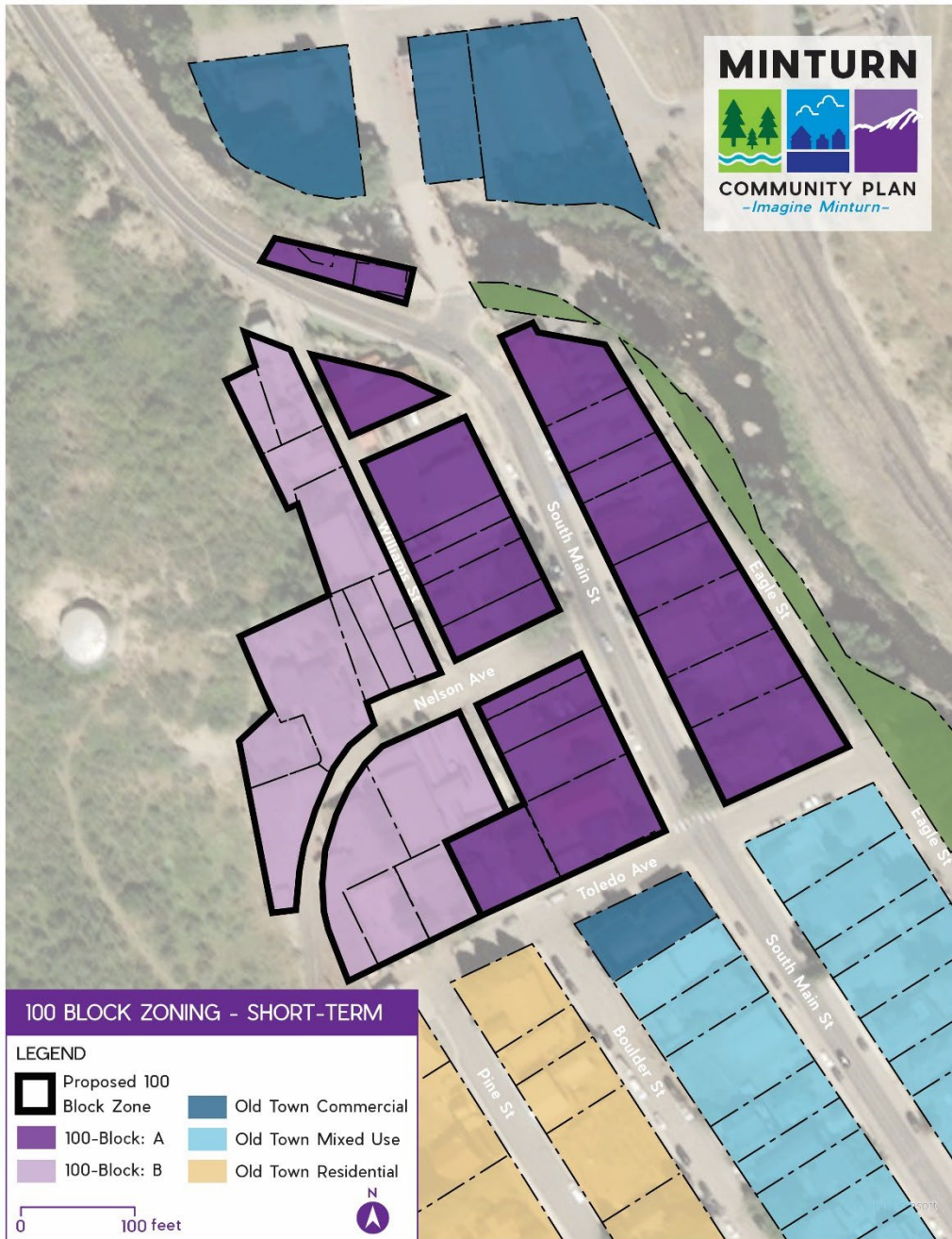
August 3 – Anticipated 2nd Reading to Town Council/Adoption

We are also working with a group of stakeholders (business and property owners) in the 100 Block and plan to check in with them in May and June to receive their feedback.

DRAFT ZONE DISTRICT BOUNDARY

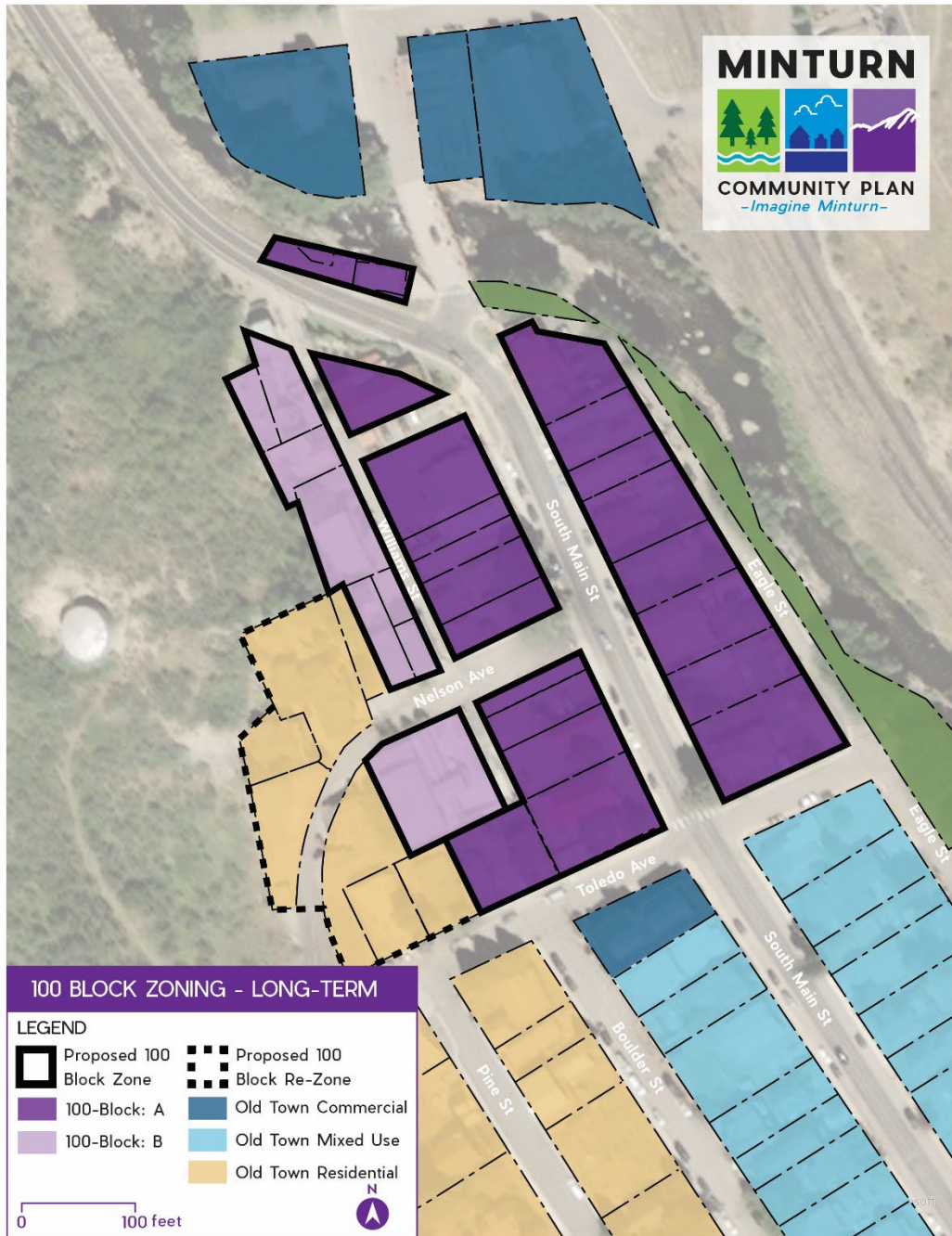
PROPOSED SHORT-TERM

For the short-term changes to the 100 Block Zone District, the recommendation is to keep the boundary the same, but certain dimensional standards and use table will vary slightly based on “100-Block: A” and “100-Block: B” designations. See map below:



PROPOSED LONG-TERM (FUTURE 100 BLOCK BOUNDARY)

When the town updates all of Chapter 16, it is recommended that some of the properties along Nelson and Toledo be rezoned to “Old Town Residential.” The reasoning behind this is that the existing uses are residential, some of which were constructed in the last 10 years, and therefore not anticipated to change or redevelop. Further, due to the topography of Nelson as it starts to curve, it is not feasible to consider that it could accommodate any commercial or mixed use development that would need access for more vehicular traffic or deliveries.



COMMENTS FROM PC/COMMUNITY:

- One commissioner expressed wanting to keep residential as a conditional use on upper floors only.

FOR DISCUSSION:

- Residential uses help with creating a vibrant atmosphere, contribute to sales (more people visiting stores), and help pay the way for commercial uses. Conditional uses provide more hurdles for projects due to needing special approval.

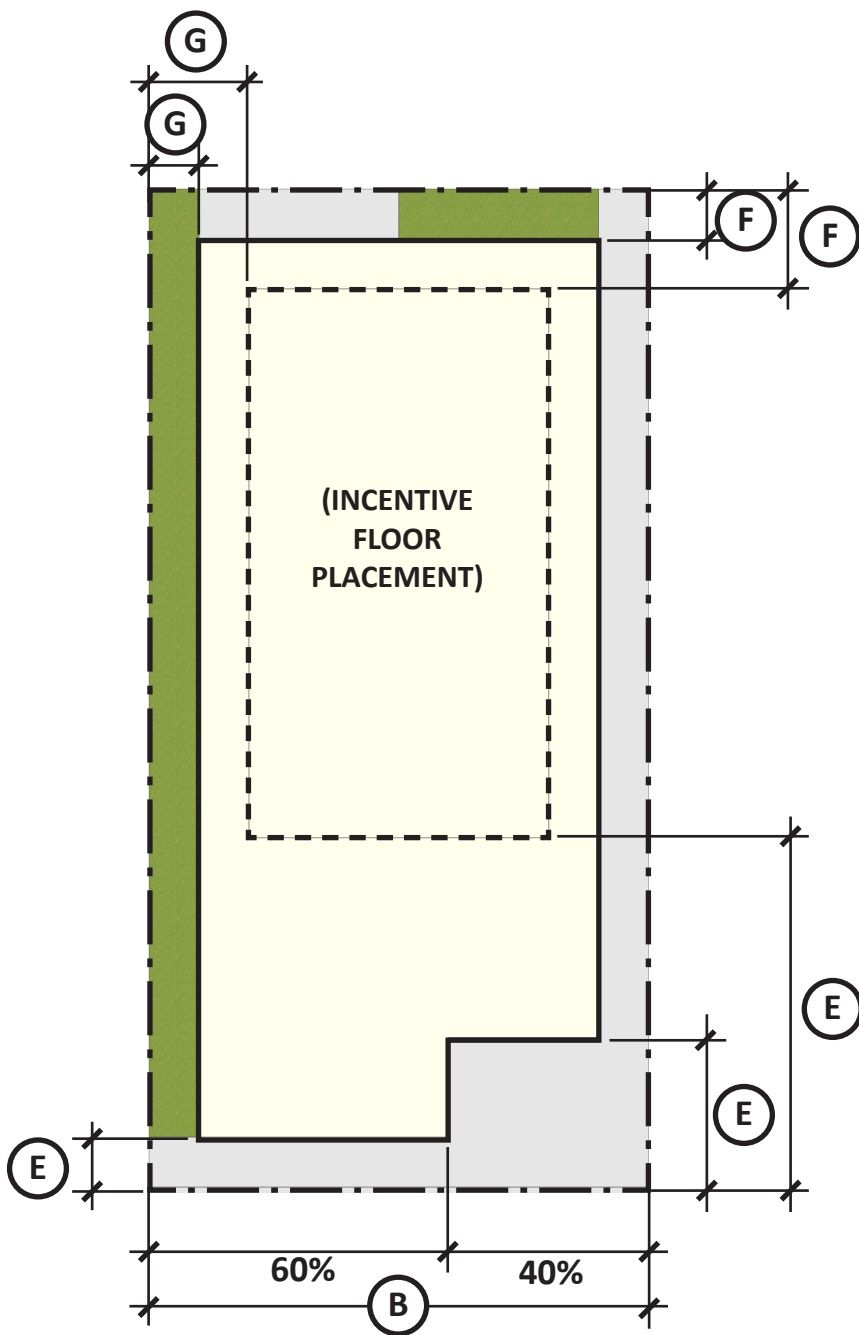
100 BLOCK USE TABLE

SEC. 16-6-70




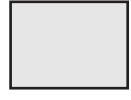
	100 BLOCK: A (street level)	100 BLOCK: A (2nd floor or above)	100 BLOCK: B (street level)	100 BLOCK: B (2nd floor or above)
RESIDENTIAL AND LODGING:				
Single Family Residential Dwellings		N		N
Accessory Apartments/Dwellings	N	R	C	R
Duplexes/Multi-family Dwellings	N	R	C	R
Commercial Accommodations		R		R
COMMERCIAL:				
Automotive detail shops/parts/sales		N		N
Bakeries, confectionaries, delicatessens		R		R
Banks and financial institutions		N		N
Barbershop/Beauty shop		R		R
Car wash		N		N
Cocktail lounge, tavern		R		R
Club		N		N
Convenience store		N		N
Delicatessen and specialty food		R		R
Drive up/drive-thru		N		N
Drugstore/pharmacy		R		R
Dry cleaner		N		N
Garden landscaping supply/feed store		N		N
Gas station		N		N
Grocery store		C		C
Health/medical offices	N	R	N	R
Institutional uses		N		N
Laundromat		N		N
Liquor store		R		R
Pawn shop		C		C
Photographic studio		C		C
Professional office, business office, studio	N	R	R	R
Radio, television, small appliance repair		C		C
Restaurant		R		R
Retail		R		R
Tailors/dressmakers	N	R	R	R
Theater, meeting room, convention center		N		N
Travel and ticket agency		N		N
INDUSTRIAL/LIGHT INDUSTRIAL				
Manufacturing, light		C		C



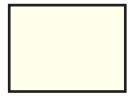

LOT REQUIREMENTS AND DIMENSIONAL STANDARDS

SEC. 16-2-40



LEGEND:

-  LOT LINES
-  BUILDING PLACEMENT
-  PERVIOUS SURFACE
-  IMPERVIOUS SURFACE

(A) =  AREA
 (C) =  + 
 (D) = 

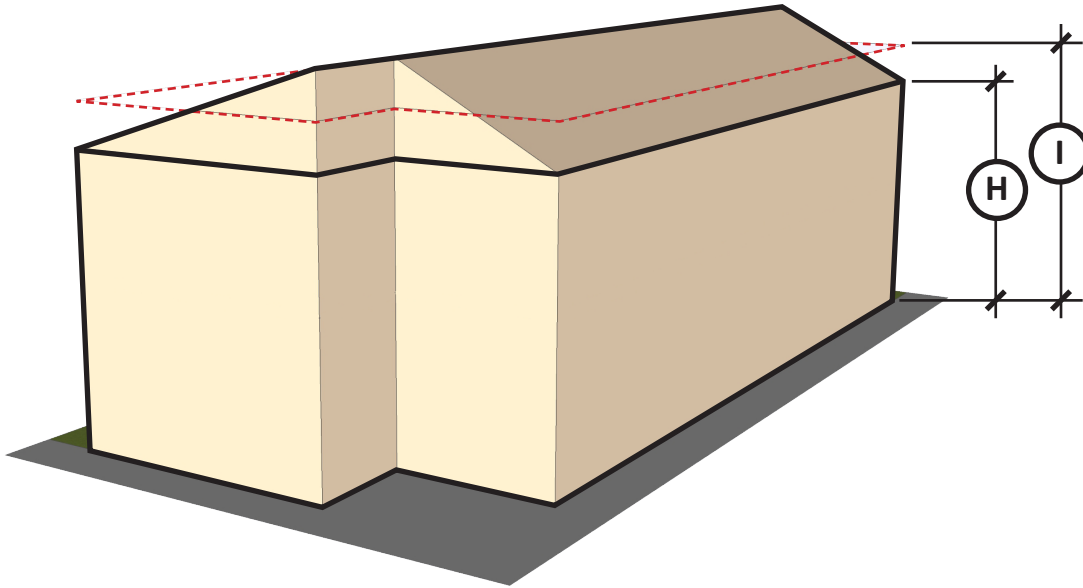
	A	B	C	D	E	F	G
	LOT REQUIREMENTS				SETBACKS		
	LOT AREA (MIN. MAX.)	LOT WIDTH (MIN. MAX.)	LOT COVERAGE (MAX.)	IMPERVIOUS SURFACE (MAX.)	FRONT (MIN./ MAX.)	REAR (MIN.)	SIDE (MIN.)
100 BLOCK (A)	2,500 SF 7,500 SF	25' / 75'	80%	90%	5' min. 15' (min. 40% frontage) 20' max.	5'	5' (3' for <u>constrained lots</u>)
100 BLOCK (B)					10' min.	0'	
INCENTIVE FLOOR (A)					25' (min.)	15'	10'
INCENTIVE FLOOR (B)					20' (min.)	0'	5' 57

COMMENTS FROM PC/COMMUNITY:

- 5' min front on Williams too small - Fire access and cars have hit Hotel Minturn (UPDATED TO 10' FRONT; 0' REAR)
- Constrained lots at 3' - need to check fire code (RECOMMEND KEEPING)
- UPDATED INCENTIVE FLOOR SETBACKS - after considering feedback and more testing.

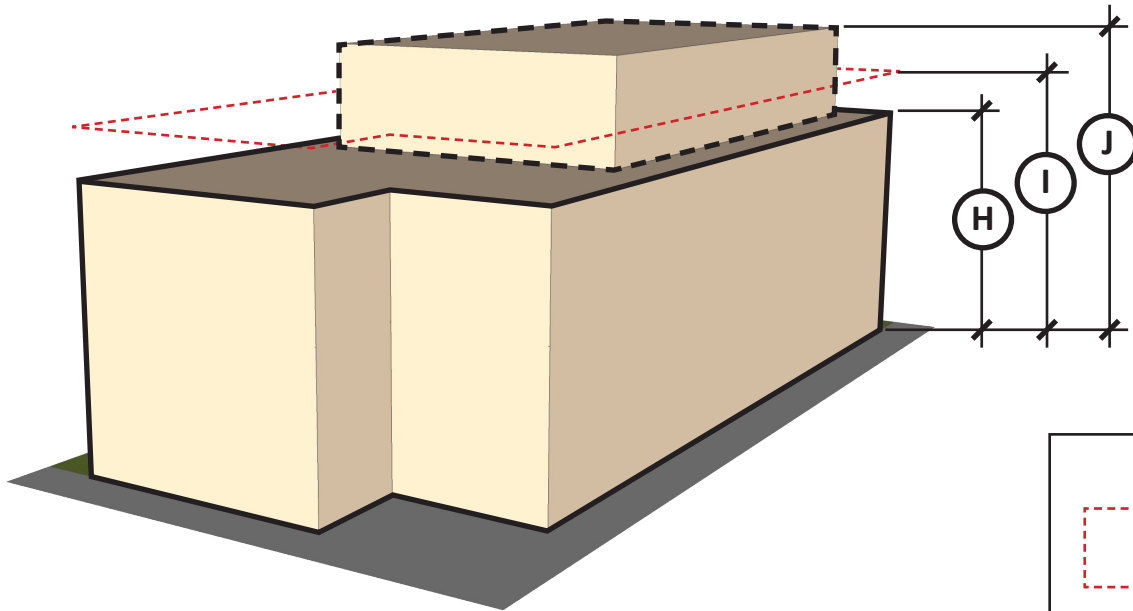
100 BLOCK BUILDING HEIGHT LIMITATIONS

SEC. 16-2-65





COMMENTS FROM PC/COMMUNITY:

- First floor height min. should be up to architect (UPDATED: removed this rule)
- Concerns with parking and sun access/shading/ice (SHOW MODEL)
- Keep at 28' for 2-story (some uses may need taller ceilings.)

