



**Wednesday, June 21, 2023  
Regular Session – 5:30pm**

**AGENDA**

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

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate. This agenda and meetings can be viewed at [www.minturn.org](http://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/88179601594>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 881 7960 1594**

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

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

**1. CALL TO ORDER**

**2. ROLL CALL & PLEDGE OF ALLEGIANCE**

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

3.1 June 7, 2023, Meeting Minutes Pg 3

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

**5. DECLARATION OF CONFLICTS OF INTEREST**

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

**7. COUNCIL COMMENTS & COMMITTEE REPORTS**

**8. STAFF REPORTS**

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

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

10.1 Acceptance of the Fiscal Year 2022 Financial Audit – Brunvand Pg 10

10.2 Ordinance 07 – Series 2023 (Second Reading) – An Ordinance approving an Encroachment Agreement at 701 Boulder Street – Metteer Pg 26

10.3 Ord 08 – Series 2023 (First Reading) An Ordinance Amending sections of Chapter 17 Article 4 Administrative Replat Pg 34

10.4 Resolution 18 - Series 2023, A Resolution updating the fee for Cash in Lieu Pg 47

**11. DISCUSSION / DIRECTION ITEMS**

- Discussion/Direction – Asphalt Art PG 51

**12. FUTURE AGENDA ITEMS**

**13. EXECUTIVE SESSION**

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

- Battle Mountain
- Holy Cross Energy

**14. ADJOURN**

**INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- July 5, 2023, July 19, Aug 2, 2023, 7 Aug 16, 2023



**Wednesday, June 7, 2023  
Regular Session – 5:30pm**

**OFFICIAL MINUTES**

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

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**MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION**

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

**1. CALL TO ORDER**

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

**2. ROLL CALL & PLEDGE OF ALLEGIANCE**

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusty Kanakis, Brian Rodine, and Tom Sullivan. Note: Kate S. was excused absent.

Staff present: Attorney Richard Peterson-Cremer (zoom), Town Manager Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand (zoom).

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

3.1 May 17, 2023, Meeting Minutes

3.2 Approval for the Mayor to sign thank you letters to Senators Hickenlooper and Bennet for supporting Minturn's Congressionally Directed Spending application for Main Street sidewalk funds

3.3 Liquor License: 141 Main St – Thai Kitchen annual renewal of a Hotel and Restaurant Liquor License, Wipanun Somdee, owner/manager

Motion by Terry A., second by Gusty K., to approve the Consent Agenda of June 7, 2023 as presented. Motion passed 6-0. Note: Kate S. was excused absent.

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

Motion by Gusty K., second by Brian R., to approve the Agenda of June 7, 2023 as presented. Motion passed 6-0. Note: Kate S. was excused absent.

5. **DECLARATION OF CONFLICTS OF INTEREST**

Tom S. stated he had a conflict of interest with agenda item 10.1, the encroachment agreement, and would recuse himself.

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

7. **COUNCIL COMMENTS & COMMITTEE REPORTS**

Terry A. updated on the July 6 through Aug 17 Minturn Summer Concert Series. All evenings are booked and they are ready to hit the stage.

Brian R. updated on the Climate Action Collaborative. And discussed inviting Vail Valley Mtn Bike Association to allow an update. Michelle M. will get this scheduled.

Lynn F, updated on the Summer Market which begins on June 17, 2023.

Earle B. updated the 4<sup>th</sup> Tuesday of each month the town will hold Minturn Matters, a time when a council member or two will get together at a local venue to discuss topics related to Minturn with citizens. They will be held at 6pm and the locations will be announced prior.

## **8. STAFF REPORTS**

### 8.1 Manager Report

- Exterior Energy Offset Program
- SS4A Grant Application

#### **Exterior Energy Offset Program**

Through Minturn's current exterior energy offset program, the fund has accumulated \$10,752 over the lifespan of the program (which started in 2018/19). The creation of the program stemmed from the 2016 Minturn Energy Action Plan was to promote renewable and sustainable efforts in Minturn.

Walking Mountain Science Center can administer rebate and educational programs for Minturn residents and business to take advantage of renewable and sustainable efforts. Staff seeks Council support in partnering with Walking Mountain Science Center to being the process of administering Minturn's Exterior Energy Offset Program. See attached program materials for additional information.

Discussion ensued as to how this program would work and options for use by the specific homeowner. It was noted this does not have a large income basis and this is the total amount received since inception of the program in Minturn (2018). Brian R. will assist in program selections. This will be brought back as early as the next meeting.

#### **Safe Streets for All (SS4A) Grant Program**

Minturn's last two RAISE federal grant applications for the planning of Main Street Phase III sidewalks have been denied. The RAISE program is traditionally very competitive and only a few applications from the State of Colorado have been selected over the last several years. Minturn has now applied through the Congressionally Directed Spending (CDS) program for funds to complete Phase II sidewalks as well as funds to cover the cost of design and engineering work for Phase III (Included in this Council packet are thank you letters to Senators Bennet and Hickenlooper who both supported Minturn's CDS application.

The SS4A program is a well-funded program available to communities who desire grants toward creating comprehensive safety action plans. This planning effort works to identify vehicular and pedestrian safety issues throughout town and creates a plan for implementation of safety measures. This plan (I'm told) is very helpful when applying for competitive construction grants for road, sidewalk and trail upgrades – think Pine Street phases 2 & 3 and Main Street Phase III.

The cost estimate for the analysis of Minturn's roadways and sidewalks is approximately \$100,000 and if successful in the grant application, Minturn would be required to provide a 20% match. Minturn would apply for the planning grant to create the Comprehensive Safety Action Plan which includes the following key components as identified on the grant portal (yellow highlight is of particular interest to efforts towards Minturn's future construction projects):

- **Leadership commitment and goal setting** that includes a goal timeline for eliminating roadway fatalities and serious injuries.
- **Planning structure** through a committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.
- **Safety analysis** of the existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region.
- **Engagement and collaboration** with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback.
- **Equity** considerations developed through a plan using inclusive and representative processes.
- **Policy and process changes** that assess the current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize transportation safety.
- **Strategy and project selections** that identify a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan.
- **Progress and transparency methods** that measure progress over time after an Action Plan is developed or updated, including outcome data.

If council supports efforts for this grant application (which will be helpful for future construction grants), staff will utilize funds saved from the construction use tax funds when the town was awarded the matching DOLA grant for Phase II construction of the Main Street sidewalks. See attached program materials for additional information.

9. **SPECIAL PRESENTATIONS** Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.
10. **BUSINESS ITEMS** Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.

10.1 Ordinance 07 – Series 2023 – (First Reading) An Ordinance approving an Encroachment Agreement at 701 Boulder Street – Metteer

Note: Tom S. recused himself due to a conflict of interest as he was representing the property owner.

The owner of 701 Boulder has requested a license to encroach for a driveway that encroaches into the end of Boulder Street. Town Code Chapter 13, Article 3 requires that encroachments into Town right-of-way be done by Ordinance and meet certain requirements including that the agreement be fully revocable, that the Town be indemnified and covered by the licensee's insurance. This ordinance will authorize the Mayor to sign the encroachment license and agreement for 701 Boulder that is attached as an exhibit. The ordinance finds that the agreement is in conformance

with the applicable code provisions and that the encroachment will not interfere with the Town's use of its right-of-way at this location. Additionally, staff is requesting that encroachment fees be waived for this encroachment due to the Town's use of a snow storage easement on the property.

Discussion ensued as to the current status of the property and a water line easement for the town.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Terry A., second by Lynn F., to approve Ordinance 07-2023 (First Reading) An Ordinance approving an Encroachment Agreement at 701 Boulder Street as presented. Motion passed 5-0

Tom S. resumed his seat at the dais.

## **11. DISCUSSION / DIRECTION ITEMS**

### 11.1 Snow removal policy – Metteer/Martinez

Michelle introduced the item and presented a presentation to assist in defining the issues. Public Works Supervisor Arnold Martinez also assisted. The presentation identified the existing law, that we are not following state law which does not allow plowing into the hwy. She noted some of the issues include small and variable lot sizes, hired contractors not moving the snow properly after PW's operations, It was noted a hand shovel full of snow is not the issue, it is the contractors and owners with larger equipment or snowblowers that really cause concerns. Other concerns include safety issues, blocked sidewalks, personal use of heavy equipment. Minturn does not have authority to not follow CDOT regulations.