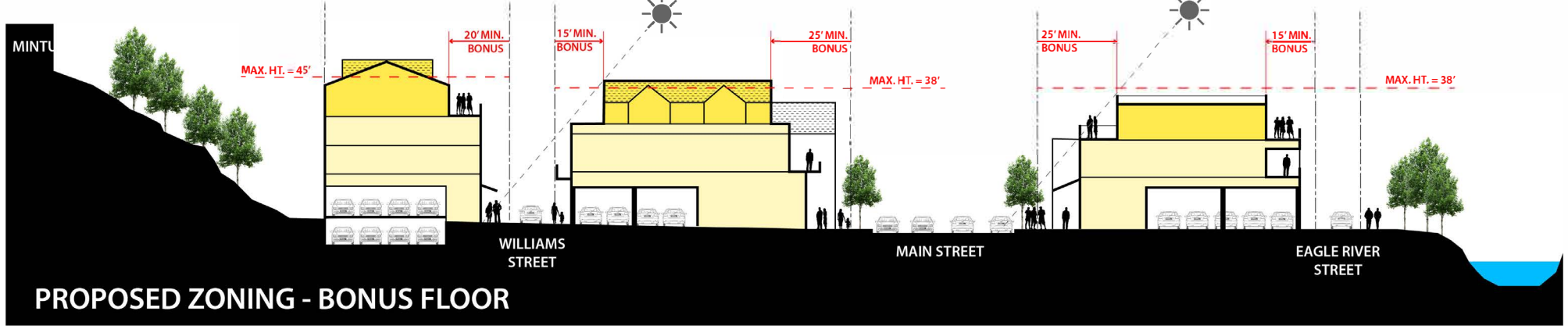
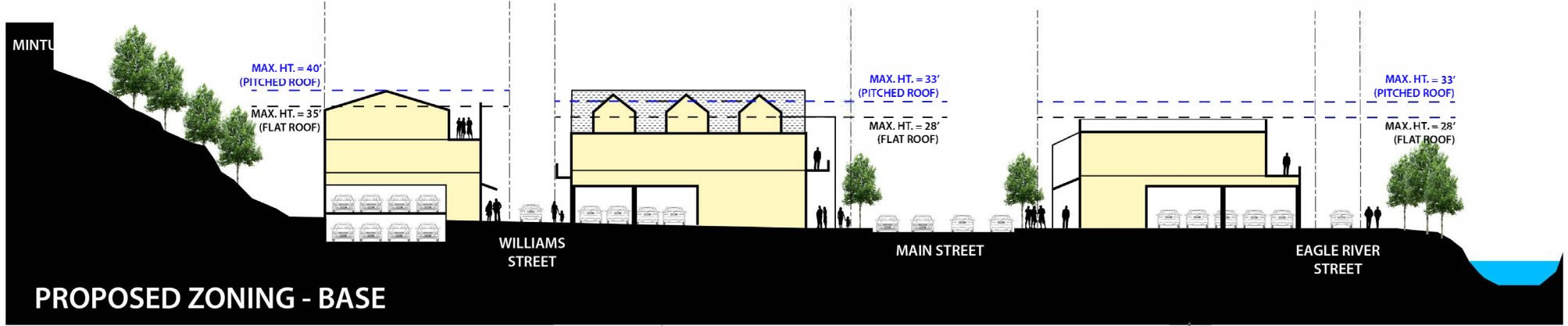
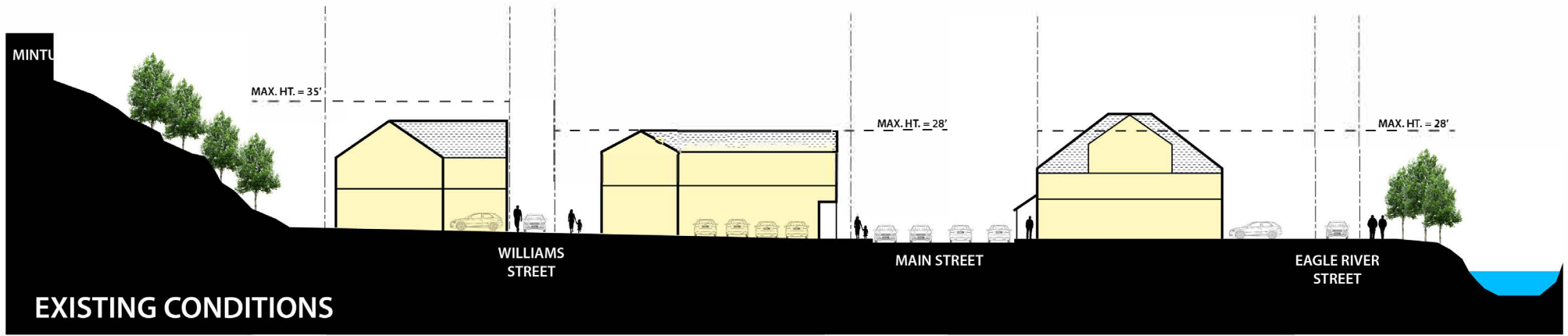


LEGEND:

 PITCHED ROOF MAX. HEIGHT

 BONUS FLOOR INCENTIVE

	H	I	J
BUILDING HEIGHT LIMITATIONS			
	MAX. HEIGHT / STORIES (FLAT ROOF)	MAX. HEIGHT / STORIES (PITCHED ROOF)	BONUS FLOOR MAX. HEIGHT / STORIES
100 BLOCK (A)	28' / 2 stories	33' / 2.5 stories	38' / 3 stories
100 BLOCK (B)	35' / 3 stories	40' / 3.5 stories	45' / 4 stories



100 BLOCK INCENTIVE ZONING STRUCTURE NEW SECTION

PARKING REDUCTION INCENTIVE:

Parking requirements may be reduced to:

- Commercial uses = N/A
- Reuse of existing structure = N/A
- Residential uses = 1 per unit (max. 3 bedroom)
- Lodging = 0.5 spaces per unit

If the following are met:

- **Bike parking** shall be provided on-site (1 space per 1,000 SF commercial + 1 space per residential unit)
- Maximum **impervious area shall be reduced** to a maximum of 80%
- **Developer pays town in-lieu fee (\$7k-10k) per parking space that would otherwise be required by code which will be directly used to reinvest in parking supply, ongoing monitoring, signage, and maintenance of public parking facilities.**
- Developer Agreement that:
 - » **Employees required to park in municipal lot** (not on-street) and shall be exempt from any future paid parking operation.
 - » **Developer supplies Eco passes for residents/employees (1 per unit + 1 per FTE)**

COMMUNITY BENEFITS INCENTIVIZED:

- Commercial uses (shopping, dining, entertainment)
- Reusing existing structure
- Impervious area is reduced
- Use of public transit and bicycling
- On-street parking reserved for guests
- \$\$\$ to fund more parking improvements
- \$\$\$ to fund multimodal improvements

EXISTING PARKING REQUIREMENTS:

- **Commercial = ranges from 1 space per 100 SF to 300 SF**
- **Residential = 2 per unit + 1 guest space per 5 units**
- **Hotel/Lodging = 1 per room + 1 caretaker**

COMMENTS FROM PLANNING COMMISSION/COMMUNITY:

- Town doesn't own municipal lot land = risk.
- Can eminent domain be used to acquire? It is for public good - parking.
- Parking fund would be nice, but will it generate enough? (DCI also looking at this.)
- Resident concerned about parking - even if park elsewhere have to get people to/from the parking.
- Regional transit looking at fee-free zone which would include Minturn. But still concerns about frequency and viability of people depending on transit in Minturn.
- Getting rid of commercial parking makes sense because we want the tax generating uses.

CONSIDERATIONS:

- Reduction could be offered in form of percentage - such as 50% reduction of required spaces if the following list is met. However, proposed table ensures residential is parked on-site, which was a concern.
- What if no residential in project?

100 BLOCK INCENTIVE ZONING STRUCTURE NEW SECTION

BONUS FLOOR HEIGHT INCENTIVE:

An additional floor of development (with reduced mass) may be allowed if two or more community benefits are provided on-site:

- A **publicly accessible open space/plaza** (min. 400 SF) is provided. *(note general design standards require “plaza” if over 2500 SF leasable space, but doesn’t define size)*
 - » This area may double as outdoor dining.
- A **public passage** is provided between Main Street and Williams Street or Main Street and Eagle River Drive. Require 10’ setback instead of 5’.
- An **active commercial use** is provided along Williams Street or Eagle River Drive.
- **Demonstrated evidence that new development has reduced typical water or energy use by XX%.**
- Development provides **on-site energy production.**
- **Subsidized commercial space** or agreement to **replace existing business** in new development.
- **Subsidized residential unit or owner-occupied** (no STR) residential unit (TBD).
- **Off-street parking** available for public use.

COMMUNITY BENEFITS INCENTIVIZED:

- Public gathering spaces
- Pedestrian-friendly connectivity
- Active ground floor uses/vibrancy
- Landscaping/streetscaping
- Environmental-friendly designs
- More housing options

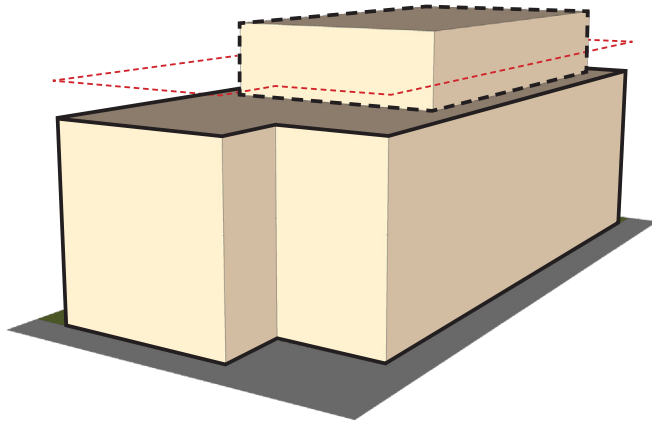
COMMENTS FROM PLANNING COMMISSION/COMMUNITY:

- Don’t understand why people are against making life easier - we need housing and daycares and a place to get a haircut. Been renting for 3 years and would like to buy. We don’t need to make it any harder to get the things that residents want and need.
- Don’t have to go up in 100 Block...Minturn’s commercial area needs to expand as population expands...don’t expect everything to go here.
- Shading and ice concerns.
- Construction costs have risen so much in past few years that a project 3 years ago went from \$1.5M to \$6M. Nothing has been done in 40-50 years...it’s time to allow something.
- True representation of Minturn not being represented in these meetings - only people that don’t want density show up.

100 BLOCK STANDARDS AND GUIDELINES (SITE DESIGN)

EXISTING VS. NEW CONSIDERATIONS

STANDARDS:



GUIDELINES:



SITE DESIGN

EXISTING GENERAL DESIGN STANDARDS

(Appendix B):

- **TOPOGRAPHY** - greater than 10% slope, urged to consider stepping structure.
- **WATER BODIES** - encourages conformance with Eagle River Watershed Plan and sensitive design to protect riparian areas.
- **ORIENTATION** - consider adjacent properties: snow storage/shedding, solar orientation, provide adequate snow storage, consider snow storage in material selection, passive solar design/placement of trees, orient primary entrance to street.
- **MASSING AND SCALE** - simple central form with additive features; complement rather than overpower; consistent setbacks; prominent porches, overhanging eaves.

EXISTING 100-BLOCK DESIGN STANDARDS

(16-2-70/16-2-80):

- **PARKING:** Not allowed in front/side setback facing Main (include diagram); Asphalt not allowed
- **LANDSCAPE:** 10% of each setback shall be landscaped; irrigation required; exterior power required (also see Sec. 16-17-150)
- **LIGHTING:** Pedestrian lights to be hung on building; must meet dark sky requirements (also see Sec. 16-17-180)
- **SNOW STORAGE:** 5% of each setback shall be reserved for snow storage
- **SETBACKS:** Min. 5' - Planning Commission may require side yard setbacks be combined to create 10-15 feet side yard corridor between two buildings.

QUESTIONS/CONSIDERATIONS:

- Most written as guidelines (urged, encouraged, consider, etc.) - how does Planning Commission/DRB feel about this language? What would they like more strict rules/requirements/standards on?
- Would it be better for existing 100-Block standards to be placed in Appendix B or kept in 16-2-70/80?
- Seems like Massing and Scale belongs in Architectural?

POTENTIAL ADDITIONAL 100-BLOCK LANDSCAPE STANDARDS/GUIDELINES:

STREETScape/LANDSCAPE:

- LID standards (Consider climate, use native species, reduce water consumption)?
- Street types and design guidelines- Main vs. Williams vs. Eagle River vs. Toledo, etc.?
- Streetscape requirements?
- Maintenance requirements?
- Plazas/hardscape - design to activate street, reflect history in design/materials, etc?

LIGHTING:

- No more than 3000 Kelvins (warm light)?
- Lighting should be placed to illuminate pathways and increase sense of safety?

SNOW:

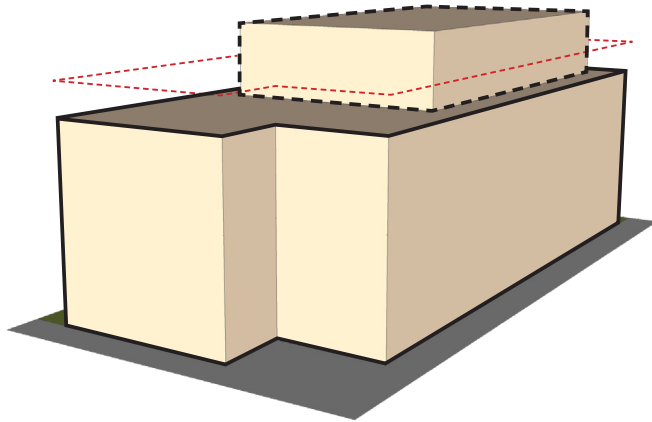
- More defined for 100-Block (than 24-hours after) - by 8am following a snow event and between the hours of 8am and 10pm?
- Snow storage areas shall not block a public walkway or right-of-way?

OTHER:

- Maintain views of water tower?
- Celebrate/activate river?

100 BLOCK STANDARDS AND GUIDELINES (ARCHITECTURAL) EXISTING VS. NEW CONSIDERATIONS

STANDARDS:



GUIDELINES:



ARCHITECTURAL DESIGN

EXISTING GENERAL DESIGN STANDARDS

(Appendix B):

- **ROOF PITCH/Form** - consistent roof form, materials, slope and direction create cohesiveness; roof pitch and style important element of design; incorporation of dormers; consider snow accumulation and shedding; protect entrances from snow
- **FACADE** - vast expanses not appropriate; facades interrupted every 15' at min.; architectural elements such as horizontal/vertical details to create human scale; windows and doors provide individual character - establish symmetry; avoid vast expanses of large windows; shutters/window boxes encouraged.
- **BUILDING DETAILS** - reduce visual impact with porches, balconies, recessed walls/decks, overhangs/eaves, dormers, cantilevers, awnings, etc.

EXISTING 100-BLOCK DESIGN STANDARDS

(16-2-70/16-2-80):

- **75' MAX. BUILDING FACE** - max. 75-foot building face width along Main, Williams, and Eagle River
- **50' MAX. APPEARANCE** - facades along Mian, Williams, Eagle River shall not create appearance of single building wider than 50-feet - maintain historic platted character

QUESTIONS/CONSIDERATIONS:

- Most written as guidelines (urged, encouraged, consider, etc.) - how does Planning Commission/DRB feel about this language? What would they like more strict rules/requirements/standards on?
- 75' vs. 50' facade rule is conflicting - which one is correct?

POTENTIAL ADDITIONAL 100-BLOCK LANDSCAPE STANDARDS/GUIDELINES:

ROOF PITCH/Form:

- Avoid monolithic roof forms...layering, step backs, mixed orientation, dormers, etc?
- Generally, forms (buildings/roofs) should step up toward the hillside?

GROUND FLOOR TREATMENT

- Treatment of storefronts/commercial vs. residential?
- Design Williams and Eagle River to be quaint, village-like, pedestrian-friendly, welcoming? Design ground floors to accommodate future commercial space, even if residential use (consider ADA, respect privacy needs, etc.)?
- Design Main Street to be more open, welcoming, vibrant, active?
- Define entrances - historically recessed/protected from elements, etc?

RESIDENTIAL

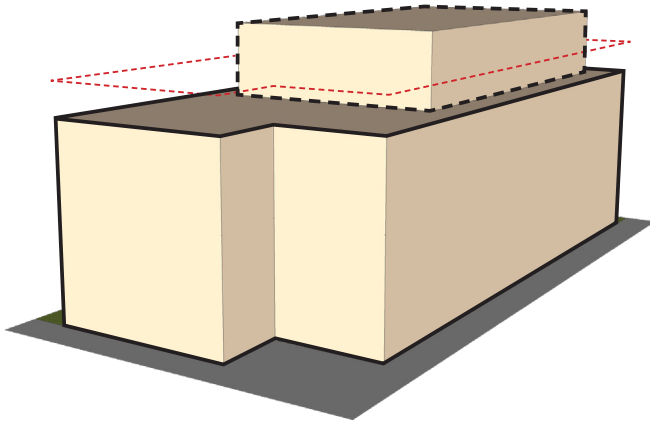
- Private open spaces/balconies required?

BONUS FLOOR TREATMENT

- TBD?

100 BLOCK STANDARDS AND GUIDELINES (MATERIALS/SCREENING) EXISTING VS. NEW CONSIDERATIONS

STANDARDS:



GUIDELINES:



MATERIALS AND SCREENING

EXISTING GENERAL DESIGN STANDARDS

(Appendix B):

- **MATERIALS** - use materials consistent with adjacent properties and natural environment; non-reflective encouraged; wood and native stone encouraged.
- **STREETSCAPE AND LANDSCAPE** - encourage man-made elements that encourage neighborliness; commercial should incorporate pedestrian walkways, street furniture. Commercial developments > 2500 SF required to provide plaza that incorporates these elements. Exhibit B lists plant materials suitable to town.
- **SCREENING** - required to screen refuse storage, general storage, loading, mechanical, and parking areas - may occur with landscaping or fencing or structure/parapet. Fences shall not exceed 3-feet for opaque and 4-feet for see-through. 6-feet for rear.

EXISTING 100-BLOCK DESIGN STANDARDS

(16-2-70/16-2-80):

- **TRASH/RECYCLING:** Shall be properly screened (duplicative)

QUESTIONS/CONSIDERATIONS:

- Most written as guidelines (urged, encouraged, consider, etc.) - how does Planning Commission/DRB feel about this language? What would they like more strict rules/requirements/standards on?
- Seems like Streetscape/Landscape and Screening belongs in site design and Materials in Architectural?

POTENTIAL ADDITIONAL 100-BLOCK LANDSCAPE STANDARDS/GUIDELINES:

RECOMMEND MOVING THESE TO SITE/ARCHITECTURE STRUCTURE IN NEW INSERT FOR 100-BLOCK.

- **MATERIALS** - use of accent color?

Memorandum

Date: April 25, 2022
To: Michelle Metteer and Scot Hunn, Town of Minturn
From: Carly Sieff, Fehr & Peers
Subject: **Minturn Community Plan: Parking Study and Recommendations**

DN21-0707

Introduction and Context

The Town of Minturn is updating its Community Plan to understand the current challenges and opportunities as the Town faces growth pressures and changes in demographics, community attitudes, preferences, and needs. An important aspect of this project includes this evaluation of the current parking inventory and occupancy and recommendations for improving parking and curb space management in Minturn. Parking is a limited resource and will be a driver in considering future opportunities for development, roadway cross-sections, and other transportation investments. Parking and curbside regulations is also currently not intuitive to the user and can benefit from increased clarity.

This memo provides a summary of existing on-street parking and off-street public parking conditions in the core parts of Minturn. This memo also summarizes existing and future parking and curb space opportunities and recommendations, given the outcomes of this analysis.

Determining existing on-street parking conditions occurred in two main stages: taking inventory of the on- and off-street parking supply and then collecting parking occupancy data. Parking occupancy was observed and documented during multiple study periods in the winter of 2021/2022. Parking is anticipated to be higher in the summer months and it is recommended that the Town of Minturn collect parking occupancy data and perform an analysis for the summer months to supplement these findings.



Analysis Overview

Fehr & Peers summarized the data observed from on-street parking counts conducted on December 7, 2021, January 15, 2022, April 14 and 16, 2022 which included weekday and weekend observations respectively during the following time periods:

- Weekday Counts – 9:00 AM, 12:30 PM, 4:30 PM, and 6:00 PM
- Weekend Counts – 11:00 AM, 4:30 PM and 6:00 PM

Weekday counts were conducted on December 7, weekend counts were conducted on January 15, and 6:00 PM counts both weekday and weekend were conducted on April 14 and April 16 respectively. These days and times were selected because they were identified by the project team as being the peak winter periods, or the times of highest parking demand.

Parking data was collected on Main Street, Boulder Street, and Pine Street, and all perpendicular blocks between Mann Street and the intersection of Williams Street/US-24. It also included parking counts on Taylor Street from Lions Lane to Lionshead Trailhead, and the Municipal parking lot on Main Street, north of Railroad Avenue. Parking counts were performed manually by the project team and consisted of counting the number of cars on each block during each time period. Data collection did not consider parking duration or turnover of vehicles between count periods. The goal of the analysis was to track parking occupancy and distribution patterns.



Summary of Findings

Parking Occupancy

Parking occupancy, or utilization, is defined as the number of parked vehicles divided by the total supply of parking spaces. Parking occupancy around 85% is generally considered to be industry best practice as the threshold for parking that is at capacity. When 85% of parking in an area is occupied, an average of one or two spaces are likely to be available on each street block. When parking occupancy exceeds 85%, it will become challenging for drivers to find an open parking space.

The total parking supply in the study area at the time of this study is 532 parking spaces. Based on the parking counts, this analysis found that the average occupancy in the study area is 23% on weekdays and 27% on weekends, which are well below the target level of 85%.

When analyzing parking occupancy for all durations of parking data, occupancy was found to be the highest in the weekend late afternoon period, when it reached 29% occupancy. **Figure 1** compares the parking occupancy during the time periods when data was collected – weekday morning, weekday midday, weekday late afternoon, weekday evening, weekend morning, weekend late afternoon, and weekend evening,

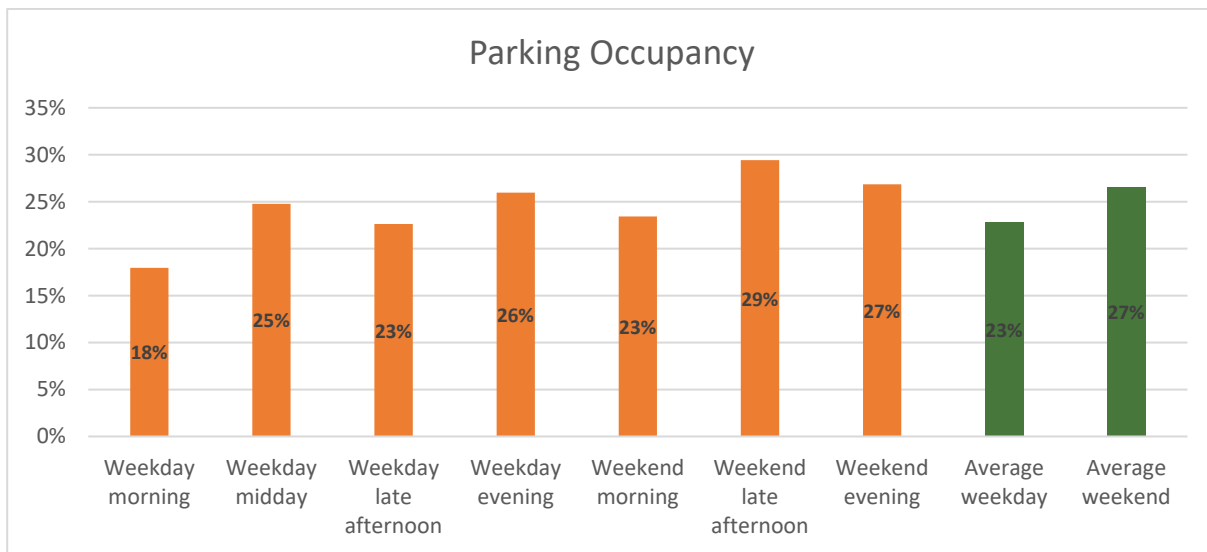


Figure 1– Parking Occupancy

Distribution of Parking Occupancy

When analyzing the distribution of parked vehicles on a block-by-block scale, the blocks around the 100 Block of Main Street tended to have the highest occupancy. **Figure 2** shows the average parking



occupancy from the seven data collection periods on each block. **Table 1** shows the average occupancy rates for each block in the study area. The only block that exceeds 85% occupancy is:

- East side of Main Street between Bayer Avenue and Meek Avenue

Based on the current occupancy around this block, the high capacity on this specific block does not need to be addressed. There is a high amount of available parking within one to two blocks of this area.