Public Comment Opened

Ms. Lynn Teach, 253 Pine Street, felt it was important to change the Pine Street alternating parking rules from 9am to 8am on snow removal days in order to better allow PW's the ability to clear the gutter and sidewalk areas better before cars pack the snow down. She discussed the rules around her location. She noted once the snow is packed down it is difficult to remove from their driveways and affects street drainage.

Mr. Roy Vasquez, 61 Toledo, discussed how the street slopes to his house and he can't put it on his lot. Issues with street drainage on his two corners is a problem.

Mr. Kelly Toon, 531 Main St., asked about bringing in private snow plow contractors to learn the rules in a preseason meeting. He felt the required snow storage on property is not sufficient. He felt snow melt systems only works when it is used and it does fail so we need to require snow storage on all developments. He reminded everyone to keep fire hydrants cleared too. He noted the town staff plows AND removes snow which also takes time. He stated the Enclave does not shovel their sidewalk.

Mr. Casey Mckenna, 651 Main St., stated he lost some parking and snow storage due to the sidewalks but works around that.

Mr. Ronald Gallegos, 882 Main St, asked about the parallel parking and what an owner should do about that. He stated that always starting in the 100 block is not always fair further south down the street as they are left for last. He felt many contractors just don't know how to plow and we may just need to fine people but when he plows the snow he shouldn't get fined as he is trying to help the citizens in that area.

Mr. Gerry Gallegos, 861 Main St, discussed that he didn't know he couldn't push sidewalk snow in to the street, he understood he couldn't push driveway snow in the street. Michelle M. clarified the sidewalk is in the CDOT ROW.

Mr. Dan Bellm, 475 Pine St, asked why we are here to discuss the snow? Michelle M. noted the snow being moved onto the streets from private property is causing overall concerns and how to resolve that.

Mr. Art Chaves, 885 Main St, stated the south end of main is always the last to get serviced.

Michelle M. summarized:

- Find a way to address the parallel parking areas
- She noted the town skid steer has trouble getting down there as with heavy storms it is not strong enough.
- It was noted that with the new sidewalks in the south, citizens don't know they need to clear their sidewalks adjacent to their property.
- Town will distribute the snow removal plan on the website
- How do we address enforcement equitably, what will enforcement look like.

Council thanked Public Works.

Clarifying discussion ensued with the Council. They felt continued public outreach with the community and HOA's was important, code modifications should be considered, and fines should be strengthened.

## **12. FUTURE AGENDA ITEMS**

- Vail Valley Mountain Trails Alliance update and support letter

## **13. EXECUTIVE SESSION**

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

- Battle Mountain
- Cash in Lieu



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

- Battle Mountain
- Cash in Lieu

#### **14. ADJOURN**

Motion by Gusty K., second by Tom S., to adjourn at 9:22pm.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk

#### **INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- June 21, 2023
- July 5, 2023
- July 19, 2023
- August 2, 2023



To: Mayor and Council

From: Jay Brunvand

Date: June 17, 2023

Agenda Item: Fiscal Year 2022 Financial Audit

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**REQUEST:**

During the June 17, 2023 Council Meeting, Council will have a brief presentation from Joe Hood of Maggard and Hood who will be attending virtually.

**INTRODUCTION:**

FY 2022 Audit review and acceptance is scheduled under Business Items. As per §29-1-606(a)(1) C.R.S. the Council must accept the audit and submit the approved audit to the Department of Local Affairs and to the Office of the State Auditor not later than June 30 of each year.

The audit was sent out in electronic format on June 12th for your review and a hard copy will be available for each Council Member upon request and placed in your box at Town Hall. For the meeting I will have posted the audit on the website with tonight's Council Packet for public review of the draft. I will print the audit upon request for those citizens desiring a hard copy. Please feel free to contact me prior to the meeting in the event you need further information.

**ANALYSIS:**

Our audit firm, Maggard and Hood, was on site the week of February 20 and conducted their audit and financial review. The annual audit provides a snapshot view of the financial integrity of the Town as of December 31, 2022. The audit shows the town to be on a solid financial footing and we have been presented with a clean financial bill of health.