All other blocks in the study area have a high amount of available parking, based on the data collection days and times studied. Based on this data, the Town of Minturn has a sufficient amount of available parking given the current land use and travel patterns.

The maps for each individual data collection time are included in **Appendix A**.



Figure 2 – Average Occupancy (Winter 2021/2022)



Table 1– Block-by-Block Average Parking Occupancy

Block	Sides	Between	Average Parking Occupancy (all data collection periods)
Municipal Parking Lots	N/A	N/A	12%
Taylor Street	Both	Minturn Rd and 4th Ave	14%
Eagle River Street	East	Toledo Ave and Eagle St	61%
Main Street	East	Eagle River St and Toledo Ave	44%
Main Street	West	Eagle River St and Nelson Ave	52%
Main Street	West	Nelson Ave and Toledo Ave	4%
Main Street	East	Toledo Ave and Norman Ave	46%
Main Street	West	Toledo Ave and Norman Ave	29%
Main Street	East	Norman Ave and Harrison Ave	78%
Main Street	West	Norman Ave and Harrison Ave	29%
Main Street	East	Harrison Ave and Bayer Ave	23%
Main Street	East	Bayer Ave and Meek Ave	93%
Main Street	West	Harrison Ave and Meek Ave	29%
Main Street	East	Meek Ave and Mann St	34%
Main Street	West	Meek Ave and Mann St	20%
Boulder Street	East	Toledo Ave and Norman Ave	20%
Boulder Street	West	Toledo Ave and Norman Ave	30%
Boulder Street	West	Norman Ave and Harrison Ave	16%
Pine Street	East	Toledo Ave and Norman Ave	18%
Pine Street	West	Toledo Ave and Norman Ave	17%
Pine Street	East	Norman Ave and Harrison Ave	10%
Pine Street	West	Norman Ave and Harrison Ave	26%
Pine Street	East	Harrison Ave and Bayer Ave	21%
Pine Street	West	Harrison Ave and Bayer Ave	20%
Pine Street	East	Bayer Ave and Meek Ave	11%
Pine Street	West	Bayer Ave and Meek Ave	20%
Pine Street	East	Meek Ave and Mann St	20%
Pine Street	West	Meek Ave and Mann St	18%
Nelson Avenue	North	Williams St and Main St	36%
Toledo Avenue	North	Eagle River St and Main St	0%
Toledo Avenue	South	Eagle River St and Main St	7%
Toledo Avenue	South	Main St and Boulder St	43%
Norman Avenue	South	Boulder St and Pine St	0%
Harrison Avenue	North	Eagle River St and Main St	14%
Harrison Avenue	South	Eagle River St and Main St	0%



Harrison Avenue	North	Main St and Boulder St	43%
Harrison Avenue	North	Boulder St and Pine St	37%
Mann Street	North	Main St and Boulder St	0%
Mann Street	North	Boulder St and Pine St	0%

Qualitative Findings

In addition to parking occupancy data, this analysis revealed anecdotal findings that parking and curbside regulations in Minturn are not clear and intuitive to users. Drivers looking for parking do not know if parking is public private, legal, or what the parking restrictions are for that location. In addition, delivery vehicles often load or unload goods in the travel lane, parking lane, or sidewalk; this creates safety and efficiency concerns along the curb. These conclusions are based on observations, citizen and business complaints, and staff knowledge.



Recommendations

Although this analysis concluded that the Town of Minturn does not currently have a parking supply problem, as a part of this long-range planning effort, it is important to consider how this may change into the future. This analysis did conclude that parking and loading are not intuitive to the user, and result in unsafe and inefficient behavior at the curb. Parking is a limited resource and valuable public asset, particularly in a downtown environment. The recommendations included in this section are intended to improve management of this asset to maximize the efficient use of limited curb space, better ensure convenient parking is available to serve users, increase intuitiveness of curbside regulations, and improve the efficiency and effectiveness of enforcement.

Recommendations are provided for both the short-term and long-term. Short-term recommendations are aimed at addressing imminent upcoming challenges. Long-term recommendations are aimed at addressing potential future challenges over eight to ten years from now. The categories of recommendations discussed in this section, listed in no particular order, are:

- Parking-Adjacent Policies
- Shared Parking
- Change in Parking Requirements
 - Parking Minimums Instead of Maximums
 - Fee-in-lieu
- Time Restrictions
- Increased Enforcement
- Transit Access
- Paid Parking
- Data Collection and Monitoring
- Increasing Parking Supply

Benefits of Managed Parking

Managed parking is the approach of implementing strategies and policies to more effectively influence travel behavior through parking. There are a number of benefits to managing parking in Minturn. These strategies encourage alternative transportation options which improves sustainability, in line with the town's broader goals. These strategies will help ensure parking is available where demand is highest. This will reduce cruising for parking which also improves congestion, safety, and sustainability. Managed parking contributes to economic vitality by improving business activity through parking availability and higher turnover of proximate parking space. When parking supply is reduced, it allows for higher and better use of space (such as increased density, public art, etc.) and allows for a more walkable and vibrant community. Lastly, parking pricing provides additional funds for alternative transportation.



Short-term Recommendations

Short-term recommendations are aimed at addressing potential future challenges in the next five years.

Parking-Adjacent Policies

Parking-adjacent strategies are policies that do not directly make changes to parking supply or pricing, but they influence other factors that then result in direct changes to parking demand

Density and Diversity of Land Uses

By increasing density and providing a greater mix of land uses (such as ground floor retail of multifamily residences), Minturn can become a 'park once' community. These shifts increase walkability and reduce demand for parking.

Urban Design, Wayfinding Signage and Information Sharing

Urban design features can make more distant on-street parking spaces known to commuters and enhance pedestrian connections to those spaces. Good signage can direct parkers quickly and efficiently to available spaces. Sometimes, the solution is as simple as providing information about space location and availability. Signage can also increase clarity to users about parking restrictions. Traffic calming, which includes strategies that moderate traffic speeds in order to improve the pedestrian environment, can also support parking management strategies.

Curbside Management

The curbside is the street space immediately next to the curb. This space is used not only for on-street parking, but can accommodate activities including passenger pick-up/drop-off, truck loading, private vehicle short-term loading, outdoor dining, landscaping, and bicycle parking. Management of the curbside refers to the proactive strategy/action to design, measure, price, and manage curbside space to safely accommodate the wide variety of curb demands. This includes making parking restrictions more intuitive to increase the efficiency of available parking and formalizing locations for passenger and truck loading so loading is not taking place in on-street parking spaces. To mitigate the impacts of truck loading on traffic and parking the town should consider developing a truck delivery plan to regulate the location and times of when and where trucks deliver goods downtown. This plan can even more broadly plan for the management of the curb for uses beyond trucks and parking.

Snow Maintenance

In order to better maximize parking availability and access, Minturn should develop a snow removal policy that ensures on-street parking is available, legible, and ADA-accessible.



Traffic Circulation

By considering modifications to the vehicle network, parking can be accessed more intuitively and efficiently. By reconsidering and analyzing the one and two-way design of roadways, cruising for parking and parking supply can be modified.

Changes to the 200 Block of Boulder Street have been considered previously. These changes to convert this block from a two-way street to a one-way street and implement angled parking on the west side of the roadway should continue to be considered and analyzed into the future.

Shared Parking

Shared parking is the use of a parking space to serve two or more individual land uses without conflict or encroachment. The current shared parking provision allows for shared parking only between buildings within 100 feet of each other whose operating hours do not overlap. This study recommends modifications to the current shared parking provision in two main respects:

- Extend the shed in which businesses can share parking (1,000 feet is encouraged)
- Consider uses with complementary demand but do not restrict based on operating hours

Change in Parking Requirement

Changes to the zoning requirements for parking can better align parking with the community's goals. Minturn can start by reducing parking requirements for certain land uses by a small percent. The town should start with commercial and retail land uses, but should not change residential parking requirements; the former will see a demand for parking shift as land use and urban design changes. Before embarking on this change, the town should compare their parking minimums against peer communities. Switching to parking maximums instead of minimums will also limit the amount of parking required by development and promote a better alignment of parking supply and demand.

A policy to institute parking fee-in-lieu allows landowners and developers to pay a fee into a municipal fund in lieu of providing on-site parking spaces required per the zoning code. This policy is especially effective for small parcels where redevelopment may be less viable due parking requirements. This fee can finance public parking spaces or/and fund other transportation demand management and multimodal investments that will help to reduce single occupancy vehicle use. The parking fee-in-lieu rates for peer communities is shown in **Table 2**.



Table 2– Parking fee-in-lieu rates for peer communities

Community	Fee-in-lieu
Buena Vista, CO	\$1,200
Jackson, WY	\$8,500
Crested Butte, CO	\$13,000
Breckenridge, CO	\$19,000
Eagle, CO	\$23,000
Dillon, CO	Space 1-3, \$2,000 Space 4-6 \$5,000

Time Restrictions

It is recommended that Minturn consider expanding the area that is currently time restricted. A larger number of blocks that have a 2-hour time restriction will result in increased parking turnover and thus improved business activity and increased parking availability; for example, this will prevent employees from parking in the spot in front of a business all day. It is important to control for spillover parking (people parking a block over for unlimited parking and putting a strain on residential parking) if more time restricted parking is implemented.

Increase Enforcement

Enforcement of parking and curb space regulations in Minturn is minimal currently. Local drivers are more likely to ignore parking restrictions on Main Street (and future time restrictions) if they know those restrictions will not be enforced. It is recommended that the town enforce parking regulations on existing and future time restricted and paid blocks to ensure better compliance. This will help ensure parking turnover and availability of parking as well as mitigate potential safety issues (such as blocking fire hydrants, crosswalks, sight lines, or handicap parking).

It is also recommended that Minturn increase its fines for parking violations. For comparison, parking violations result in a \$30 - \$50 fine in Aspen, \$30 fine in Breckenridge, and \$25 fine in Durango for most first-time offenses. However, most peer communities use a graduating scale where parking violation amounts double or triple for repeat offenders or for those that wait too long to pay. To increase the rate of compliance, keep pace with inflation, and generate additional revenue to better cover the cost of enforcement, it is recommended that the town consider increasing the fines for parking violations. In particular, it is recommended that the town increase the fine for repeat offenders. Additionally, if paid parking is implemented, parking fines should be set to be at least 50% higher than the cost of all-day parking in order to incentivize compliance.



Long-term Recommendations

Long-term recommendations are aimed at addressing potential future challenges over 8-10 years from now.

Transit Access

A long-term strategy to address parking demand downtown is to continue making investments in local and regional transit that make it more convenient to get to Minturn via transit and provide a viable alternative to driving and reduce demand for parking. This, combined with other parking management strategies (such as implementing paid parking), will incentivize more people to use transit instead of driving into downtown. Transit investments in Minturn can include:

- A future shuttle from Dowd Junction
- Improved frequency and marketing of ECO Transit regional routes
- Improve first and last mile connections to existing bus stops

Paid Parking

Short of further increasing parking supply, which is expensive and may encourage additional traffic congestion downtown, the most effective remaining tool to managing parking downtown is to implement paid parking.

There are three primary reasons to consider implementing paid parking:

- To manage demand in high-occupancy locations to ensure parking is more readily available in those locations, which will reduce traffic congestion caused by drivers circling for parking.
- To incentivize use of non-driving modes of transportation to downtown.
- To generate revenue to cover the cost of parking operations, maintenance, capital improvements, and enforcement, as well as to potentially fund transit, bicycle, and pedestrian improvements in Minturn to further mitigate parking demand.

If the town implemented paid parking, the revenue could be used to fund parking enforcement and management with less need (or potentially without need) for general funds. Revenue could also be used to fund regular maintenance of curb paint, signs, and public parking lots as well as for pedestrian, bicycle, and transit improvements downtown. Investing in other modes would further mitigate parking demand as it would make using other modes more convenient.

Paid parking could also be used to ensure parking spaces are easier to find and is an effective incentive for people to walk, bike, or use transit in place of driving. To achieve this, paid parking should be implemented in Minturn's downtown core at the locations when and where occupancy is high and turnover is desirable. Initiating paid parking once the downtown core reaches an average occupancy threshold of 60% of parking occupied during peak days/time (that are not events) is a good best practice. This strategy will ensure that people who want to park close to their destination are more



likely to have that option if willing to pay. This strategy will also result in better utilization of available parking where demand is lower.

Parking pricing should start with a low price (\$.50/hour) with the first 30 minute free. This is high enough to provide some incentive to take alternative modes and makes enforcement of time-limited parking easier. This low fare also helps demonstrate transparency to the public that the primary purpose of paid parking is not to generate revenue, but to manage demand. The town can consider implementing variable pricing, where rates are higher when parking demand is higher. Parking pricing can also only be applied certain times of year, days of week, or times of day.

Case Studies

There are a number of examples of peer mountain communities in Colorado that have successfully implemented paid parking. Minturn can take the lessons learned and best practices from these communities. Specific information is provided in this section for Idaho Springs, Manitou Springs, and Glenwood Springs.

- Idaho Springs- Paid parking for visitors only on-street and off-street. Free for first 30 minutes, \$1.50/hour after that. Been well-received by businesses.
- Manitou Springs- Parking is free in outlying lots and shuttle is provided. Paid parking for visitors only on-street and off-street in locations downtown. 30 minutes free, \$1-\$2/hour after that.
- Glenwood Springs- In the process of implementing paid parking downtown based on a recent parking study.

Regular Data Collection

A key aspect of managing parking will be to collect data to see what is and what is not working and then use that information to make adjustments over time to pricing, restrictions, enforcement, communication, and other aspects of the parking program. This will be a particularly critical component of implementing paid parking as it will help staff determine whether the changes are meeting the program goals and provide information on what adjustments to make. Data monitoring will also be valuable in providing transparency to the public and demonstrating the benefits of paid parking, which can be a highly controversial topic among the public and other stakeholders. Minturn should collect data to monitor parking utilization and activity different times of day and year given the fluctuation in parking demand.

Evaluate Increasing Parking Capacity

The town should continue to monitor parking demand in the future. If data shows a growth in parking demand, causing parking to begin to reach capacity even with the short-term recommendations in place, the town may want to consider adding new supply. Due to the geographic constraints, urban design considerations, and the high land value downtown, this most likely would be in the form of a



new parking garage. The decision to add capacity should not be based entirely on demand, but should also be a value-based decision among the community. Construction of a new parking structure is expensive and adding supply will also make it more convenient to drive and park in Minturn, which could contribute to additional traffic congestion. These factors should be considered against other potential options. Other strategies, such as increasing parking fees, should be considered prior to increasing supply. Instead of investing in additional parking supply (which is expensive) the town should consider applying that investment toward making it more convenient to access downtown via walking, biking, and transit.



Conclusion

The results from this study show that there is a high amount of available parking in the core portion of the town during peak periods in the winter months; demand for on-street parking in the study area and the Municipal surface lots does not approach the supply of parking spaces. However, there is anecdotal evidence that parking and curbside regulations in Minturn are not intuitive to the user, resulting in unsafe and inefficient travel patterns.

The east side of Main Street between Bayer Avenue and Meek Avenue is the only block in the study area that exceeds the peak efficiency threshold of 85%. However, the available supply on this block is only two vehicles which explains its high occupancy rate. The surrounding blocks have a low occupancy. The block on the east side of Main Street between Eagle Street and Harrison Avenue has an average parking occupancy of 78%, which is slightly below the 85% peak efficiency threshold. Similarly, there is adequate parking available surrounding this block even if parking occupancy increases in the future.

The findings of this study suggest that no immediate changes in parking policies or parking supply are required to address parking occupancy concerns. There is adequate parking available to meet the current parking needs in the study area. In situations where parking may not be available right outside of the desired destination, it is likely available within one to two blocks.

However, parking management strategies as described in this memo should be, as parking demand shifts and to address the lack of intuitiveness of current curbside and parking regulations. The Town of Minturn should continue to collect and monitor parking data to understand parking conditions in the summer and as development takes place. The town can also collect data during event days such as the Farmer's Market but should not plan and build parking supply for the highest demand days of the year; rather, temporary shared parking or shuttles should be considered for these few days.