**COMMUNITY INPUT:**

Not Applicable

**BUDGET / STAFF IMPACT:**

The Town is required by State law to have an annual financial audit. This item is budgeted for annually. Most important, municipal governments are required to have an annual audit performed by a certified firm, I assure you we are not being audited due to an issue or problem.

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #1 the town is committed to practicing fair, transparent, and communicative local government. Management is responsible for the preparation and fair presentation of the annual financial audit in accordance with accounting principles generally accepted in the United States of America.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Motion to accept the Fiscal Year 2022 Annual Audit as presented.

**ATTACHMENTS:**

- The FY2022 Annual Audit Draft has been made available to the Council and public electronically. Upon acceptance of the audit by the Minturn Town Council the audit will be publicly available on the Town's website or, upon request, in printed format.

# Town of Minturn

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2022 AUDIT PRESENTATION

MAGGARD & HOOD, PC – GLENWOOD SPRINGS, CO

JOE R. HOOD, CPA

# Audit Summary

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> Thank You to Jay Brunvand and Staff for their cooperation and assistance during the course of the audit

- We have issued an Unqualified Audit Opinion – this means the Financial Statements give a true and fair view in accordance with the financial reporting framework used in the presentation of the financial statements. In this case GAAP (accounting principles generally accepted in the united states)
- We encountered no difficulties and completed the audit according to our planned scope and timing.
- We observed an ongoing awareness and compliance with sound business practices and controls.
- There were no compliance violations to report (Note 9, page 41 report page 50 pdf)
- Finally the Town's internal control system appears to be properly designed and operating effectively.

# The Audit Process

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1. Risk Assessment – during planning stage, auditor determines likelihood of audit risk

Audit risk – is the chance of an error slipping through an audit resulting in a flawed report.

2. Understanding Controls – design and testing/ rotate procedures
3. Evaluating Policies/ Judgements/ Estimates – reading minutes, polices and procedures, agreements
4. Substantive Tests on Transactions – validity, accuracy, completeness
5. Verification – existence, ownership, valuation, presentation, disclosure
6. Compliance – debt, legal, agreements
7. Obtain Written Representation from Attorneys and management
8. Issue Audit Opinion – provides high level of assurance to the Financial Statement users.

# Components of the Report

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## Page 1 (4-5 pdf) – Independent Auditor’s Report

- *(Unqualified Audit Report)*

## Pages 2-11 (6-15 pdf) Management Discussion and Analysis

- *Managements overview of the Town, it includes the history, annual performance analysis and projections for the coming year.*

## Pages 22-41 (31-50 pdf) Footnotes to the Financial Statements

- *Describes the significant accounting policies and procedures of the Town and provides additional information detailed information relating to the financial statements.*

## Pages 42-43 (52-53 pdf) Required Supplementary Information

- *This section includes budget schedules for the General and Special Revenue Fund*

## Pages 44-51 (55-63 pdf) Supplemental Information

- *This section contains the budget comparisons to actual for the Governmental Funds, Special Revenue, Conservation Trust, Minturn Market, Minturn GID, Capital Projects, Proprietary Funds/ Enterprise (Water, Sanitation and Recreation)*

# Government Wide VS. Fund Financials

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## GOVERNMENT WIDE FINANCIAL STATEMENTS

PAGES 13-14 (18-19 PDF)

- ✓ Report entire entity on the Accrual Basis of Accounting
  - ✓ Revenues when earned and measurable
  - ✓ Expenses when Incurred
  - ✓ Capital assets and depreciation are recognized
  - ✓ Liabilities are recorded
- ✓ Statement of Activities
  - ✓ Reflects the cost of program services and the charges for services sales, grants and contributions offsetting those services (p.14 (19-20 PDF))

## FUND FINANCIAL STATEMENTS

PAGES 15 - 31 (22-30 PDF)

- ✓ Report Governmental Funds (GF, BMR, SR) on the modified accrual basis
  - ✓ Revenue recorded when earned, measurable and available
  - ✓ Expenditures when liability incurred
  - ✓ No capital assets
  - ✓ No debt
- ✓ Report Proprietary Funds (Enterprise W,S,R) on accrual basis of accounting
  - ✓ Same as Government Wide no conversion necessary
  - ✓ Statement of Cash Flows ( p.21 (30) )



# Government Wide VS. Fund Financials

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Page 16 (24) – Reconciles Governmental Fund Balances (P.15, (22-23 PDF)) to Net Position (P.13 (18 PDF))

- Reconciling items include
  - Capital Assets net of Depreciation
  - Long Term Debt

Page 18 (27) – Reconciles Statement of Revenues, Expenditures and Changes in Fund Balance of Governmental Funds to the Statement of Activities

- Reconciling items include
  - Current Year Capital Outlay and Depreciation Expense
  - Compensated Absences
  - Interest Expense Accruals

# Review Financial Analysis

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# Financial Highlights

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- In total, the Town's overall net position increased \$346,148 or 2% from the previous fiscal year.
- The Town's Governmental Activities General Revenues accounted for \$2,487,489 or 77% of all revenues. These general revenues include taxes, grants and entitlements not restricted to specific programs, and general interest and other revenues not related to specific programs. Program specific revenues, in the form of charges for services and sales, as well as program specific grants and contributions, accounted for \$737,398 or 33% of the Town's total governmental revenues of \$3,224,887.
- Governmental Activities for the Town had \$3,031,599 in expenses, of which \$607,744 were offset by program specific charges for services and sales, and \$129,654 by operating grants and capital grants and contributions.
- In the Town's business-type (enterprise) activities, fiscal year revenues exceeded expenses by \$152,860 thus increasing the activity's net position to \$2,872,350.

# Financial Highlights (P.8 (12 PDF))

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The General Fund ending fund balance increased from \$2,231,361 to \$2,695,033 during the current fiscal year. The net increase of \$463,672 represents the excess of current period revenues (financial resources) over current period expenditures (financial uses). The ending fund balance in the amount of \$2,695,033, which includes \$2,593,233 of unrestricted reserves, is the amount of net resources available for future spending. Most financial resources are from taxes and intergovernmental revenues.

The Battle Mountain Resort special revenue fund ending fund balance increased from \$77,459 to \$79,298 during the current fiscal year. The net increase of \$1,839 represents the excess of current period revenues (financial resources) over current period expenditures (financial uses). The ending fund balance of \$79,298 is the amount of net resources available for future spending.

The Special Revenue Fund ending fund balance increased from \$11,249 to \$21,164 during the current fiscal year. The net increase of \$9,915 represents the excess of current period revenues (financial resources) over current period expenditures (financial uses). The ending fund balance of \$21,164 is the amount of net resources available for future spending.

Changes in non-major governmental funds are detailed in the supplemental information of the accompanying financial statements.

# Financial Highlights - *continued* (P.8 (12 PDF))

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## **Proprietary Funds**

The proprietary (enterprise) fund financial statements, as discussed above, use the same basis of accounting as business-type activities. Positive changes in net position reflect that the enterprise fund is currently generating enough operating and non-operating revenues to offset current year operating and non-operating expenses, while negative changes in net assets indicate that it is not. The net assets of the enterprise activities represent the amount of net resources, including capital assets, available to provide future Water, Sanitation and Recreation services to the general public of the Town of Minturn. The ending net position increased from \$2,719,490 to \$2,872,350 during the current fiscal year. The year-end balance of unrestricted net assets of \$755,271 represents the amount of resources available for future spending.

### *Colorado Water Resources & Power Development Authority - Loan*

- The Town entered into a loan agreement dated December 28, 2021 between the Colorado Water Resources & Power Development Authority (CWR & PDA) and the Town of Minturn Water and Sanitation Activity Enterprise Fund for the construction of a water storage tank. The loan is approved in the amount of \$3,000,000 with an interest rate of 2.250% per annum, secured by water user services charges and fees. Semi-annual payments are due May 1, and November 1, for the next 20-years. To date the Town has drawn \$1,807,188 of funding. The loan carries a 20-year term maturing November 1, 2042.