Appendix A: Parking Occupancy Maps



Average Parking Occupancy

Municipal Parking Lots A, B & C

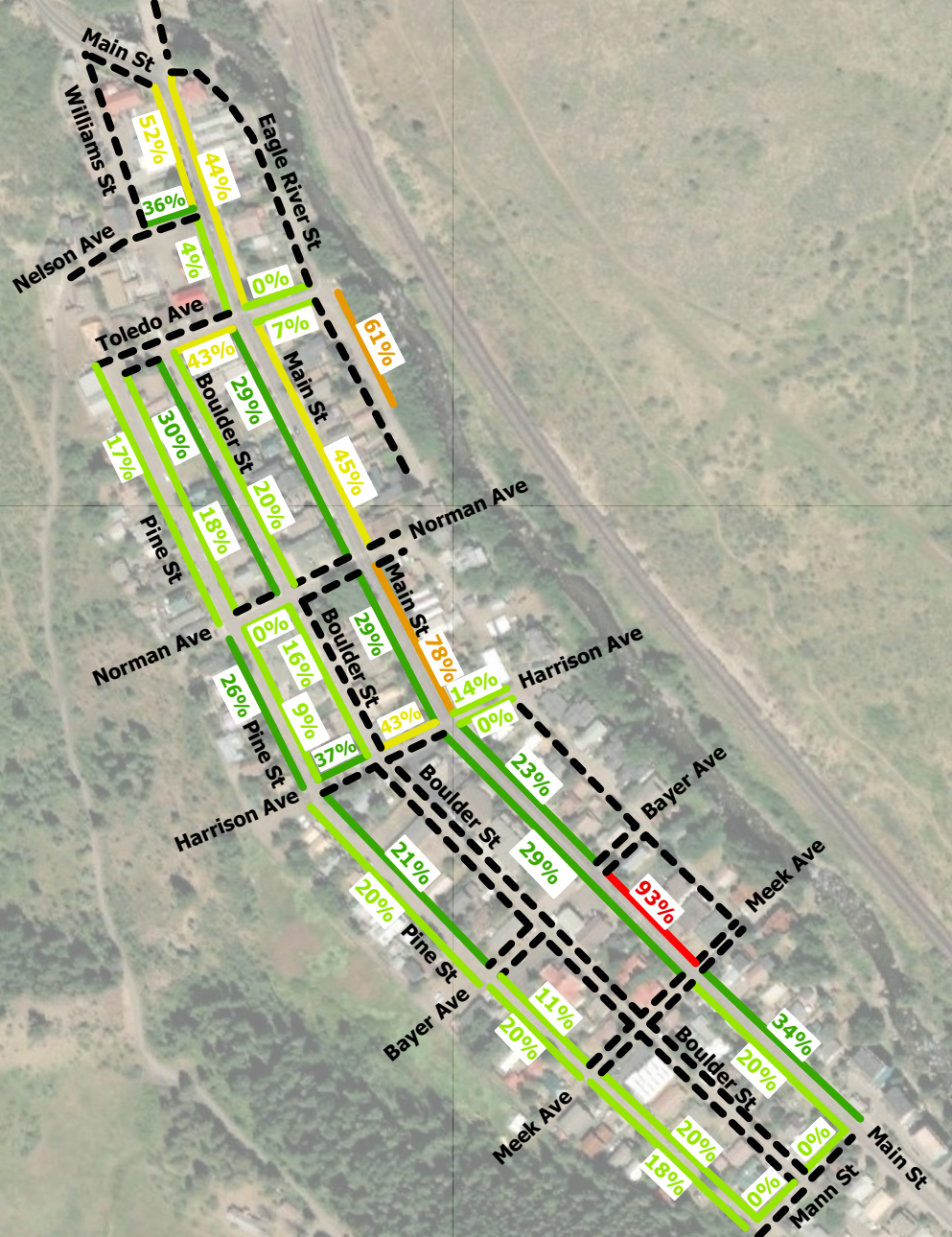
12%

14%

Taylor Street on-street parking from Lions Lane to Lionshead Trailhead

LEGEND
Average Parking Occupancy

- No Parking
- ≤20%
- 21% - 40%
- 41% - 60%
- 61% - 85%
- 86% - 99%
- ≥100%



Weekday Morning Parking Occupancy

Municipal Parking Lots A, B & C

4/93

Data Not Collected

Taylor Street on-street parking from Lions Lane to Lionshead Trailhead



LEGEND

#/# Parking Occupancy / Parking Supply
 Parking Utilization - Weekday Morning

- No Parking
- ≤20%
- 21% - 40%
- 41% - 60%
- 61% - 85%
- 86% - 99%
- ≤100

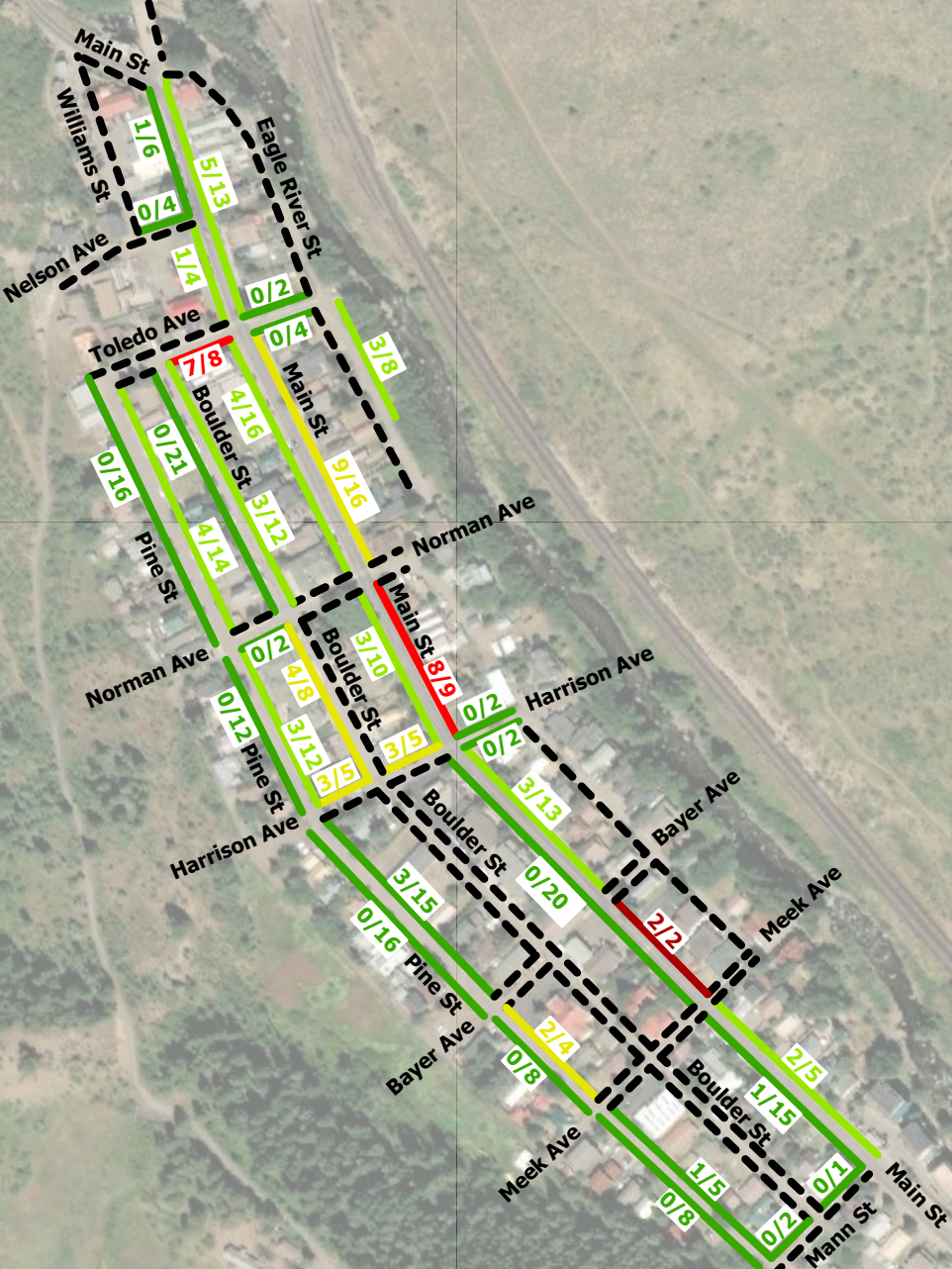
Weekday Midday Parking Occupancy

Municipal Parking Lots A, B & C

2/93

25/114

Taylor Street on-street parking from Lions Lane to Lionshead Trailhead



LEGEND

#/# Parking Occupancy / Parking Supply

Parking Utilization - Weekday Midday

- No Parking
- Green ≤20%
- Light Green 21% - 40%
- Yellow 41% - 60%
- Orange 61% - 85%
- Red 86% - 99%
- Dark Red ≤100%

Weekday Evening Parking Occupancy

Municipal Parking Lots A, B & C

4/93

16/114

Taylor Street on-street parking from
Lions Lane to Lionshead Trailhead



Weekend Morning Parking Occupancy

Municipal Parking Lots A, B & C

11/93

24/114

Taylor Street on-street parking from Lions Lane to Lionshead Trailhead



LEGEND

#/# Parking Occupancy / Parking Supply
 Parking Utilization - Weekend Morning

- No Parking
- ≤20%
- 21% - 40%
- 41% - 60%
- 61% - 85%
- 86% - 99%
- ≥100%

Weekend Late Afternoon Parking Occupancy

Municipal Parking Lots A, B & C

44/93

Taylor Street on-street parking from
Lions Lane to Lionshead Trailhead

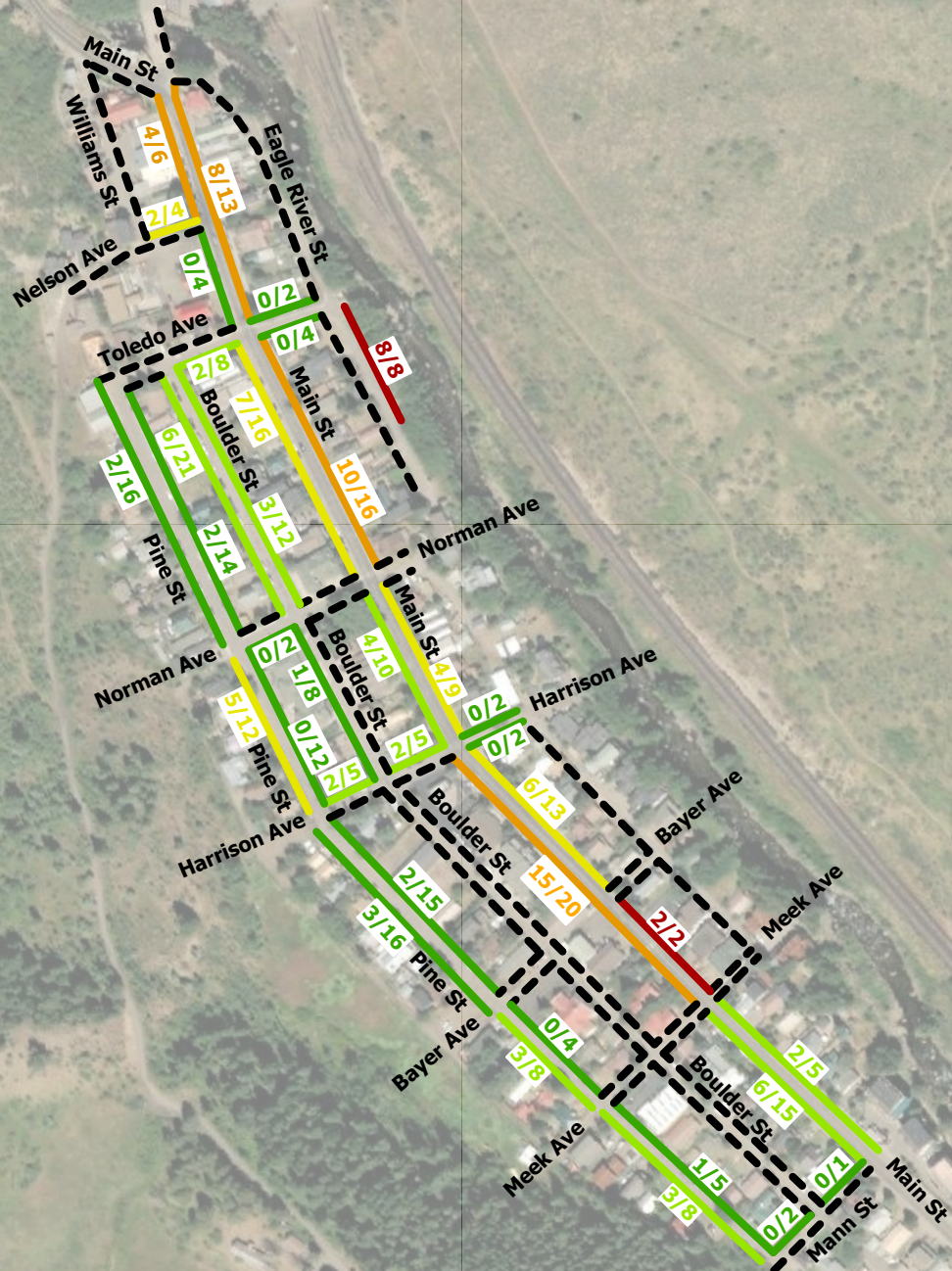
15/114

LEGEND

#/# Parking Occupancy / Parking Supply

Parking Utilization - Weekend Late Afternoon

- No Parking
- ≤20%
- 21% - 40%
- 41% - 60%
- 61% - 85%
- 86% - 99%
- ≥100%



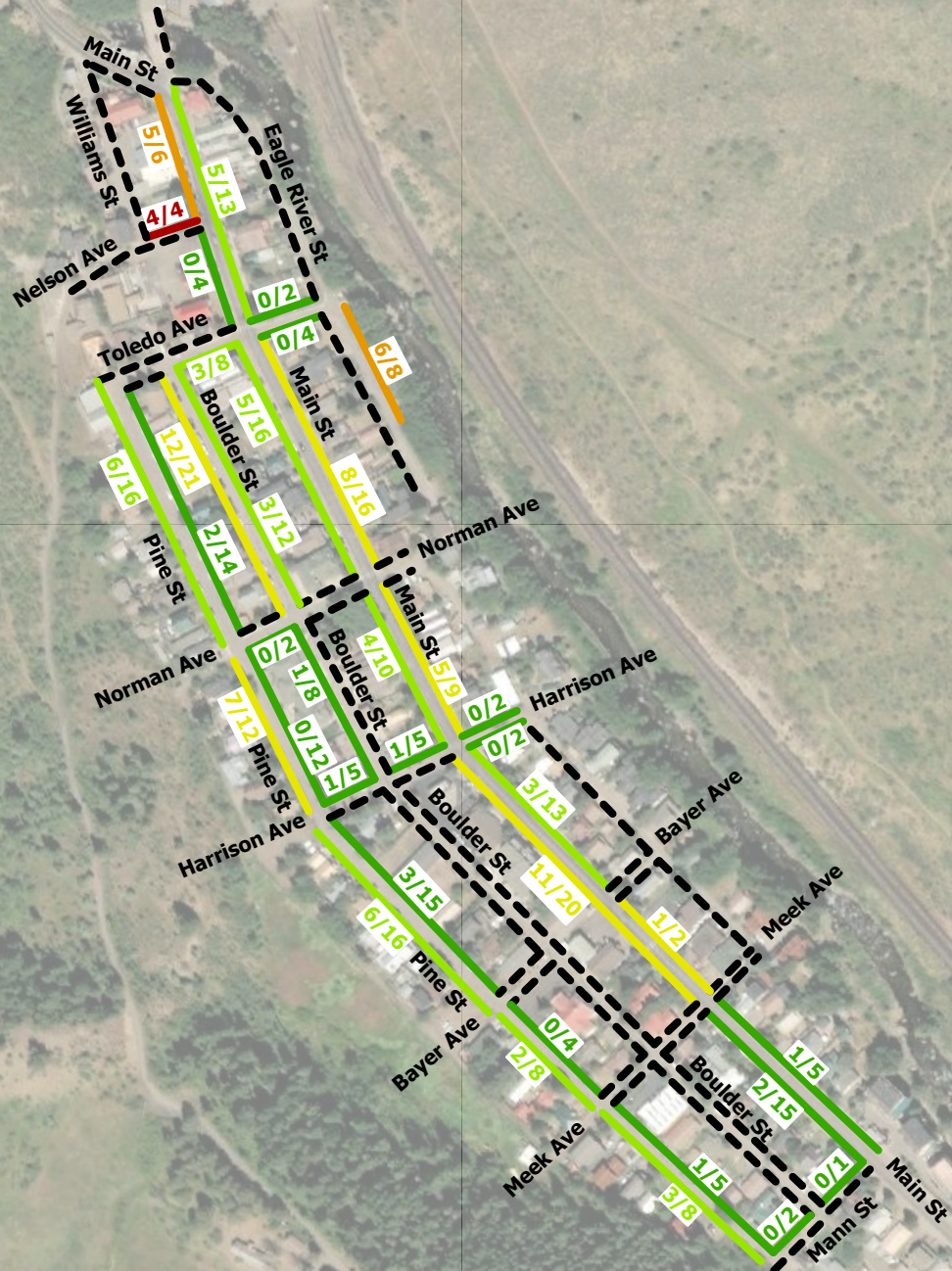
Weekend Evening Parking Occupancy

Municipal Parking Lots A, B & C

6/93

21/114

Taylor Street on-street parking from Lions Lane to Lionshead Trailhead



LEGEND

#/# Parking Occupancy / Parking Supply
 Parking Utilization - Weekend Evening

- No Parking
- ≤20%
- 21% - 40%
- 41% - 60%
- 61% - 85%
- 86% - 99%
- ≥100%

To: Mayor and Council
From: Jay Brunvand
Date: May 18, 2022
Agenda Item: Regional Transit Authority Intergovernmental Agreement



REQUEST:

Staff is requesting Council to open and hold a Public Hearing for the approval of a Resolution supporting the creation of a Regional Transportation Authority.

INTRODUCTION:

The Town of Minturn has joined with Eagle County; the towns of Avon, Eagle, Gypsum, Red Cliff and Vail; and Beaver Creek Metro District, as well as the business community and nonprofit partners, to consider the formation of a Regional Transportation Authority (RTA) to enhance and expand transit and transportation services for our residents, businesses and visitors. An RTA is a public entity that allows local governments—including counties, cities, town and metro districts—to work together to address regional transportation issues. RTAs are governed by a board of appointed elected officials representing the partner governments and must follow open meeting and fiscal accountability and transparency laws. RTAs are allowed to seek voter approval to collect tax revenue to provide transportation services, which may include transit, air, roadway and other services.

Setting up an RTA is a formal process defined in state law. The local governments involved in establishing the RTA must work together to create an intergovernmental agreement (IGA)—a legal document that sets forth the governance, service goals and other key operating provisions of the RTA. This charter document must be agreed upon by the elected councils and boards in each community. Ultimately, voters must agree to the formation of the RTA and any taxing or bonding requests made to provide funding for the RTA's services and operations. The IGA process requires two separate public hearings to be held in each jurisdiction considering adopting the IGA. The public hearings will provide details about the proposed RTA and the draft IGA for the creation of the Eagle Valley Transportation Authority, and feedback from council and the public will be shared with the RTA formation committee to help address local community needs and concerns.

ANALYSIS: The RTA creation is anticipated to provide free bus service in the Minturn area.

COMMUNITY INPUT: Requested as part of the public hearing.

BUDGET / STAFF IMPACT:

If approved at a future election this will be organized as a Special District/Authority and funded by a \$.5 sales tax and a possible \$.6 lodging tax. Although there may be additional expenses it is anticipated this tax would cover all operational expenses.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Resolution supporting the IGA

ATTACHMENTS:

- Resolution approving the mayor to sign the IGA
- IGA memo
- IGA
- IGA presentation (previously provided and included as reference only)
- Notice of Public Hearing

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 19 – SERIES 2022**

**ADOPTION OF EAGLE VALLEY REGIONAL
TRANSIT AUTHORITY
INTERGOVERNMENTAL AGREEMENT**

WHEREAS, pursuant to Title 43, Article 4, Part 6 of the Colorado Revised Statutes, as amended (the “**Act**”), Colorado counties and municipalities are authorized to establish, by contract, regional transportation authorities (“**RTAs**”) to finance, construct, operate and maintain regional transportation systems; and

WHEREAS, pursuant to Title 29, Article 1, Part 2 of the Colorado Revised Statutes, as amended, and Article XIV, Section 18 of the Colorado Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, enhancing regional transportation services for Town of Minturn residents, businesses and visitors is a crucial step in meeting our community’s workforce, economic and climate goals; and

WHEREAS, extensive input from local officials, businesses, employees, nonprofits and community members have made clear that the creation of an RTA is a desirable way to plan, finance, implement and operate a regional public transportation system that better meets the needs of Town of Minturn; and

WHEREAS, the Minturn Town Council has reviewed the proposed Intergovernmental Agreement by and among Beaver Creek Metropolitan District, the Town of Minturn, Eagle County, the Town of Eagle, the Town of Gypsum, the Town of Red Cliff, and the Town of Vail, establishing the Eagle Valley Transportation Authority as a Colorado RTA (the “**Agreement**”) attached hereto as EXHIBIT A: EAGLE VALLEY REGIONAL TRANSIT AUTHORITY INTERGOVERNMENTAL AGREEMENT; and

WHEREAS, the Minturn Town Council supports the collaborative approach memorialized in the Agreement and concurs that the proposed Eagle Valley Transportation Authority is poised to improve transit service, increase ridership and efficiency across the valley’s existing transit agencies, provide affordable or free transit to Minturn visitors and our employee base, strengthen the connection between the valley’s different communities and advance The Town of Minturn by reducing car trips and increasing the use of low and no emission public transportation; and

WHEREAS, section 603(4) of the Act provides that no contract establishing an RTA shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the proposed authority; and

WHEREAS, the Minturn Town Council acknowledges that referral of the Agreement to the electorate will be subject to a subsequent act of the Minturn Town Council in the sole discretion of the Minturn Town Council; and,

WHEREAS, the Minturn Town Council finds that the adoption of this Resolution will promote the health, safety and general welfare of the Minturn community.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MINTURN that the Minturn Town Council as follows:

THAT, the Minturn Town Council hereby approves the Agreement in the form presented.

THAT, the Minturn Town Council authorizes the Mayor to execute the Agreement in substantially the form attached hereto, with such revisions or modifications, not inconsistent with this Resolution or the Agreement, as the Mayor, with review of the Town Attorney and Town Manager, may determine to be necessary or appropriate.

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

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 18th day of MAY, 2022

By: _____
Earle Bidez, Mayor

Attest: _____
Jay Brunvand, Town Clerk

**EAGLE VALLEY TRANSPORTATION AUTHORITY
INTERGOVERNMENTAL AGREEMENT**

by and among

BEAVER CREEK METROPOLITAN DISTRICT

TOWN OF AVON, COLORADO

EAGLE COUNTY, COLORADO

TOWN OF EAGLE, COLORADO

TOWN OF GYPSUM, COLORADO

TOWN OF MINTURN, COLORADO

TOWN OF RED CLIFF, COLORADO

and

TOWN OF VAIL, COLORADO

Dated as of [May 31, 2022]

Providing for the establishment of the “Eagle Valley Transportation Authority” as a Colorado Regional Transportation Authority pursuant to the Regional Transportation Law, Title 43, Article 4, Part 6, Colorado Revised Statutes, as amended.

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**EAGLE VALLEY TRANSPORTATION AUTHORITY
INTERGOVERNMENTAL AGREEMENT**

THIS EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is entered into as of [May 31, 2022] by and among the **BEAVER CREEK METROPOLITAN DISTRICT**, the **TOWN OF AVON, COLORADO**; **EAGLE COUNTY, COLORADO**; the **TOWN OF EAGLE, COLORADO**; the **TOWN OF GYPSUM, COLORADO**; the **TOWN OF MINTURN, COLORADO**; the **TOWN OF RED CLIFF, COLORADO**; and the **TOWN OF VAIL, COLORADO** (together the “Initial Signatories”).

RECITALS

WHEREAS, pursuant to Title 43, Article 4, Part 6 of the Colorado Revised Statutes, as amended (the “Act”), Colorado counties, municipalities, and special districts with street improvement, safety protection, or transportation powers, are authorized to establish, by contract, regional transportation authorities, which, upon the satisfaction of the conditions set forth herein, are authorized to finance, construct, operate and maintain regional transportation systems;

WHEREAS, pursuant to Title 29, Article 1, Part 2 of the Colorado Revised Statutes, as amended (the “Intergovernmental Relations Statute”), and Article XIV, Section 18 of the Colorado Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility, including the establishment of a separate legal entity to do so;

WHEREAS, the Initial Signatories are a Colorado county, a Colorado special district, and certain Colorado municipalities located within the boundaries of Eagle County that desire to form a regional transportation authority to serve the greater Eagle River Valley community pursuant to the Act and the Intergovernmental Relations Statute for the purpose of financing, constructing, operating, and maintaining regional transportation systems;

WHEREAS, enhancing regional transportation services for Eagle County residents, businesses and visitors is a crucial step in meeting the communities’ workforce, economic and climate goals, and regional transportation services support Eagle County socially and economically, helping employees get to work safely and visitors to enjoy their Eagle County experience;

WHEREAS, the signatories of this Agreement wish to work toward collaborative solutions that will increase transportation and transit options throughout the greater Eagle River Valley, as well as increase air connections to the Eagle River Valley;

WHEREAS, extensive input from local businesses, employees, nonprofits and community members have made clear that the creation of a Regional Transportation Authority (“RTA”) is a

desirable way to plan, finance, implement and operate a more comprehensive regional transportation system that better meets the needs of communities;

WHEREAS, an RTA serving the greater Eagle River Valley is poised to improve transit service, increase ridership and efficiency across the valley’s existing transit agencies, provide affordable or free transit to the valley’s visitors and employee base, strengthen the connection between the valley’s different communities, and advance local climate action goals by reducing car trips and increasing the use of low or zero emission public transportation; and

WHEREAS, transit services promote independent living for the elderly and the disabled by providing essential links to medical, social and other services, and the region recognizes the need to improve mobility options for all segments of the population.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, the Initial Signatories hereby agree as follows:

ARTICLE 1 DEFINITIONS

Section 1.01 Definitions from the Act. The following terms shall, when capitalized, have the meanings assigned to them in Section 602 of the Act: “Bond,” “Construct,” “Construction,” “County,” “Municipality,” “Person,” “Regional Transportation Activity Enterprise,” “Regional Transportation System,” and “State”.

Section 1.02 Other Definitions. The following terms shall, when capitalized, have the following meanings:

“*Act*” is defined in the Recitals.

“*Advisory Committee*” means two or more persons appointed by the Board pursuant to Article 4 of this Agreement for the purpose of providing advice to the Board.

“*Agreement*” means this Eagle Valley Transportation Authority Intergovernmental Agreement, as amended from time to time in accordance with the terms contained therein.

“*Alternate Director*” means any person appointed as an Alternate Director pursuant to Section 3.03 of this Agreement.

“*Authority*” means the Eagle Valley Transportation Authority, a separate political subdivision of and body corporate of the State established pursuant to this Agreement as a regional transportation authority under the Act and as a separate legal entity under the Intergovernmental Relations Statute.

April 2022 Draft (Public Hearing #1)

“*Authority Sales Tax*” means a sales and use tax levied by the Authority in all or any designated portion of the Members in accordance with Section 605(1)(j)(1) of the Act.

“*Authorized Transportation Projects*” refers to the Regional Transportation Systems projects described in Appendix C of this Agreement, as such projects may be amended from time to time in accordance with Article 6 of this Agreement.

“*Ballot Question*” refers to any of the questions listed in Section 2.04(a)(i)-(viii) of this Agreement, and shall mean a “Ballot Issue,” as defined in Title 1, Article 1, Part 104(2.3), Colorado Revised Statutes, as amended. The Ballot Question for each of the Initial Signatories are collectively referred to as the “Ballot Questions.”

“*Board*” means the Board of Directors of the Authority.

“*Boundaries*” means the boundaries of the Authority illustrated in Appendix A-1 and described in Appendix A-2 of this Agreement, as such Appendices may be amended from time-to-time in accordance with Article 12 of this Agreement.

“*Director*” means any person appointed as a Director pursuant to Section 3.02 of this Agreement. Whenever the person appointed as a Member’s Director is absent from a Board meeting, the term “Director” shall mean the Alternate Director, if any, appointed by such Member pursuant to Section 3.03 of this Agreement.

“*Division of Local Government*” means the Division of Local Government in the State Department of Local Affairs.

“*ECRTA*” means the Eagle County Regional Transit Authority (Fund 1151) which operates Eagle County’s current ECO Transit public transportation service, and which is also referred to in this Agreement as “ECO Transit.”

“*Governing Body*” means, when used with respect to a Member, the town council, board of trustees, board of commissioners or other legislative body, as appropriate, of such Member.

“*Initial Boundaries*” means the Boundaries of the Authority on the date the Authority is originally established pursuant to Article 10.01 of this Agreement, as such Initial Boundaries are illustrated in Appendix A-1 and described in Appendix A-2 of this Agreement.

“*Initial Members*” means the Initial Signatories who become Members on the date on which the Authority is originally established pursuant to Section 2.05 of this Agreement.

“*Initial Signatories*” means the county, special district, and municipalities that are signatories to this Agreement in its original form.

“*Intergovernmental Relations Statute*” is defined in the Recitals.

“*Member*” means (a) the Initial Members and (b) the State or any Municipality or County or special district that becomes a member of the Authority pursuant to Section 9.03 of this Agreement.

“*MOU*” means the Memorandum of Understanding Establishing a Regional Transit Authority Formation Committee entered into by and among the Initial Signatories for the purpose of researching and proposing the structure of an RTA to serve the greater Eagle River Valley community.

“*Officer*” means the Chair, Vice Chair, Secretary, Treasurer or Executive Director of the Authority, and any subordinate officer or agent appointed and designated as an officer of the Authority by the Board.

“*Regional Transportation Systems*” shall have the meaning given to it in Section 602(16) of the Act.

“*Visitor Benefit Tax*” means a visitor benefit tax levied by the Authority in all or any designated portion of a Member in accordance with Section 605(1)(i.5) of the Act and Section 7.01 hereof.

ARTICLE 2 ESTABLISHMENT OF THE AUTHORITY AND INITIAL MEMBERS

Section 2.01 Establishment. A regional transportation authority to be known as the “Eagle Valley Transportation Authority” shall be established as a separate political subdivision and body corporate of the State pursuant to the Act and as a separate legal entity created by this Agreement among the Initial Members pursuant to the Intergovernmental Relations Statute, effective upon satisfaction of the following conditions:

(a) each Initial Member (i) has held at least two public hearings on the subject of this Agreement in accordance with Section 603(3) of the Act; and (ii) has executed this Agreement, which execution shall constitute a representation by such Initial Member to the other Initial Members that the executing Initial Member has held the public hearings required by Section 603(3) of the Act and that the Governing Body of such Initial Member has duly authorized its execution, delivery and performance of this Agreement;

(b) this Agreement will be submitted for approval, and has been approved by, a majority of the registered electors residing within the boundaries of the Initial Members at the time of the election, who voted in a general election or special election called for such purpose in accordance with Section 603(4) of the Act, which, for purposes of the November 8, 2022, election, shall be determined based on the votes cast on the Ballot Questions approved by the registered electors voting on the Ballot Questions that approve the participation in the Authority; and

(c) the Director of the Division of Local Government has issued a certificate pursuant to Section 603(1) of the Act stating that the Authority has been duly organized according to the laws of the State.

Section 2.02 Purpose. The purpose of the Authority is to plan, finance, implement and operate an efficient, sustainable and regional public multimodal transportation system at any location or locations within or without the Boundaries of the Authority, and exercise any or all other powers authorized by, and subject to compliance with, the Act.

Section 2.03 Boundaries. Subject to Section 2.05 and amendment to reflect to outcome of the Ballot Questions, the Initial Boundaries of the Authority shall be as illustrated in Appendix A-1 and described in Appendix A-2 of this Agreement. For any territory included or annexed in the boundaries of a Member, the Boundaries shall automatically be amended to include such territory that has been included or annexed into the boundaries of the Member (for taxation purposes, as if such territory was included in the Boundaries of the Authority because the territory is included in the boundaries of such Member).

Section 2.04 Voter Approval.

(a) The Initial Signatories agree to submit Ballot Questions seeking voter approval of the establishment of the Authority; the baseline funding of the Authority in accordance with Article 7 and the exemption of certain Authority revenues from the revenue limitations of Article X, Section 20 of the Colorado Constitution (“TABOR”) at an election held on November 8, 2022, that is conducted in accordance with the Act and other applicable law. Eight separate questions, which are hereafter referred to by the names indicated below and drafts of which are attached of this Agreement as Appendixes B-1 through B-8, shall be submitted to the registered electors residing within the following described areas within the boundaries of the Initial Signatories:

(i) the “Avon Question,” a draft of which is attached hereto as Appendix B-1, shall be submitted to the electors of the Town of Avon;

(ii) the “Beaver Creek Question,” a draft of which is attached hereto as Appendix B-2, shall be submitted to the electors of the Beaver Creek Metropolitan District;

(iii) the “Eagle Question,” a draft of which is attached hereto as Appendix B-3, shall be submitted to the electors of the Town of Eagle;

(iv) the “Gypsum Question,” a draft of which is attached hereto as Appendix B-4, shall be submitted to the electors of the Town of Gypsum;

(v) the “Minturn Question,” a draft of which is attached hereto as Appendix B-5, shall be submitted to the electors of the Town of Minturn;

(vi) the “Red Cliff Question,” a draft of which is attached hereto as Appendix B-6, shall be submitted to the electors of the Town of Red Cliff;

April 2022 Draft (Public Hearing #1)

(vii) the “Vail Question,” a draft of which is attached hereto as Appendix B-7, shall be submitted to the electors of the Town of Vail; and

(viii) the “Unincorporated Eagle County Question,” a draft of which is attached hereto as Appendix B-8, shall be submitted to the electors of the unincorporated area of Eagle County within the boundaries described in Appendix A-2, exclusive of electors residing in the municipalities and special district that are Initial Signatories of this Agreement.

(b) With the intent to put forth these measures as a coordinated election under the Clerk of Eagle County, the Governing Body of each of the Initial Signatories named in the title of each Ballot Question shall take all actions necessary to submit such questions to the appropriate registered electors at the Election but may modify the Ballot Questions submitted by it in any manner that is consistent with the terms of this Agreement and the Ballot Questions attached in Appendices B-1 through B-8. Any Governing Body’s modification(s) to a Ballot Question that are inconsistent with the terms of this Agreement and the attached appendices shall require the written consent of each of the other Initial Signatories prior to its submittal to that body’s registered electors. The designated election official for a coordinated election shall be the Eagle County Clerk and Recorder.

(c) The costs of conducting the November 8, 2022, election shall be allocated from the funding contributions set forth in the MOU.

Section 2.05 Initial Members.

(a) Subject to Section 2.05(b) of this Agreement, the Initial Signatories whose participation in the Authority is authorized by a majority of the registered electors voting on the Ballot Questions indicated below shall be the Initial Members of the Authority on the date the Authority is originally established pursuant to this Agreement:

(i) the Town of Avon will be an Initial Member if the Town of Avon electors approve the Avon Question;

(ii) the Beaver Creek Metropolitan District will be an Initial Member if the Beaver Creek Metropolitan District electors approve the Beaver Creek Question;

(iii) the Town of Eagle will be an Initial Member if the Town of Eagle electors approve the Eagle Question;

(iv) the Town of Gypsum will be an Initial Member if the Town of Gypsum electors approve the Gypsum Question;

(v) the Town of Minturn will be an Initial Member if the Town of Minturn electors approve the Minturn Question;

(vi) the Town of Red Cliff will be an Initial Member if the Town of Red Cliff electors approve the Red Cliff Question;

(vii) the Town of Vail will be an Initial Member if the Town of Vail electors approve the Vail Question; and

(viii) Eagle County will be an Initial Member if the electors within the unincorporated area of Eagle County described in Section 2.04(a)(viii) approve the Unincorporated Eagle County Question.

(b) The Initial Signatories agree that in order for the Regional Transportation Systems to be efficiently and effectively provided within the Authority's service area, participation of each of the Town of Avon, the Beaver Creek Metropolitan District, Eagle County, and the Town of Vail, is essential. This Agreement will terminate automatically and be of no further force and effect if the registered electors voting on each of the Avon Question, the Beaver Creek Question, the Vail Question, and the Unincorporated Eagle County Question do not each approve their respective ballot questions at the November 8, 2022, election.

ARTICLE 3 BOARD OF DIRECTORS

Section 3.01 Establishment and Powers. The Authority shall be governed by a Board of Directors as described in this Article 3. The Board shall exercise and perform all powers, privileges and duties vested in or imposed on the Authority. Subject to the provisions of this Agreement, the Board may delegate or prescribe the performance of any of its powers to any Director, Officer, employee or agent of the Authority with sufficient direction to comply with the non-delegation doctrine.

Section 3.02 Directors. The Board shall be composed of one Director appointed by each Member.

Section 3.03 Alternate Directors. In addition to the Director appointed by it, each Member shall appoint an Alternate Director who shall be deemed to be such Member's Director for all purposes, including, but not limited to, voting on resolutions whenever the person appointed as such Member's Director is absent from a Board meeting or in the event such Director has resigned or been removed and no replacement Director has been appointed.

Section 3.04 Appointment of Directors and Alternate Directors. As required by Section 603(2)(b)(1) of the Act, the Director and the Alternate Director appointed by a Member shall both be members of the Governing Body of such Member, and shall be appointed as a Director or Alternate Director by the Governing Body of such Member.

Section 3.05 Terms of Office. The term of office of each Director and Alternate Director shall commence with the first meeting of the Board following his or her appointment and shall continue until (a) the date on which a successor is duly appointed or (b) the date on which he or she ceases to be a member of the Governing Body of the appointing Member.

Section 3.06 Resignation and Removal. Any Director or Alternate Director (a) may resign at any time, effective upon receipt by the Secretary or the Chair of written notice signed by the person who is resigning; and (b) may be removed at any time by the Governing Body of the Member that appointed him or her, effective upon receipt by the Secretary or the Chair of written notice signed by the Governing Body of the appointing Member.

Section 3.07 Vacancies. Vacancies in the office of any Director or Alternate Director shall be filled in the same manner in which the vacant office was originally filled pursuant to Sections 3.02 through 3.04 of this Agreement.

Section 3.08 Compensation. Directors and Alternate Directors shall serve without compensation, but may be reimbursed for expenses incurred in serving in such capacities upon such terms and pursuant to such procedures as may be established by the Board.

Section 3.09 Meetings, Notice. The Board shall annually establish times for regular meetings of the Board, which shall meet no less than quarterly. The Board may additionally call special meetings as it deems necessary or desirable. Meetings will be held at the location as may from time to time be designated by the Board. Public notice of meetings shall be posted in the locations established by the Board, in accordance with the Colorado Open Meetings Law, Section 24-6-401 *et seq.*, Colorado Revised Statutes, as amended. Except in the case of special or emergency meetings where such advance notice is not practicable, the Authority shall provide at least 48 hours' advance notice of meetings to each Director and Alternate Director and to the Governing Body of each Member.

Section 3.10 Resolutions, Quorum. All actions of the Board shall be by resolution, which may be written or oral, approved at a meeting that is open to the public according to the voting requirements set forth in Section 3.11. At least a quorum shall be necessary to take any Board action and at least two-thirds of all Directors then in office who are eligible to vote thereon will be required for action pursuant to Section 3.11(a). A quorum shall mean a number of Directors greater than half the total number of Directors then in office (which, if all Initial Signatories become Initial Members, will be five of the eight initial Directors). The Board may establish bylaws providing for electronic participation by a Director in a meeting, including requirements for a Director participating electronically to be considered "present" for purposes of establishing a quorum and voting on agenda items.

Section 3.11 Voting Requirements.

(a) Except as otherwise provided in subsection (b) of this Section, resolutions of the Board shall be adopted upon the affirmative vote of at least two-thirds of the Directors then in office who are eligible to vote thereon (which, if all Initial Signatories become Initial Members and no Director is ineligible to vote, will be six of the eight initial Directors).

(b) Provided a quorum is present, the following actions shall be approved upon the affirmative vote of a majority of the Directors of the Board then present who are eligible to vote thereon:

- (i) administrative approvals such as setting meeting locations and times and ministerial actions required for the Authority's compliance with applicable law;
- (ii) approvals authorized by bylaws or rules previously approved by the Board;
- (iii) approval of contracts for expenditures included in an annual budget previously approved by the Board;
- (iv) approval of contracts for transportation services included in an annual budget previously approved by the Board;
- (v) approval of contracts for the assumptions of existing facilities and transportation infrastructure, or the development of new facilities and transportation infrastructure, included in an annual budget previously approved by the Board; and
- (vi) other actions that are reasonably incidental to prior Board approvals made under subsection (a) of this Section.

Section 3.12 Special Rules Regarding Adoption of the Authority's Annual Budget. Notwithstanding Section 3.10 of this Agreement, if the Board fails to approve the Authority's annual budget by resolution adopted in accordance with Section 3.10 of this Agreement by the end of the immediately preceding fiscal year of the Authority or any earlier date required by State law, until an annual budget is so adopted, the Authority's budget for such year shall be the prior year's budget, with adjustments approved by a majority of the Directors then in office who are eligible to vote thereon. The procedures set forth in this Section may be modified by bylaws or rules adopted in accordance with Section 3.15 of this Agreement.

Section 3.13 Director Conflicts of Interest. Notwithstanding any other provision of this Agreement, a Director shall disqualify himself or herself from voting on any issue with respect to which he or she has a conflict of interest, unless he or she has disclosed such conflict of interest in compliance with Sections 18-8-308 and 24-18-101 *et seq.*, Colorado Revised Statutes, as amended.

Section 3.14 Powers of the Board. The Board shall, subject to the limitations set forth of this Agreement, have (a) all powers that may be exercised by the board of directors or a regional transportation authority pursuant to the Act, including, but not limited to, the powers conferred by Sections 604(1) and (3) of the Act, and (b) all powers that may be exercised by the governing board of a separate legal entity that has been lawfully created by a contract among the Members pursuant to the Intergovernmental Relations Statute.

Section 3.15 Bylaws and Rules. The Board, acting by resolution adopted as provided for in Section 3.10 or Section 3.11 of this Agreement, may adopt bylaws or rules governing the activities of the Authority and the Board, including, but not limited to, bylaws or rules governing the conduct of Board meetings, voting procedures, the type of resolutions that must be in writing and procedures for the resolution of issues on which a two-thirds majority cannot be obtained in accordance with Section 3.11(a) of this Agreement.

Section 3.16 Additional Directors. If at any time there are four or fewer Members, then, notwithstanding any other provision of this Agreement, in order to comply with the provisions of Section 603(2)(b)(1) of the Act requiring at least five Directors, the Directors representing the remaining Members shall, by unanimous consent, appoint such additional Directors and Alternate Directors as are necessary for there to be five Directors, and may likewise remove such Directors and Alternative Directors by consensus of the Directors appointed directly by the Members. If such remaining Directors are unable to reach unanimous consent, each Member shall appoint a second Director, until the total number of Members exceeds five at which time each Member shall revert to appointing a sole Director.

Section 3.17 References. All references of this Agreement to the Director and Alternate Director of a Member shall be deemed to refer to the initial and the additional Director and Alternate Director, as appropriate, appointed by such Member.

ARTICLE 4 ADVISORY COMMITTEES

The Board may appoint, maintain, and/or disband one or more Advisory Committees at any time in order to advise the Board with respect to policy and service matters. Advisory Committees shall not be authorized to exercise any power of the Board.

ARTICLE 5 OFFICERS

Section 5.01 Generally. The Board shall appoint a Chair, a Vice Chair, a Secretary, a Treasurer and an Executive Director. The Board also may appoint one or more subordinate officers and agents, each of whom shall hold his or her office or agency for such term and shall have such authority, powers and duties as shall be determined from time to time by the Board. The Chair and the Vice Chair shall be Directors. Other Officers may, but need not, be Directors. Any two or more of such offices may be held by the same person, except that the offices of Chair and Secretary may not be held by the same person and the person serving as Executive Director may not hold any other of such offices. All Officers of the Authority shall be persons of the age of 18 years or older and shall meet the other qualifications, if any, stated for his or her office elsewhere in this Article 5. Alternate Directors shall not assume the officer position of any Director unless so designated by action of the Board.

Section 5.02 Chair. The Chair shall have the power to call meetings of the Board; the power to execute, deliver, acknowledge, file and record on behalf of the Authority such documents as may be required by this Agreement, the Act or other applicable law; and such other powers as may be prescribed from time to time by the Board. The Chair may execute and deliver contracts, deeds and other instruments and agreements on behalf of the Authority as are necessary or appropriate in the ordinary course of its activities or as are duly authorized or approved by the Board. The Chair shall have such additional authority, powers and duties as are appropriate and

customary for the office of the chair of the board of directors of entities such as the Authority, and as the Board may otherwise prescribe.

Section 5.03 Vice Chair. The Vice Chair shall be the Officer next in seniority after the Chair and, upon the death, absence or disability of the Chair, shall have the authority, powers and duties of the Chair. The Vice Chair shall have such additional authority, powers and duties as are prescribed by the Board.

Section 5.04 Secretary. The Secretary shall give, or cause to be given, notice of all meetings (including special meetings) of the Board, keep written minutes of such meetings, have charge of the Authority's seal (if any), be responsible for the maintenance of all records and files and the preparation and filing of reports to governmental agencies (other than tax returns), have authority to impress or affix the Authority's seal to any instrument requiring it (and, when so impressed or affixed, it may be attested by his or her signature), and have such other authority, powers and duties as are appropriate and customary for the office of Secretary of entities such as the Authority, and as the Board may otherwise prescribe. If a Treasurer has not been appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer.

Section 5.05 Treasurer. The Treasurer shall, subject to rules and procedures established by the Board, be responsible for the custody of the funds and all stocks, bonds and other securities owned by the Authority and shall be responsible for ensuring the timely preparation and filing of all tax returns, if any, required to be filed by the Authority. The Treasurer shall receive all moneys paid to the Authority and, subject to any limits imposed by the Board or the Chair, shall have authority to give or authorize receipts and vouchers, to sign and endorse checks and warrants in the Authority's name and on the Authority's behalf, and to give full discharge for the same. The Treasurer shall also have charge of disbursement of the funds of the Authority, shall ensure that full and accurate records of the receipts and disbursements are maintained, and shall ensure that all moneys and other valuables are deposited in such depositories as shall be designated by the Board. The Treasurer shall ensure deposit and investment of all funds of the Authority in accordance with this Agreement and laws of the State applying to the deposit and investment of funds of regional transportation authorities formed under the Act. The Treasurer shall have such additional authority, powers and duties as are appropriate and customary for the office of Treasurer of entities such as the Authority, and as the Board may otherwise prescribe. If a Treasurer has not been appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer.

Section 5.06 Executive Director. The Executive Director shall be the chief executive officer of the Authority, shall supervise the activities of the Authority, shall see that all policies, directions and orders of the Board are carried out and shall, under the supervision of the Board, have such other authority, powers or duties as may be prescribed by the Board.

Section 5.07 Resignation and Removal. Any Officer may resign at any time effective upon receipt by the Secretary or the Chair of written notice signed by the person who is resigning, and may be removed at any time by the Board.

Section 5.08 Changes to Authority, Powers and Duties. Notwithstanding any other provision of this Article 5, the Board at any time may expand, limit or modify the authority, powers and duties of any Officer or employee.

Section 5.09 Vacancies. Vacancies in the office of any Officer or employee shall be filled in the same manner in which such office was originally filled.

Section 5.10 Compensation. The Authority shall determine and may compensate Officers and employees who are not Directors or Alternate Directors for services performed, and may reimburse them for expenses incurred, in serving in such capacities upon such terms and pursuant to such procedures as may be established by the Board.

ARTICLE 6 POWERS OF THE AUTHORITY

Section 6.01 General Grant of Powers. The Authority shall, subject to the limitations set forth in this Agreement, have (i) all of the powers granted to regional transportation authorities by the Act and (ii) all powers that may be exercised by a separate legal entity created by a contract among the Members pursuant to the Intergovernmental Relations Statute.

Section 6.02 Specific Responsibilities. In addition to the general powers described in Section 6.01 of this Agreement, the Authority shall have the responsibilities described in this Section and shall have all powers necessary or convenient to carry out such responsibilities, subject to the availability of funds and, to the extent required by law, annual appropriation of funds by the Board. The description of specific responsibilities and powers in this Section shall not, however, limit the general powers of the Authority described in Section 6.01 of this Agreement.

(a) Regional Transportation Systems. The Authority shall coordinate and may operate and fund Regional Transportation Systems and provide such related services as are necessary in order to effect the Authorized Transportation Projects described in Appendix C, as may be amended from time to time in accordance with Article 12 of this Agreement.