# Management Letter

## *Communications with Those Charged with Governance*

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- ✓ Our Responsibility Under US GAAP
- ✓ Planned Scope and Timing of Audit
- ✓ Qualitative Aspects of Accounting Practices
  - ✓ Significant Accounting Policies (Note 1)
  - ✓ Accounting Estimates
  - ✓ Financial Statement Disclosures ( Note 1, 2, 3 & 4)
- ✓ Difficulties Encountered During the Audit (None)
- ✓ Corrected and Uncorrected Misstatements
- ✓ Disagreements with Management (None)
- ✓ Management and Legal Representations (Written Representation Signed May 25)

*Continued.....*

## Management Letter

### *Communications with Those Charged with Governance*

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- ✓ Management Consultations with Other Independent Auditors (None)
- ✓ Other Audit Findings and Issues (None)
- ✓ Internal Controls Communications
  - ✓ Control Deficiency – exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis.
    - ✓ Material Weakness – is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented or detected and corrected on a timely basis.
    - ✓ Significant Deficiency – is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit the attention by those charged with governance.
- ✓ Prior Year Recommendations – all addressed by Management
- ✓ Current Year Recommendations

*Continued.....*

## Management Letter

*Communications with Those Charged with Governance*

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### *Prior Year Recommendations*

We noted the Town's prompt attention to correcting and implementing our prior year recommendations.



# Comments and Questions

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## ***Current Year Comments and Recommendations***

### *Bank Accounts with Trivial Balances*

During our procedures we noted the Town is holding a bank balance related to the Municipal Court system in the amount \$2,241.60. After further discussion with management the account has been sitting dormant for several years. We recommend closing the account and designating the funds for another use.

### ***Other Financial Highlights –***

***Sales tax continue to increase \$1,164,525 (2022), \$1,001,373 (2021) and \$800,393 (2020).***

***Legal fees continue to be greater than expected, budgeted \$200,000 amended budget to \$500,000, actual spent \$487,034. In 2021 budgeted \$77,500 amended budget to \$257,500 and expended \$265,753.***

Glenwood Springs – Main Office

201 14<sup>th</sup> 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: June 2, 2023  
TO: Minturn Mayor and Town Council  
FROM: Karp Neu Hanlon, P.C.  
RE: 701 Boulder License to Encroach

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The owner of 701 Boulder has requested a license to encroach for a driveway that encroaches into the end of Boulder Street. Town Code Chapter 13, Article 3 requires that encroachments into Town right-of-way be done by Ordinance and meet certain requirements including that the agreement be fully revocable, that the Town be indemnified and covered by the licensee's insurance. This ordinance will authorize the Mayor to sign the encroachment license and agreement for 701 Boulder that is attached as an exhibit. The ordinance finds that the agreement is in conformance with the applicable code provisions and that the encroachment will not interfere with the Town's use of its right-of-way at this location. Additionally, staff is requesting that encroachment fees be waived for this encroachment due to the Town's use of a snow storage easement on the property.

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 07 - SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO,  
AUTHORIZING A REVOCABLE LICENSE TO ENCROACH  
AND AGREEMENT FOR THE ENCROACHMENT OF  
PHYSICAL IMPROVEMENTS AND ASSOCIATED USES INTO  
THE BOULDER STREET RIGHT-OF-WAY.

WHEREAS, Town of Minturn (the “Town”) is the Owner of the Boulder Street right-of-way situate in Town of Minturn, County of Eagle, Colorado; and

WHEREAS, 701 Boulder, LLC (the “Licensee”) owns the real property located at 701 Boulder, Minturn, CO 81645 and identified as Parcel Number 2103-352-02-011; and

WHEREAS, the Licensee desires to maintain certain physical improvements within the Boulder Street right-of-way, and to use the same at 701 Boulder Street; and

WHEREAS, Chapter 11, Article 3 of the Minturn Municipal Code authorizes the Town Council of the Town of Minturn to enter into license agreements, by ordinance, for long-term licenses to encroach within a public right-of-way, upon finding that license is revocable, the licensee maintains insurance for the property and indemnifies the Town, and that encroachment area is not otherwise necessary for public use during the license period.