(b) Regional Transportation Planning. The Authority shall engage in annual regional transportation planning to direct the implementation of Regional Transportation Systems, pursue local, federal or state funding, and coordinate overall transportation policy within the area in which it provides transit services. Regional transportation planning shall, as determined by the Board, include short range service and infrastructure planning as well as long range planning, corridor investment studies and related impact analyses.

(c) Regional Transportation Demand Management. The Authority shall develop plans, programs, and materials to support individuals and employers in their efforts to reduce single-occupancy vehicle trips and mitigate climate impacts in Eagle County, in coordination with local jurisdictions, CDOT, NWCCOG, the I-70 Coalition and other relevant organizations.

(d) Enhance Local, State, and Federal Coordination.

April 2022 Draft (Public Hearing #1)

(i) The Authority shall represent the Eagle Valley region with regard to state and federal legislation affecting available funding to support regional transit operations and with regard to legislation affecting operations.

(ii) The Authority shall coordinate with the Colorado Department of Transportation (“CDOT”) and federal governing agencies to enhance regional transit, including but not limited to, improvements to connections to the Authority area via Bustang and other statewide bus programs and increased air service to the Eagle County Regional airport.

(e) First-Last Mile Solutions. The Authority may study, design, financially support and implement, with partnerships as appropriate, first and last mile improvements to enhance transit ridership, including but not limited to park and rides, pedestrian crossings, and regional innovative mobility programs such as regional e-bike sharing, on-demand microtransit, and community vanpools.

(f) Contract Transit Services.

(i) The Authority may enter into contracts with any Member or other person or entity for the provision of transit services in the manner and subject to the terms of such contracts.

(ii) The Authority may initially enter into contracts with Eagle County for the continuation of ECO Transit service during and after the ECRTA Transition Period (as set out more specifically in Article 8 below) and shall reasonably cooperate with Eagle County to ensure the continuation of employment for personnel currently employed by Eagle County in the provision of transit services within the Boundaries of the Authority.

(g) Local Service. The Authority may fund projects or services that serve the residents and businesses of a single Member (as distinguished from regional services) but, except as otherwise specifically provided in this Agreement, only pursuant to an agreement to which such Member pays the Authority for the services provided on the same fully allocated cost basis used to determine costs of Authority services throughout the Authority’s service area.

(h) Transportation Related Infrastructure. The Authority may assume the maintenance of existing facilities and may develop new facilities, park-and-rides, transit stops, vehicle maintenance garages, trails, or other necessary infrastructure related to operations under the purview of the Authority.

(a) Planning, Construction, and Maintenance of Regional Trails and Pedestrian Infrastructure.

(i) The Authority shall provide planning and funding support for regional public trail maintenance, improvement, and construction, in cooperation with Members, advisory groups and other agencies, including but not limited to USFS, BLM and CDOT. The Authority will place emphasis on multi-modal transportation-oriented trails that

provide improved accessibility and connections between transit nodes, population centers, and communities.

(ii) The Authority may plan for transitioning the operations, maintenance, capital improvements, and funding required for Eagle County’s ECO Trails partnership, including the Eagle Valley Trail, after completion of all currently planned sections and no sooner than December 31, 2024.

(i) Contract Air Services. The Authority may enter into contracts with commercial air service carriers for the provision of air services in the manner and subject to the terms of such contracts.

(j) Roadway Improvements. Subject to the Gypsum Question first being approved by the electors of the Town of Gypsum, the Authority shall provide financial support for the construction on an EGE Airport interchange, including commitment of matching funds to be combined with other local matching funds in support of the pursuit of state and federal grant funds. Any obligation of the Authority to provide matching funds will be conditional upon first securing funds for construction of the EGE Airport Interchange from all other available federal, state, and local funding sources and shall not exceed an amount budgeted therefor by the Board. It is anticipated that the Town of Eagle, Town of Gypsum, Eagle County, or some combination thereof will be the responsible entities for all permitting, financing and construction. and the Authority’s role would be limited to providing matching funds as described in this Section.

Section 6.03 Limitations on Powers of the Authority. Notwithstanding Sections 6.01 and 6.02 of this Agreement, the powers of the Authority shall be limited as follows:

(a) no action to establish or increase a tax or to create a multiple fiscal year debt or other financial obligation that is subject to Section 20(4)(h) of Article X of the State Constitution shall take effect unless first submitted to a vote in accordance with Section 612 of the Act;

(b) the Board shall deliver notice of any proposal to establish, increase or decrease any tax to any County, Municipality or special district Member where the proposed tax or fee would be imposed in accordance with Section 613 of the Act; and

(c) a notice of the imposition of or any increase in any fee or tax or the issuance of Bonds shall be sent to the Division of Local Government and shall be filed with the State Auditor and the State Transportation Commission in accordance with Section 614 of the Act.

Section 6.04 Limitations. If any portion of the Regional Transportation System alters the physical structure of or negatively impacts the safe operation of any state or local transportation improvement, the Authority shall, upon the request of the Governing Body of the jurisdiction impacted by the transportation improvement, in order to ensure coordinated transportation planning, efficient allocation of resources, and the equitable sharing of costs, enter into an intergovernmental agreement between the Authority and such jurisdiction concerning the applicable portion of the Regional Transportation System before commencing physical construction of that particular improvement.

**ARTICLE 7
FUNDING THE AUTHORITY**

Section 7.01 Baseline Funding. The baseline funding of the Authority shall be provided from the following sources:

(a) Initial Authority Sales and Use Tax. Subject to Section 2.05(b) of this Agreement, upon approval by the registered electors of the Ballot Question for each Initial Member, a sales and use tax of one-half percent (0.5%) shall be imposed in all areas within the Initial Boundaries of the Authority.

(b) Eagle County 0.5% Transportation Sales Tax. Eagle County shall pay to the Authority the proportion of the proceeds of the Eagle County 0.5% Transportation Sales Tax accrued on and after January 1 of the year following the Effective Date of this Agreement and that are allocated to ECRTA operations as of the Effective Date. To the extent required by law, the obligation of Eagle County to make such payments may be subject to annual appropriation by the Board of County Commissioners of Eagle County.

(c) Visitor Benefit and Lodging Tax. The Visitor Benefit Tax imposed by the Authority on persons who purchase overnight rooms or accommodations shall, upon satisfaction of the conditions stated below, be imposed at a rate of 1% within the Boundaries of the Authority:

Such Visitor Benefit Tax shall apply to all types of accommodations available for rent for a period of thirty days or less within the Boundaries of the Authority. The proceeds of the Visitor Benefit Tax shall be used by the Authority solely to finance, construct, operate, and maintain Regional Transportation Systems and provide incentives to overnight visitors to use public transportation. To the extent that the imposition of an additional tax by the Authority is precluded by Section 43-4-605(1)(i.5)(I), C.R.S., such Member shall seek alternative sources of funding, or pledge existing tax revenues, in an equivalent amount.

Section 7.02 Discretionary Member Contributions. A Member may, at its sole discretion, offer to make cash contributions to the Authority, provide in-kind services to the Authority or pay costs that otherwise would have been paid by the Authority (referred to as a “Discretionary Member Contribution”). If a Member offers to make a Discretionary Member Contribution, the Authority will, subject to Board approval on a case-by-case basis, make a good faith effort to provide additional transportation services within the boundaries of such Member with a value, or grant such Member a credit against other contributions or contract service payments to the Authority by or on behalf of such Member, in an amount equal to the Discretionary Member Contribution.

Section 7.03 Pursuit of Grants. The Authority shall actively pursue grants to support its activities, including grants for offsetting operating and capital costs, long range planning and environmental review, and major capital improvements. The Authority shall also cooperate and assist Members in their pursuit of grants for transportation projects.

Section 7.04 Capital Projects and Bonds. The Authority may fund capital projects by the issuance of Authority Bonds pursuant to Section 609 of the Act if voter approval is obtained for the issuance of such Bonds as required by Section 612(2) of the Act; through lease-purchase agreements or other arrangements permitted by, and subject to compliance with the applicable provisions of, State and federal law; or through one or more agreements with one or more Members. Bond issuances by Regional Transportation Enterprises formed pursuant to Section 606 of the Act do not require voter approval.

Section 7.05 No Implied Limits on Powers. Except as otherwise specifically provided, no provision of this Article 7 shall limit the Authority’s powers under the Act.

ARTICLE 8 REORGANIZATION

Section 8.01 Reorganization Plan. All relevant assets and liabilities of ECRTA will be transferred to the Authority in accordance with this Article 8 within an 18 month period of time from the Effective Date of this Agreement and establishment of the Authority (the “ECRTA Transition Period.”)

Section 8.02 ECRTA Transition Period, Maintenance of Effort. During the ECRTA Transition Period, the Authority will undertake the following:

(a) The Authority will assume responsibility for the services provided by ECRTA and will begin receipt transfers of the operating revenues of ECRTA (as distinguished from the contributions to the Roaring Fork Transportation Authority by its members) from Eagle County no later than January 1 of the year following formation of the Authority in accordance with Section 7.01(b) of this Agreement; provided, however, that the Authority may not allocate such revenues to any purpose other than funding of services provided by ECRTA, including payments under any contract with Eagle County referred to herein for services of employees or other assets of ECRTA, in order to ensure continuity of ECO Transit services during the ECRTA Transition Period as the provision of such services, and the transfer of assets and liabilities, transition from Eagle County to the Authority over such period.

(b) For the purpose of continuity, the existing ECRTA Advisory Board shall be constituted as an Advisory Committee pursuant to Article 4 of this Agreement for the purpose of advising the Authority’s initial Board with respect to the transition of ECRTA services throughout the ECRTA Transition Period. The Authority Board may add or remove members of the ECRTA Advisory Board as provided for in this Agreement.

(c) Either directly or by contract with Eagle County or others, will use reasonable efforts to:

(i) maintain continuity of the existing ECO Transit regional transit services provided by ECRTA within the Authority Boundaries and to neighboring jurisdictions,

without any significant changes in routes, schedules, or equipment, during the ECRTA Transition Period;

(ii) continue ongoing transportation planning efforts;

(iii) enter into contracts for transit services ECRTA currently provides to other Eagle County departments or entities no later than the end of the ECRTA Transition Period; and

(iv) accommodate Member requests for additional or new local services on the same fully allocated cost basis used to determine the cost of Authority services throughout the Authority service area;

(d) The Authority will assist Eagle County to cause all relevant Eagle County assets, liabilities, personnel, contracts, and operations to be formally transferred and assigned to the Authority, and to enter into any required intergovernmental agreement, leases, or other contractual arrangements to enable such transfers or assignments, prior to the conclusion of the ECRTA Transition Period; and

(e) The ECRTA Transition Period will be deemed concluded when all issues set forth in the Transition Plan (defined in Section 8.03) have been addressed to the satisfaction of the Board.

Section 8.03 Transition Plan.

(a) The Authority and Eagle County shall use their best efforts to agree on a “Transition Plan” that implements the provisions of this Article 8. The Transition Plan will specify how merger issues, including those related to human resources, employee benefits, insurance, transfer of ECRTA assets, contractual relationships (e.g. with the Town of Vail and the Town of Avon), and matters concerning the allocation of operating and capital costs and resources will be resolved.

ARTICLE 9 MEMBERS

Section 9.01 Initial Members. The Initial Members shall be the Initial Signatories whose participation in the Authority is approved at the November 8, 2022, election as described in Section 2.05 of this Agreement.

Section 9.02 Withdrawal of Initial Members.

(a) Following establishment of the Authority, an initial Member may withdraw from the Authority only if the Initial Member’s withdrawal is approved at an election by a majority of the electors voting thereon.

(b) If an Initial Member withdraws from the Authority pursuant to subsection (a) of this Section:

(i) the territory within the boundaries of such Initial Member will be excluded from the Boundaries of the Authority.

(ii) the taxes relevant to that Initial Member shall not be levied after the effective date of such withdrawal; and

(iii) the obligations of such Initial Member set forth in this Agreement shall terminate.

(c) Members may only withdraw from the Authority in the manner, and subject to the conditions, set forth in this Section.

Section 9.03 Additional Members. Any county, municipality, or special district with street improvement, safety protection, or transportation powers, or a portion thereof, which is not an Initial Member of the Authority, may become a Member (for purposes of this Section, a “new Member”) effective upon:

(a) the adoption of a resolution of the Board in accordance with Section 3.11(a) of this Agreement, the effectiveness of which may be conditioned upon compliance by such new Member with any conditions which the Board, in its sole discretion, sees fit to impose;

(b) unless the new Member is the State, approval of such new Member’s participation in the Authority by the electors residing within the territory of the new Member that is to be included in the Boundaries of the Authority; and

(c) compliance with any other conditions to the admission of such new Member as a Member or its execution of the amended Agreement imposed under the Act, the Intergovernmental Relations Statue or any other applicable law.

ARTICLE 10 TERM AND DISTRIBUTION OF ASSETS UPON TERMINATION

Section 10.01 Effective Date. The term of this Agreement shall begin when all the conditions to the establishment of the Authority set forth in Section 2.01 of this Agreement have been satisfied.

Section 10.02 Termination. The term of this Agreement shall end when all the Members agree in writing to terminate this Agreement; provided, however, that this Agreement may not be terminated so long as the Authority has any Bonds outstanding.

Section 10.03 Distribution of Assets Upon Termination. Upon termination of this Agreement pursuant to Section 10.02 of this Agreement, after payment of all Bonds and other obligations of the Authority, the net assets of the Authority shall be distributed to the parties who are Members at such time in proportion to the sum of:

(a) the amount of cash and the value of property and services contributed by them to the Authority pursuant to Article 7 and 8 of this Agreement minus the amount of cash and the value of property previously distributed to them by the Authority; and

(b) the amount of Authority taxes or other charges (other than fares) paid by their residents to the Authority pursuant to the Authority's exercise of the powers granted to it pursuant to the Act, with taxes or other charges paid by residents of areas of counties which are also located within a municipality or special district allocated 100% to the municipality or special district for such purposes.

ARTICLE 11 DEFENSE OF DIRECTORS, OFFICERS, MEMBERS OF ADVISORY COMMITTEES AND EMPLOYEES

Section 11.01 Authority Obligations. The Authority shall insure and defend each Director, Officer, member of an Advisory Committee and employee of the Authority in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal or other, including appeals), in which he or she may be involved in his or her official capacity by reason of his or her being or having been a Director, Officer, member of a Committee or employee of the Authority, or by reason of any action or omission by him or her in such capacity. The Authority shall insure and defend each Director, Officer, member of a Committee and employee of the Authority against all liability, costs and expenses arising from any such claim, suit or action, except any liability arising from criminal offenses or willful misconduct or gross negligence. The Authority's obligations pursuant to this Article 11 shall be limited to funds of the Authority available for such purpose, including but not necessarily limited to insurance proceeds. The Board may establish specific rules and procedures for the implementation of this Article 11.

ARTICLE 12 AMENDMENTS

Section 12.01 Amendments Generally. This Agreement, except as may be limited in this Article 12, may be amended only by resolution of the Board and upon unanimous consent of all Members minus one. Such consent shall first be manifested by a majority affirmative vote of the Governing Bodies of each Member.

Section 12.02 Amendments to Boundaries. Except as provided in Section 2.03 of this Agreement, the Initial Boundaries illustrated in Appendix A-1 and described in Appendix A-2, may be amended in accordance with Section 12.01 of this Agreement and with the required approval of the registered voters of any county, municipality or unincorporated portion of a county proposed to be added to the territory of the Authority. For purposes of this Section, the boundaries may not include territory within the boundaries of a municipality that is not a Member without the consent of the governing body of such municipality, and may not include territory within the unincorporated boundaries of a county that is not a Member without the consent of the governing body of such county.

Section 12.03 Modification of Appendices B-1 through B-8. Notwithstanding any other provision of this Agreement, any Ballot Question attached hereto as Appendix B-1 through B-8 may be modified by the Governing Body of the Initial Signatory responsible for submitting such Ballot Question to the electors as provided in Section 2.04 of this Agreement.

ARTICLE 13 MISCELLANEOUS

Section 13.01 Adoption and Execution of Agreement in Accordance with Law. Each initial Signatory hereby represents to each other Initial Signatory that it has adopted and executed this Agreement in accordance with applicable law.

Section 13.02 Parties in Interest. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon any Person other than the Initial Signatories and the Members any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the Initial Signatories and the Members.

Section 13.03 No Personal Liability. No covenant or agreement contained in this Agreement or any resolution or bylaw issued by the Board shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Member in his or her individual capacity.

Section 13.04 Notices. Except as otherwise provided in this Agreement, all notices, certificates, requests, requisitions or other communications by the Authority, any Member, any Director, any Alternate Director, any Officer or any member of a Committee to any other such person pursuant to this Agreement shall be in writing; shall be sufficiently given and shall be deemed given when actually received, in the case of the Authority and officers of the Authority, at the last address designated by the Authority for such purpose and, in the case of such other persons, at the last address specified by them in writing to the Secretary of the Authority; and, unless a certain number of days is specified, shall be given within a reasonable period of time.

Section 13.05 Assignment. None of the rights or benefits of any Member may be assigned, nor may any of the duties or obligations of any Member be delegated, without the express written consent of all the Members.

Section 13.06 Severability. If any clause, provision, subsection, Section, or Article of this Agreement shall be held to be invalid, illegal or unenforceable for any reason, the invalidity, illegality or enforceability of such clause, provision, subsection, Section or Article shall not affect any of the remaining provisions of this Agreement.

Section 13.07 Interpretation. Subject only to the express limitations set forth in this Agreement, this Agreement shall be liberally construed to permit:

(a) the Authority and the Members to exercise all powers that may be exercised by a regional transportation authority pursuant to the Act and by a separate legal entity created by a contract among the Members pursuant to the Intergovernmental Relations Statute;

(b) the Members to exercise all powers that may be exercised by them with respect to the subject matter of this Agreement pursuant to the Act, the Intergovernmental Relations Statute and other applicable law; and

(c) the Board to exercise all powers that may be exercised by the board of directors of a regional transportation authority pursuant to the Act and by the governing body of a separate legal entity created by a contract among the Members pursuant to the Intergovernmental Relations Statute. In the event of any conflict between the Act, the Intergovernmental Relations Statute or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Agreement shall control.

Section 13.08 Governing Law. The laws of the State shall govern the construction and enforcement of this Agreement. Venue for purposes of any litigation arising under this Agreement shall only be proper in the Eagle County District Court.

Section 13.09 Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement.

[Remainder of page left intentionally blank. Signature pages follow.]

SIGNATURE PAGE
to
EAGLE VALLEY TRANSPORTATION AUTHORITY
INTERGOVERNMENTAL AGREEMENT
Dated as of [May 31, 2022]

By:

[INSERT], COLORADO

By _____

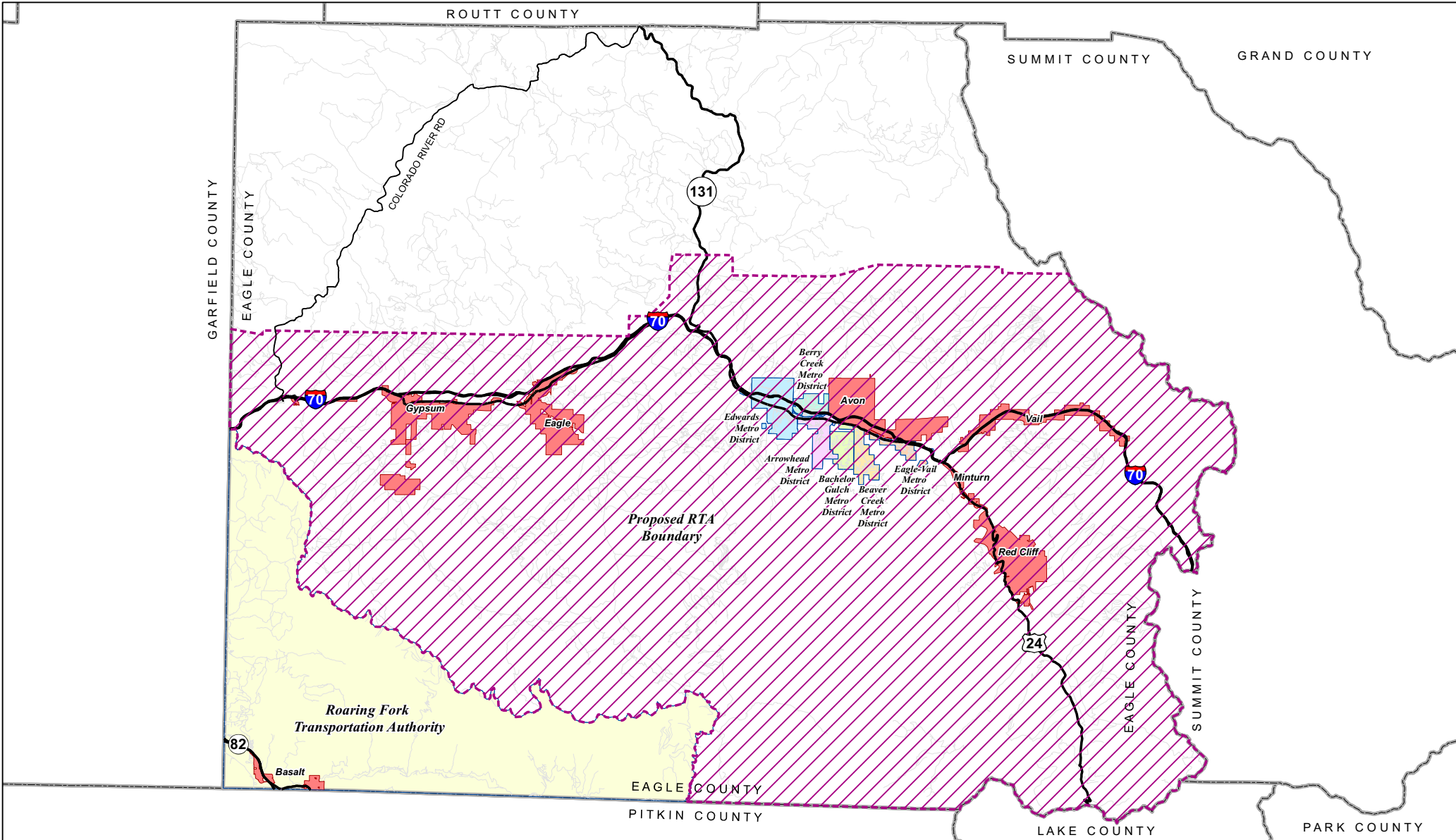
Name _____

Title _____

ATTEST

APPENDIX A-1

Authority Boundary Map



RTA Boundary
March 14, 2022

- Proposed RTA Boundary
- Town Boundary
- Major Highway
- County Boundary
- Arrowhead Metropolitan District
- Bachelor Gulch Metropolitan District
- Beaver Creek Metropolitan District
- Berry Creek Metropolitan District
- Eagle-Vail Metropolitan District
- Edwards Metropolitan District
- Roaring Fork Transportation Authority

This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

APPENDIX A-2

Authority Boundary Description

Exhibit A
to Notice of Formation of Regional Transportation Authority

Legal Description of RTA Boundaries

Beginning on the common township line for Township 3 South and Township 4 South, Range 80 West 6th Principal Meridian, point also being on the common boundary line of Eagle and Summit Counties, thence west along said township line to the NW corner of Section 6 Township 4 South Range 80 W. Thence north to the NE corner of Section 1 Township 4 South Range 81W. Thence west, conforming to the north boundary of Township 4, Ranges 81, 82 & 83 West to the SW corner of Section 36 Township 3 Range 83 West. Thence north to the NW corner of Section 36 Township 3 South Range 83 West. Thence west to the NW corner Section 33 Township 3 South Range 83 West. Thence south to SW corner of Section 33 Township 3 Range 83 West. Thence south to the SW corner of Section 4 Township 4 South Range 83 West. Thence southwesterly to the SW corner of Section 8 Township 4 South Range 83 West. Thence west to the NW corner Section 18 Township 4 South Range 83 West. Thence south to the SE corner of Section 13 Township 4 South Range 84 West. Thence west along the south lines of Sections 13, 14, 15, 16, 17 & 18 Township 4 South Range 84 West, the south lines of Sections 13, 14, 15, 16, 17 & 18 Township 4 South Range 85 West, and the south lines of Sections 13, 14, 15, 16, 17 & 18 Township 4 South Range 86 West to the SW corner Section 18 Township 4 South Range 86 West. Thence south to the NE corner of Section 24 Township 4 South Range 87 West. Thence westerly along the north boundary of Sections 24 and 23, Township 4 South Range 87 West to the common boundary line between Eagle and Garfield Counties. Thence southerly along the common boundary line between Eagle and Garfield Counties to the point of intersection of the western boundary of Eagle County and the northern boundary of the Roaring Fork Transportation Authority. Thence southeasterly following the northern boundary of the Roaring Fork Transportation Authority to the intersection of the Roaring Fork Transportation Authority and the southerly boundary of Eagle County. Thence easterly along the southern boundary of Eagle County to the point of intersection of the common boundary line of Eagle, Lake, and Summit Counties. Thence northerly along the eastern boundary of Eagle County to the point of origin.

APPENDIX B-1

Town of Avon Ballot Question

APPENDIX B-2

Beaver Creek Metropolitan District Ballot Question

APPENDIX B-3

Town of Eagle Ballot Question

APPENDIX B-4

Town of Gypsum Ballot Question

APPENDIX B-5

Town of Minturn Ballot Question

APPENDIX B-6

Town of Red Cliff Ballot Question

APPENDIX B-7

Town of Vail Ballot Question

APPENDIX B-8

Unincorporated Eagle County Question Ballot Question

APPENDIX C

Initial Service Goals

Eagle Valley Transportation Authority Regional Transportation Service Goals

The newly established Eagle Valley Transportation Authority, (“Authority”), shall use its best efforts to achieve the following:

1. Assume Responsibility for Existing ECO Transit Service

The Authority shall assume responsibility for existing transit service as currently provided by the Eagle County Regional Transportation Authority, (“ECO Transit”), as of January 1 of the year following RTA formation.

Within 12 months of RTA formation, the Authority shall develop and implement a fare-free transit zone with expanded service, to include portions of Avon, Vail, Minturn and Beaver Creek, as a replacement for ECO’s existing Vail/Beaver Creek Express service.

2. Increase Service on Current ECO Routes

The Authority shall begin planning for one or more of the following enhancements, to be introduced as soon as equipment, staffing, and facilities allow:

- Increased capacity and/or service frequency on Highway 6.
- Increased all-day service frequency on Valley Route, including additional daily connections to Dotsero.
- Increased service to/from Leadville.

3. Develop and Implement New Transit Routes

The Authority shall develop and implement new transit service to meet needs identified during the RTA formation process, including but not limited to:

- 1) Eagle-Gypsum Circulator
Regular transit service connecting the Towns of Eagle and Gypsum that promotes increased circulation in/between these communities and provides efficient connection to other regional routes.
- 2) Limited Stop Express Service
Additional rush hour express service targeting peak workforce commute hours.

In addition, the Authority may explore the feasibility of offering additional regional transit services as needs are identified in future Transit Development plans.

4. Accelerate Conversion of Fleet and Facilities to Zero-Emission Operations

The Authority shall take the following steps toward zero-emission operations:

- 1) Conversion of ECO's existing Highway 6 bus service to a zero-emission platform, on a timeframe that evaluates available grant funds, anticipated increases in range and performance capacity of zero-emission buses, and allocation of available Authority funds to other expenditures which may increase ridership.
- 2) Development of zero-emission plans, timelines, and budgets for additional routes and facilities as outlined in an initial RTA Transit Development Plan, to be created following RTA formation.

5. Invest in Transit-Related Facilities and Infrastructure

The Authority shall allocate a portion of available revenues to upgrade existing facilities to support planned service expansion. In addition, funds will be set aside in a capital improvement fund to support fleet replacement and future construction of essential transit-related and transit-supportive facilities.

6. Support Local Air Service

The Authority shall pledge funding in the minimum amount of \$1,200,000 dollars per year to support expanded year round air service for residents and visitors of Eagle County.

7. Regional Transportation System Planning

The Authority shall embark on a 5-year Transit Development Plan (TDP) as one of its first tasks upon formation. This plan should be completed within 12-18 months of the appointment of the initial Authority Executive Director.

APPENDIX D

[]

Eagle Valley Transportation Authority

Community update and discussion about
proposed Intergovernmental Agreement

April 20, 2022 | Town of Minturn



Regional Transportation Authorities (RTAs)

- RTA is a public entity that allows two or more local governments—including counties, cities, town and metro districts—to work together to address regional transportation issues
- RTA transportation services may include transit, air, roadway and other services
- RTAs are governed by a board of appointed elected officials representing the partner governments and must follow open meeting and fiscal accountability and transparency laws
- RTA creation must be approved by local voters
 - RTAs can also seek voter approval to collect tax revenue and issue bonds

Background

- In early 2020, Eagle County business community engaged local governments to find better ways to address transportation needs for workforce, residents and visitors
- Looking at the Roaring Fork Transit Authority (RFTA) and other examples, conversation turned toward feasibility of Regional Transportation Authority (RTA) to enhance and expand transit and transportation services across this region
- COVID-19 pandemic put this conversion on hold
- Eagle County; the towns of Avon, Eagle, Gypsum, Minturn, Red Cliff and Vail; and Beaver Creek Metro District—along with business and nonprofit partners—have renewed collaborative work toward improving regional transportation

RTA Formation Participants

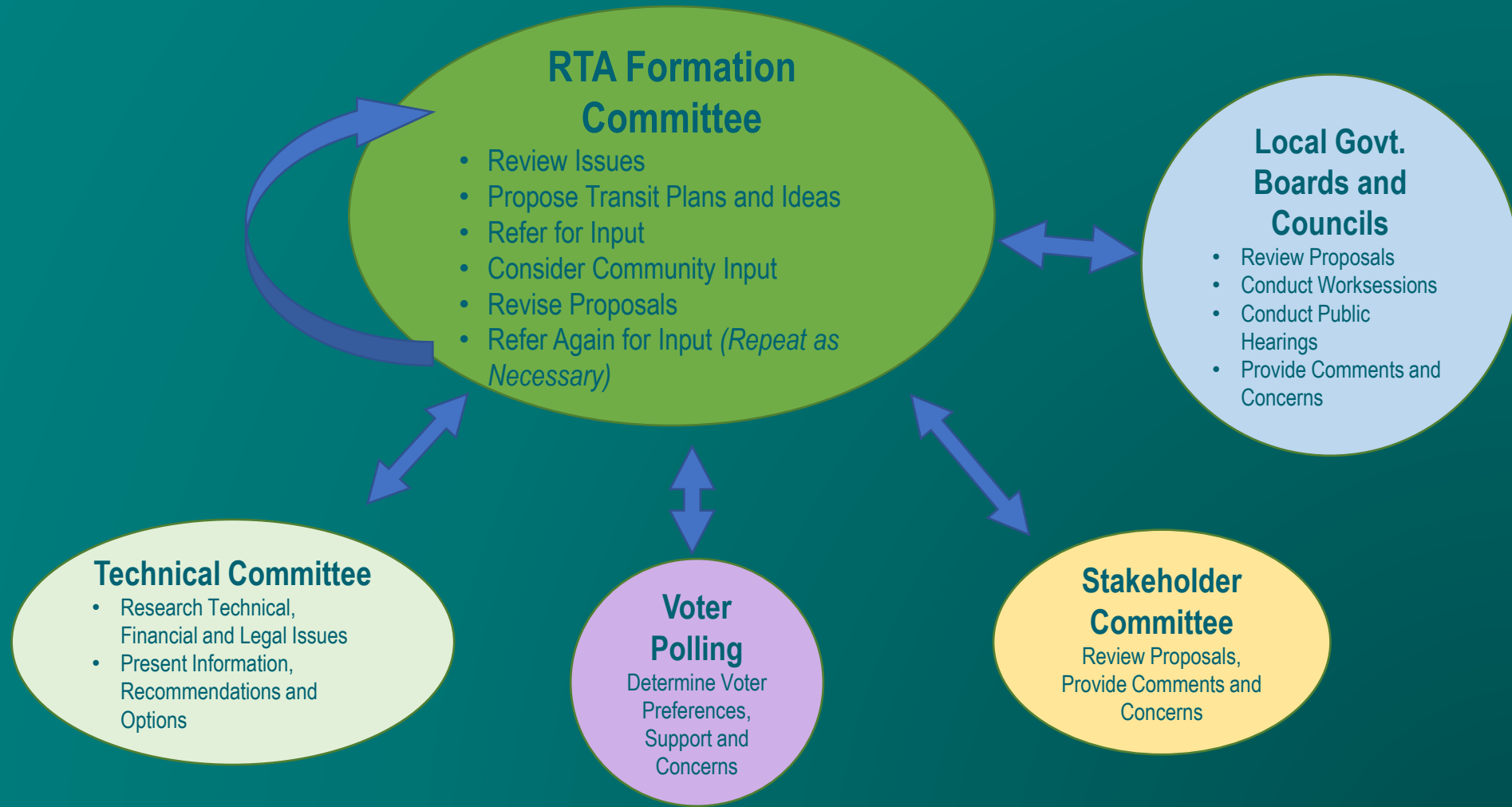
- Collaborative process between local governments
 - Support and input from stakeholders, including employers, nonprofits, metro districts, community members
- Began formally in fall 2021 with approval of Memorandum of Understanding
 - Agreement that was approved by eight local governments that set tasks (IGA and service goals), membership, financial resources and oversight
- **Formation Committee**—Elected officials representing each community; responsible for IGA, future ballot language, tax/funding amounts
- **Technical Committee**—Government staff, transit directors, business partners, others who are working on service goals, cost estimates and other tasks
- **Stakeholder Committee**—Community members who provide diverse backgrounds to help offer feedback and additional points of view on transit needs

Reasons to Consider an RTA

- Eagle County's population is growing, our resorts have continued to be world class destinations and visitors continue to visit to this region
 - Growth provides economic opportunities for many, but also strains our region's housing and transportation systems
- As we emerge from the pandemic, it's time to work on collaborative solutions to increase transit and transportation options
 - Doing this will support our workforce; help Eagle County residents get to work, home and school safely; and for visitors to enjoy their Eagle County experience
- Transportation is a regional issue requiring a truly regional solution
- RTA can support our shared climate goals and prepare our communities for the next 10 to 20 years

Iterative Process

Repeat process until voter support is identified



RTA Timeline

- April/May:** Public hearings by local governments on IGA
- April/May:** Benchmark public survey
- May/June:** First phase of public engagement
- May 27:** RTA IGA referred to CDOT for review and comment (90 days comment period)
- August:** Local governments to consider final version of IGA and resolution to refer to election
- August:** Second phase of public engagement
- Sept. 9:** Last day to refer ballot question to Nov. 2022 election
- Sept. to Nov.** Campaign phase
- Nov. 8:** Election day

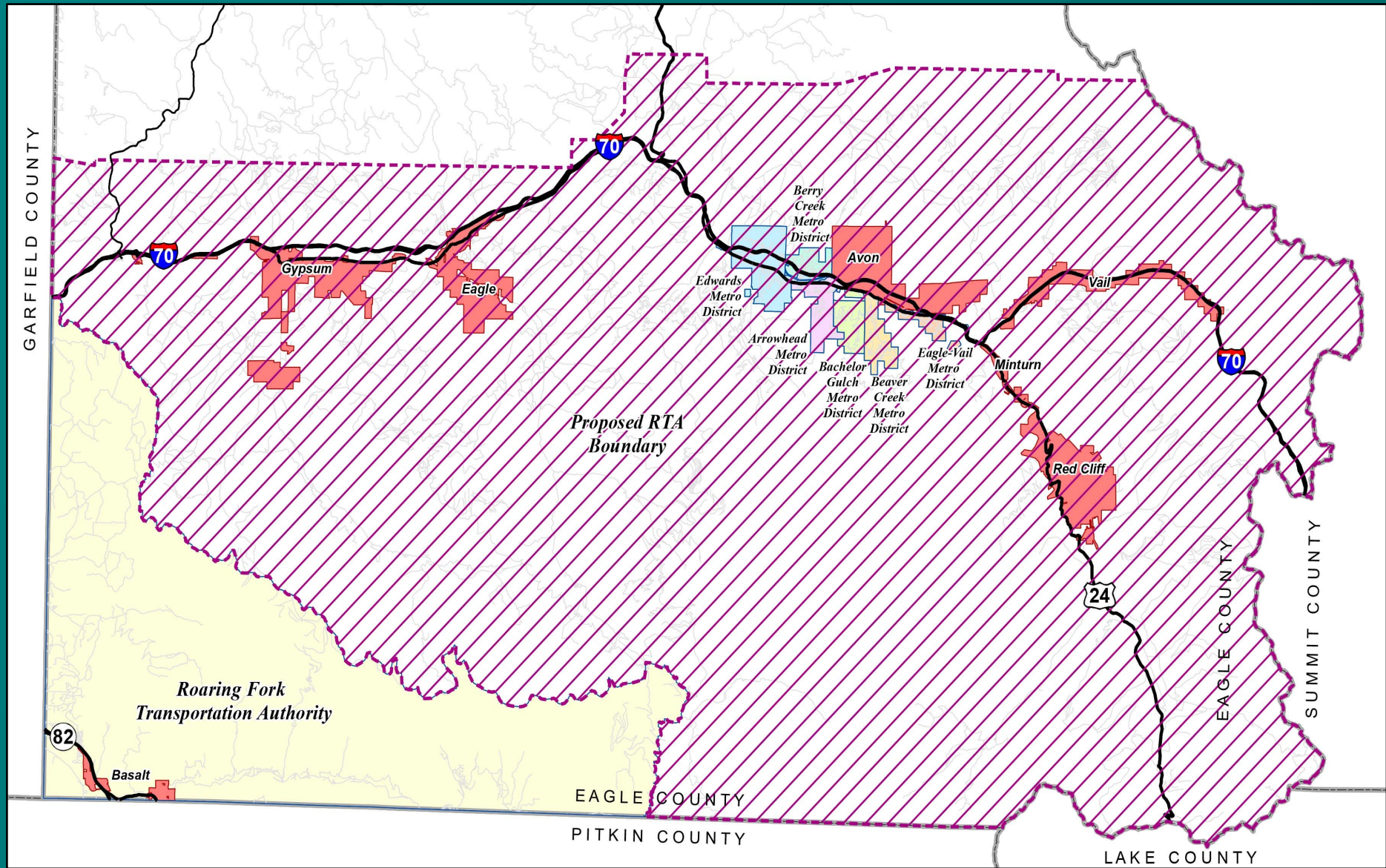
Establishing an RTA

- Creation of an RTA is a formal process defined in state law
- Local governments involved must work together to create an intergovernmental agreement (IGA)—a legal document that sets forth the governance, service goals and other key operating provisions of the RTA
- “Charter” document must be agreed upon by the elected councils and boards in each community
 - Ultimately, voters must agree to the formation of the RTA and any taxing or bonding requests made to provide funding for the RTA’s services and operations
- IGA process requires two separate public hearings to be held in each jurisdiction considering adopting the IGA
 - Feedback from council and public will be shared with the RTA formation committee to help address local community needs and concerns

Intergovernmental Agreement (IGA)

- IGA establishes a Board of Directors that consists of one elected official from each member entity
 - Action by the Board must be approved by a two-thirds majority of the Board, except for certain more procedural actions, such as setting meetings
 - Each member also appoints an alternative director who also is an elected official and participates when the primary member is unavailable
- Contemplates funding for RTA, including:
 - 0.5% sales and use tax within the boundaries of authority
 - Pledging Eagle County's existing 0.5% transportation sales tax (to be used on ECO Transit services)
 - Potential 1% Visitor Benefit Tax within the boundaries of the Authority
 - Discretionary member contributions
 - Federal and State grants

Proposed RTA Boundaries



Intergovernmental Agreement (IGA)

- Provides RTA all available statutory powers and specific responsibilities, including:
 - Assuming ECO Transit services (subject to a transition plan to be developed)
 - Annual short- and long-term transportation planning for the Eagle Valley
 - State and federal coordination for grant funding and regional transit
 - Contracting for transit services and build transportation infrastructure
 - Maintaining regional trails and pedestrian infrastructure
 - Supporting increased commercial air service
- Operating and funding specific initial projects, including:
 - Developing a fare-free transit zone with expanded service, to include portions of Avon, Vail, Minturn and Beaver Creek
 - Increasing other current ECO Transit service, including on Highway 6, Dotsero, and Leadville
 - Implementing new transit routes , including an Eagle-Gypsum circulator and additional peak workforce commute hour express service
 - Accelerating zero-emission transition

Intergovernmental Agreement (IGA)

- IGA establishes key procedures for RTA moving forward:
 - Requires that each member hold an election to be included
 - As drafted, Avon, Beaver Creek, Eagle County and Vail must vote yes, or the RTA will not be formed and IGA will terminate
 - Provides pathway for members to leave RTA and for new members to join:
 - Members may withdraw by vote of the electors
 - Members may be added with Board approval and a vote of the electors within the boundaries of the new member
 - States that RTA may be terminated by unanimous agreement of the members, provided no bonds are outstanding
 - Allows IGA to be amended by unanimous vote of the member governments, minus one

RTA Service Goals

- Comprehensive, multi-modal transportation enhancement and optimization
 - **Benefit residents** with enhanced transit service
 - **Benefit eagle county businesses** that desire effective transit for employees
 - **Improve the visitor experience** to maintain economic competitiveness
 - Increase transit ridership to reduce reliance on single occupant vehicle use
 - Regional representation with a comprehensive, long-range planning view
- **Overall intent is to maintain, enhance and expand current ECO transit service**

RTA Service Goals

1. Enhance Existing Regional Transit Service

- Assume responsibility for existing transit service as currently provided by ECO Transit on the following routes
- Develop and implement a fare-free transit zone with expanded service, which may include all or portions of Avon, Vail, Minturn and Beaver Creek, to better meet both visitor and workforce needs, reduce congestion, and limit parking demand
- Planning for more enhancements to ECO Transit routes be introduced as soon as equipment, staffing, and facilities allow

RTA Service Goals

2. Develop and Implement New Routes

- Within 12 months of Authority establishment:
 - Eagle-Gypsum Circulator Service
 - Limited Stop Express Service targeting peak workforce commute hours
- Explore feasibility of offering additional regional services that may be identified by the RTA

RTA Service Goals

3. Accelerate Conversion to Zero-Emission Operations

- Conversion of ECO's existing Highway 6 bus service to a zero-emission platform
 - Complete conversion to zero emission buses is anticipated to occur between 5 to 10 years (2028 to 2033)
- Development of zero-emission plans, timelines and budgets for additional routes and facilities as outlined in an initial RTA Transit Development Plan, to be created following RTA formation

RTA Service Goals

4. Invest in Transit-Related Facilities & Infrastructure

- Allocate a portion of available revenues to upgrade existing facilities to support planned service expansion
- Funds will be set aside in a capital improvement fund to support fleet replacement and future construction of essential transit-related and transit-supportive facilities

5. Support Local Air Service

- Pledge approximately \$1.2M per year to support expanded year-round air service for residents and visitors of Eagle County to replace existing Air Alliance contributions, returning funds back to local governments

RTA Service Goals

6. EGE Airport Interchange

- Provide financial support for the construction of an EGE Airport Interchange by committing matching funds to be combined with other local funds if there are sufficient state and federal grant funds awarded for the construction of the EGE Airport Interchange

7. Develop & Implement First-Last Mile Solutions

- Design, financially support and implement, with partnerships as appropriate, first and last mile improvements to enhance transit ridership, including park and ride facilities, bus stops, pedestrian crossings, e-bike sharing, on-demand microtransit, and community vanpool programs

RTA Service Goals

8. Support Regional Trail Planning

- Engage in regional trail planning, construction and maintenance with an emphasis on the provision of multi-modal linkages and first/last mile improvements to enhance transit ridership.

9. Lead Regional Transportation System Planning

10. Enhance Local, State, and Federal Coordination

11. Encourage Transportation Demand Management

Potential RTA Funding Sources

- Authorized Revenue Sources for RTA
 - up to 1 Cent Sales Tax
 - up to 2 Cent “Visitor Benefit Tax” (same as lodging tax or accommodations tax)
 - Ridership fares
 - Charges for Transit Services (may charge for transit service out of Transit Area)
 - Allowed by law but not currently under consideration
 - up to 5 Mill Property Tax
 - up to \$10 per Vehicle Registration Fee
 - **NOTE: Taxes require voter OK per TABOR**

RTA and IGA Feedback

- Input and feedback are critical to ensuring that this RTA proposal meets transportation needs and addresses concerns of our communities
- Invite public, elected officials, business owners and employers, nonprofits and all community members to provide feedback at:

EagleCountyRTA.org/feedback

Questions?

For more information:

Tanya Allen | 970-328-3533 | tanya.allen@eaglecounty.us

Bill Ray | 303-885-1881 | bill@wr-communications.com



Notice of public meetings on proposed Eagle Valley Transportation Authority



Local governments and community partners in eastern Eagle County are considering the formation of a Regional Transportation Authority to enhance and expand transit and transportation services for our residents, businesses and visitors.

Now we are inviting community members to learn more and provide feedback on this proposal.

Eagle County; the towns of Avon, Eagle, Gypsum, Minturn, Red Cliff and Vail; and Beaver Creek Metro District will hold public hearings as part of regularly scheduled meetings on the following dates and times. The public hearings will provide details about the proposed RTA and a draft intergovernmental agreement that is being considered by the eight local governments for the creation of the Eagle Valley Transportation Authority under the state's Regional Transportation Authority law. Please consider joining one of the April public meetings to learn more and provide your feedback.



EAGLE COUNTY



Town of Red Cliff
April 19, 7 p.m.
Town Hall

Town of Eagle
April 26, 6 p.m.
Council Chambers

Town of Minturn
April 20, 5:30 p.m.
Council Chambers

Town of Gypsum
April 26, 7 p.m.
Council Chambers

Eagle County
April 26, 3:30 p.m.
Eagle County Room, Eagle

Beaver Creek Metropolitan District
April 27, 8:30 a.m.
Zoom / beavercreekmetro.com

Town of Avon
April 26, 5 p.m.
Council Chambers

Town of Vail
May 3, 6 p.m.
Council Chambers

Please check agendas for each entity for timing and materials.

Visit www.EagleCountyRTA.org for more information and updates

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

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

DATE: May 13, 2022
TO: Minturn Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Ordinance 6 – Outdoor Watering Regulations

Ordinance No. 6, Series 2022 on second reading permanently codifies the Town Code’s existing emergency outdoor watering regulations that Council has adopted by resolution in low water years. By codifying these regulations, the Town is acknowledging that water availability is likely to continue to diminish and thus inefficient uses of water should be curtailed. Outdoor irrigation accounts for a significant amount of water use, and most of the water wasted and not reused. Local governments throughout the West are enacting similar permanent outdoor watering restrictions. These restrictions will apply equally to any outdoor water use, including washing cars, washing impervious surfaces, filling pools, and irrigation.

The ordinance’s regulations are as follows:

- Odd and even numbered addresses alternate watering days.
- No outdoor irrigation between 10AM and 5PM.
- Swimming pools can only be filled once per year; hot tubs 4 four times per year.
- Watering and car washing should only occur with nozzled hoses.

The exceptions to these restrictions include:

- Allowing hand watering for annual and vegetable gardens on any day.
- Operating during the repair of irrigation systems on any day.

We have made some changes at Council’s request from First Reading, including:

- Retaining emergency water use restriction authority
- Granting the Town Manager temporary emergency use restriction authority

- Providing for a permit to allow watering any day of the week for the first year of a new landscaping installation

The question also came up for what constitutes a “water-using unit”. The following is the definition provided in Chapter 13:

Water-using unit includes any space, structure or building, movable, fixed or otherwise, or any part or parcel of the same for which a separate water rate is applicable, or, in the alternative, any space, structure or building, movable, fixed or otherwise, or any part or parcel thereof having or being equipped with a device, fixture or method for using water.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 06 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 13, ARTICLE 2 OF
THE MINTURN MUNICIPAL CODE TO PROVIDE FOR
PERMANENT OUTDOOR WATER USE REGULATIONS
WITHIN THE TOWN.**

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

WHEREAS, Chapter 13, Article 2 of the Municipal Code governs the operation and use of the Town’s water utility; and

WHEREAS, the Town’s water availability and use as set forth within our various legal water rights is being impacted by decreasing annual stream flow and exacerbated by drought conditions; and

WHEREAS, nationwide, approximately 50% of residential water is used for outdoor landscape irrigation and approximately 50% of that amount is “wasted” through evaporation, wind, or runoff caused by inefficient irrigation methods and systems; and

WHEREAS, the Town desires that property owners and developers understand the impacts of low stream flow on the Town’s water availability and be required to take measures to conserve water; and

WHEREAS, Code Sec. 13-2-130 provides for certain emergency water restrictions that now appear necessary to adopt on a permanent basis; and

WHEREAS, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Municipal Code to provide for permanent outdoor watering restrictions within the Town.

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

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

SECTION 2. Section 13-2-130 of the Minturn Municipal Code is hereby amended as set forth below new text double underlined and deleted text in ~~striketrough~~. The Town’s codifier is authorized renumber and format the code in conformance with these amendments.

ARTICLE 2 – Water Service Applications and Connections

...

Sec. 13-2-130. Water use restrictions; emergency restrictions.

...

- (b) The Town recognizes that certain conditions may exist when water supply is temporarily limited.
 - (1) If conditions so limit the water supply available to the Town's water system that unrestricted water use may endanger the adequacy of that supply, the Town Council, exercising its sole discretion in the protection of the public health, safety and welfare, may, by resolution, adopt the emergency water use restrictions in this Subsection and such other or additional regulations and restrictions as are reasonably calculated to conserve and protect the water supply and to ensure a regular flow of water through the system.
 - (2) Town Manager may enact emergency water restrictions in place until the following Town Council meeting and may be extended by Resolution of the Council.
 - (23) Emergency water use regulations and restrictions shall remain in force and effect until the Town Council determines that the conditions requiring their imposition no longer exist.
- (4c) Permanent Water Use Regulation. Subsequent to adoption by resolution of the Town Council and commencing June 1, and continuing through September 30, n~~No~~ water shall be used for lawn irrigation or other purposes outside the water-using unit, including but not limited to outdoor landscape irrigation, washing vehicles, washing impervious outdoor surfaces, filling pools and other water features, except as follows:
 - 1a. Water-using units with even-numbered addresses may use water for outdoor purposes irrigation water on Sundays, Wednesdays and Fridays.
 - 2b. Water-using units with odd-numbered addresses may use water for outdoor purposes irrigation water on Tuesdays, Thursdays and Saturdays.
 - (3) For new landscaping installations, a permit shall be available from the Town for a term of one year that allows outdoor water use for irrigation purposes on any day of the week, subject to any emergency water use restrictions.

- 4e. Annuals and vegetables may be watered any day by means of a hand-held hose or low-volume non-spray irrigation.
- 5d. No outside irrigation shall occur between the hours of 10:00 a.m. and 5:00 p.m.
- 6e. Swimming pools will be limited to one (1) filling per calendar year, unless draining for repairs is necessary. Hot tubs and jacuzzis will be limited to four fillings per calendar year.
- 7f. No irrigation shall be permitted at any time by use of free-running hose without nozzle or sprinkler.
- 8. Washing of impervious surfaces on days not authorized by this section shall be allowed for the preservation of public health.
- 9. Irrigation systems may be operated on days not authorized by this section during maintenance and repair of such system.
- 10. At locations other than commercial car washes, residents may wash their personal vehicles using only a bucket or a hand-held hose equipped with an automatic shutoff nozzle.
- 11. Nothing herein shall prevent the imposition of a total ban on outside water use in the event of an extreme emergency, nor to further create an exception to meet a specific water supply condition.

.....

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20th DAY OF APRIL, 2022. 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 18TH DAY OF APRIL, 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 18TH DAY OF APRIL, 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

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



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

To: Town Council
From: Madison Harris, Planner I
Date: May 13, 2022
Re: Chapter 16 - Zoning Text Amendment Ordinance (Sign Regulations)

Staff is presenting an ordinance to amend certain sections of Chapter 16 - *Zoning*, of the Minturn Municipal Code. The area of revisions proposed within the ordinance will address, define and permit certain sign regulations.

Definitions

The changes proposed clarify and enhance the definition and calculation of building frontage and sign area. It also removes confusing language that staff is unsure how to interpret or enforce while adding language that gives staff and the Planning Commission more direction in what counts as sign area.

Signs Permitted in Commercial and Mixed Use Zones

The changes proposed give a more proportional allowance towards sign square footage limitations rather than a one size fits all approach. It was also determined that since a large part of our existing commercial operates in the Old Town Mixed Use zone district, it was reasonable to allow Mixed Use zones similar amounts of signage area.

Discussion at Planning Commission Meeting April 26, 2022

The Planning Commission recommended approval of the ordinance with two changes from what was presented to them. The first change was to allow individual tenants in multi-tenant buildings to exceed their forty square foot sign allotment to the individual tenants, but not to exceed the building's limitations on sign area as a whole, would need approval from the property owner. The second change was to remove “and signs that flash or otherwise display varying intensity of light” from Sec. 16-19-120 (d).

Both of these items were addressed in the ordinance that is before the Council, so both staff and the Planning Commission are recommending approval.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 09 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 19, CHAPTER 16 SIGN
REGULATIONS OF THE MINTURN MUNICIPAL CODE.**

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

WHEREAS, the Planning Director has initiated and proposed the text amendment to Minturn Municipal Code Chapter 16, the Town Land Use Regulations, Article 19, Sign Regulations as provided herein; and

WHEREAS, on April 26, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

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

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

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

SECTION 2. Article 19, Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~striketrough 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.

ARTICLE 19 – Sign Regulations

* * *

Sec. 16-19-30. - Definitions.

Building frontage means the length of a building or structure wall or walls ~~that faces~~ facing a public street or right-of-way and used for the purpose of calculating maximum allowable sign area for an individual business. ~~For example, if a building has two (2) street frontages, the total linear length of those two (2) building sides that face the streets shall be used to calculate the allowable signage square footage in that particular zone district.~~

Combined building frontage means the combined length of lineal frontage for a building or structure wall or walls facing more than one (1) public street or right-of-way and used for the purpose of calculating maximum allowable sign area for an individual business.

Sign area or surface area:

- a. *Single-face sign:* The entire area within a single continuous perimeter composed of squares, circles, triangles or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color or condition which forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports, architectural features, detailing or banding that is integral and incidental to the façade of the building and is clearly not considered sign backing, or uprights on which such sign is placed, ~~unless, when supporting structures are over fifty percent (50%) of the width or length of the sign itself, the area shall be considered to add in size and mass to the sign and shall be added to total sign size.~~
- b. *Two- or more faced signs:* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area, when both faces are parallel and the distance between faces does not exceed five (5) feet or the interior angle does not exceed forty-five (45) degrees if the boards are in a "V" configuration.
- c. *Exempt sign backing:* For buildings where signage is to be mounted on building facades (such as pin-mounted or painted lettering), or on architectural detailing such as banding which is clearly integral and incidental to the building façade and architectural detailing of the building or structure, but which is i) clearly not intended to act as a separate sign backing, or ii) not integral to the construction of the sign or signage, such detailing, siding materials and/or architectural features may be exempt from the sign area calculations. However, if an applicant proposes to paint a sign on a building or structure siding or façade and the use of multiple colors produces the illusion of a sign (lettering, message, announcement, declaration, demonstration, display, illustration, or insignia) with backing, the entire area of backing shall count toward the sign area.

* * *

Sec. 16-19-110. - Specific regulations; permitted signs in Commercial and Industrial Zone Districts.

In Commercial and Industrial Zone Districts, all signs shall comply with the following:

(1) Size and height requirements:

- a. Individual business sign. For any building or structure containing only one (1) business, the following sign allowance is permitted:
 1. ~~A sign~~ All signage for an individual business shall not exceed one (1) square foot of sign area per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way. but not

~~to exceed forty (40) square feet of total sign area.~~ If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.

2. More than one (1) commercial advertising sign is permitted, provided that the total sign area of all signs does not exceed one (1) square foot per lineal foot of building frontage, and if the Combined Building Frontage exceeds forty (40) lineal feet then the total square footage of allowable sign area of all signs for any individual business shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive. ~~and forty (40) square feet of total sign area.~~
 3. No part of any sign shall exceed the height of any building on the same lot, or in any case be more than twenty (20) feet in height.
- b. Multiple business sign. For any building or structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:
1. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business, ~~but~~ not to exceed forty (40) square feet. If the individual business would like to exceed the forty (40) square foot maximum in a multi-tenant building not to exceed the total allowable sign area for the building, then permission from the property owner must be obtained and submitted to the Town in writing.
 2. The combined size of all signs for the structure in which the multiple businesses are located shall not exceed the total linear footage of ~~building frontage~~ the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 3. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign

shall be one (1) square foot per lineal feet of building frontage and not to exceed twenty (20) square feet, whichever is less.

4. No part of any sign shall exceed the height of any building on the same lot or in any case be more than twenty (20) feet in height.
5. In a multi-tenant building, sign applicants may propose a customized Master Sign Program for the entire building in accordance with these regulations. However, sign applicants may propose variations that allow for flexibility in allowable sign area and placement. Any variations proposed as part of a Master Sign Program shall be applied for in accordance with Section 16-19-140 – Variances.

(2) Illumination:

- a. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such reflection or glare might create a traffic hazard. Such sign illumination shall include but not be limited to internal illumination and directed lighting.
- b. Hours of illumination: Signs located adjacent to and across the street from residential areas shall remain lighted until no later than 11:00 p.m. or until the close of business, whichever is later.

(3) Permitted signs: The following commercial advertising signs shall require a sign permit. Unless stated otherwise, these signs will be calculated into the total sign allowance as described herein.

- a. Canopy, awning and flag as signs. No such sign shall project above the top of the building or structure upon which it is mounted. Under-canopy or awning signs perpendicular to the face of the building shall be considered projecting wall signs. Canopies, awnings and flags may extend over a public right-of-way from the face of the supporting building and must be a minimum of eight (8) feet above any public right-of-way. Canopies, awnings and flags shall not extend within two (2) feet of the curb line of a public street. The signage on an awning or canopy shall be counted toward the total allowable sign area. Flags used as signs shall be counted in total size toward the total allowable sign area. Governmental flags are exempted as per [Section 16-19-80](#) above
- b. Directional. Directional signs as defined in [Section 16-19-30](#) above are allowed and shall not exceed four (4) square feet.
- c. Freestanding. Freestanding signs are allowed within required setbacks but shall not overhang into the public right-of-way or pose any visual or obstructive hazard.

- d. Gas-filled tube lighting. Gas-filled tube lighting shall be considered signage and may be used for text, logos, symbols and in linear applications such as outlining or highlighting rooflines, buildings, perimeters, windows and doorways. In the case of measuring linear applications of gas-filled tube lighting, the tube shall be considered as being three (3) inches wide and shall be multiplied by the length of the tube to determine square footage, which will then be applied to the total allowable signage. Otherwise, signage shall be measured by the outside dimensions of the sign.
- e. Off-premises signs. Off-premises advertising signs are permitted, provided that:
 - 1. Written permission is granted by the Colorado Department of Transportation if the sign is to be located adjacent to Highway 24.
 - 2. Written permission is granted by the property owner where the sign is to be located.
 - 3. The total sign allowance on the property where the off-premises advertising sign shall be located does not exceed the total allowed sign area for the lot or building on which the off-premises sign is to be placed. In no case shall the total area of an off-premises sign exceed forty (40) square feet. The off-premises advertising sign shall be calculated into the total sign allowance on the property where the sign is located.
 - 4. No off-premises advertising signs shall be permitted in the public right-of-way.
 - 5. Off-premises signs shall not be permitted on properties where the primary use is residential even when the property is located in a commercial or industrial zone.
- f. Projecting signs. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. Signs shall not project within two (2) feet of the curb line of a public street and must be placed a minimum of fourteen (14) feet above a driveway or alley.
- g. Sandwich board. Sandwich board signs are not allowed on the public right-of-way but may be permitted on private property subject to the review of the Commission and shall be counted towards the total sign allowance for the property, except when applied for as a temporary use.
- h. Symbolic signs. Signs such as barber poles, mortar and pestle, etc., which are traditional in nature and size, shall be permitted and will not be included in the total allowable sign area, provided that the symbolic sign is not out of proportion with the structure and overall signs on the building.
- i. Wall signs. Wall signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.

- j. Window signs. Window signs are permitted, provided that no more than twenty-five percent (25%) of the exterior window area is obscured by commercial advertising signs and shall be included in the total maximum sign allowance. This does not apply to temporary window signs.

Sec. 16-19-120. - Specific regulations; permitted signs in Mixed Use Zone District.

(a) Signs shall be allowed for the Mixed-Use Zone District as follows:

- (1) Size and height requirements: One (1) sign shall be permitted which shall not exceed one (1) square foot per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way. If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive. but not to exceed twenty (20) square feet of total sign area, whichever is less.
- (2) Multiple business signs. For any structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:
 - a. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business not to exceed forty (40) square feet. Each mixed-use advertising sign shall not exceed six (6) square feet of total sign area for each individual sign.
 - b. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign shall be one (1) square foot per lineal foot of building frontage or not to exceed twenty (20) square feet, whichever is less.
- (b) If a single business desires more than one (1) sign on a building, the total sign area for the combined signs shall not exceed the total linear footage of building frontage the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive. cannot exceed twenty (20) square feet.
- (c) ~~Cut out lettering used as window signage shall not exceed five (5) inches in height, except the initial letter of each word, which may be six (6) inches in height.~~

- (d) Advertisement by means of internally lit, neon or other illuminated gas-tube lighted signs; signs with moving parts; signs with Day-Glo or fluorescent colors ~~and signs that flash or otherwise display varying intensity of light~~ shall be allowed during regular business hours, not to be before 7:00 a.m. or after 11:00 p.m.
- (e) Illumination. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Such illumination shall include, but not be limited to, internal illumination and directed lighting. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such a reflection or glare might create a traffic hazard.
- (f) Hours of illumination. Signs located adjacent to and across the street from residential areas shall remain lit until no later than 11:00 p.m. or until the close of business, whichever is later.
- (g) Sandwich board signs shall be prohibited.
- (h) No sign shall have audible devices.
- (i) No sign shall be painted, constructed or placed upon any roof.
- (j) No part of any sign shall exceed the height of any building on the same lot.
- (k) Sections [16-19-10](#) through [16-19-140](#) of this Article shall remain in effect with respect to mixed-use zones, as well as all others.

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 18th DAY OF MAY 2022. 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 1st DAY OF JUNE 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 1ST DAY OF JUNE 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Minturn Town Council
From: Michelle Metteer
Date: May 18, 2022
RE: Town Manager Update

Congressionally Directed Spending- Round 2

Minturn has applied for \$2,000,000 for funding toward the Minturn water treatment plant. Senator Bennet's office has agreed to support this application in congressional committee. This is a very competitive application process but having Senator Bennet's support will be very helpful.

Bolts Headgate & Ditch Permitting

The cultural resource report has been completed and staff is preparing to submit the 299-permit application to the USFS so the NEPA process can begin.

EIAF Grant Application

Minturn's grant application for matching funds toward the construction of sidewalks from the 900-block of Main Street to the Boneyard Open Space has made it to the final round for consideration. I'll be traveling to Denver at the end of the month to present our application to the DOLA board for final consideration.

Bear Aware

It's that time of year! Please keep your trash containers locked and all bird feeders out of the reach of bears.

Pine Street Construction

Repair and replacement of the 300-block of Pine Street is underway. We apologize for the mess and hope to have things put back together by the end of May. Information on the project can be found at www.minturn.org or by visiting town hall.

Main Street to Boulder St Waterline Looping

This project is out for bid and construction is scheduled to take place later this summer.

Water Tank Construction

Construction on the new water tank is underway. The new tank will be located on the same parcel of land that houses the water treatment plant. Construction noise can be heard from the Maloit Park area. The contractor has asked that folks stay clear of the road and construction area throughout this summer.

Waiver Request

Staff is seeking approval from Council for the authorization of the waiving any conflicts by Holland and Hart in relation to the Town's current water court application and opposers who are represented by H&H on an unrelated matter. Please confirm approval.

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



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

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

REGULAR TOWN COUNCIL MEETINGS
May 18, 2022
Regional Transit Authority Discussion
Joint Council/Planning Commission meeting – 100 Block Design Guidelines Review & Community Plan Update
Discussion/Direction - Holy Cross Energy Easement Requests
Ordinance 06 - Series 2022 (Second Reading) An Ordinance amending the outdoor water requirements for the Town of Minturn.
Ordinance ___ - Series 2022 (First Reading) An Ordinance amending Article 19, Chapter 16, Sign Code – Madison
Discussion/Direction – Town Lease Lot/Sun Up Sealcoats – Metteer
June 1, 2022
Ordinance ___ - Series 2022 (Second Reading) An Ordinance amending Article 19 Sign Code, Chapter 16 – Madison
Ordinance ___ - Series 2022 (First Reading) Historic Preservation policy creation
Resolution ___ - Series 2022 A Resolution to appoint a Planning Commission Member
Community Survey Review – Intercept Insights
June 15, 2022
FY 2021 acceptance of Annual Audit – Brunvand
Ordinance ___ - Series 2022 (Second Reading) Historic Preservation policy creation
July 6, 2022
Michael S. not at this meeting

July 20, 2022
Ordinance 7 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 08 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Resolution 17 – Series 2022 rescind Belden Place
Resolution 18 – Series 2022 rescind Belden Place
August 3, 2022
Ordinance 7 – Series 2022 (Second Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 08 – Series 2022 (Second Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
DATE TO BE DETERMINED
2021-23 Strategic Plan Amendment – Building Code Updates
Potential legislation regarding Mobile homes
Car Idling