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

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Findings. The Minturn Town Council hereby makes the following findings of fact:
  - (a) The portion of the Boulder Street right-of-way presently occupied by the physical improvements located at 701 Boulder Street are not needed for public use at this time;
  - (b) The **Revocable License to Encroach and Agreement**, attached and incorporated herein by this reference, is revocable by the Town; and
  - (c) The License includes appropriate insurance and indemnification policies.
3. Agreement. The Minturn Town Council hereby approves of the License to Encroach and Agreement and authorizes the Mayor to execute said License on behalf of the Town.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 7TH DAY OF JUNE 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF

MINTURN, COLORADO ON THE 21st DAY OF JUNE, 2023 AT 5:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By:  \_\_\_\_\_  
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 21st DAY OF JUNE, 2023.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

**REVOCABLE ENCROACHMENT LICENSE AGREEMENT**

This ENCROACHMENT LICENSE AGREEMENT (“Agreement”) entered into this \_\_\_ day of June, 2023, by and between the Town of Minturn, a Colorado Home Rule Municipality, (“Minturn”) and 701 Boulder LLC, the owner of real property located at 701 Boulder Street, Minturn, Colorado (“Owner”).

**RECITALS**

WHEREAS, Minturn owns right-of-way located at Boulder Street, Town of Minturn, Eagle County, Colorado, recorded in the Eagle County property records.

WHEREAS, Owner owns a parcel of property at 701 Boulder Street, Town of Minturn, Eagle County, Colorado, Eagle County Parcel Number 2103-352-02-011.

WHEREAS, Owner has constructed a driveway that encroaches upon Minturn’s property.

WHEREAS, the Owner has applied for an encroachment license agreement with Minturn pursuant to section 11-3-120 of the Code.

WHEREAS, the encroachment does not interfere with public use of Minturn’s property, public roads nor does it create a public safety hazard.

WHEREAS, with Resolution No. 19 – Series 2020 the Minturn Town Council set an encroachment fee of \$16.00 per square foot at a regularly held Council meeting dated July 1, 2020.

WHEREAS, the Owner provides to the Town snow storage upon its property at no cost; and

WHEREAS, due to the Town’s use of the property, the Town wishes to waive the encroachment fee.

NOW, THEREFORE, for and in consideration of the covenants and agreements contained herein, the parties do hereby agree as follows:

**TERMS**

1. **Encroachment:** Owner may maintain the driveway encroachment on Minturn’s property, depicted on **Exhibit A** (the “License Area”). Without written permission of Minturn, Owner shall not enlarge, replace, nor substantially modify any improvement within the License Area. Owner shall not use the License Area for any other purpose.

2. **Term:** This Agreement shall extend from the date of the execution of this Agreement until the encroachment is removed, allowed to substantially deteriorate, or destroyed. Further, the Town may terminate this Agreement by providing ninety days written notice in the event that the License Area is required for a Town purpose such as roadway, sidewalk, or utility purposes.
3. **Cost:** The Town waives the encroachment fee for the License Area in exchange for the snow storage easement running to the Town depicted on the plat deposited in the Eagle County Clerk and Recorder's Office at Reception No. 202121931.
4. **Condition of Site:** During the term of this Agreement, Owner shall keep the License Area in good and safe condition, free from debris or refuse. At all times Owner shall comply with the terms of the Minturn Code related to encroachments.
5. **Insurance:** The Owner shall obtain and provide the Town with a copy of an umbrella liability policy covering the encroachment area and in limits of no less than five hundred thousand dollars (\$500,000). Such policy shall be renewed by the Owner each year for the life of the encroachment, and a copy of each new policy shall be furnished to the Town upon the anniversary date of this Agreement. The Town shall be a named insured on Owner's umbrella liability policy. Failure to provide the policy as required shall automatically nullify this Agreement without further notice and shall require the Owner's removal of the encroachment at the Owner's sole expense. Should the applicant fail to remove the encroachment within a reasonable time, the Town may declare the encroachment a public nuisance, undertake removal and attach a lien to the applicant's property for the costs of the removal.
6. **Release from Liability:** Owner releases and discharges Minturn from any and all liability arising from the execution and performance of this Agreement.
7. **Indemnification:** Owner agrees that it will indemnify, defend and hold harmless Minturn and its officers, employees, and agents from and against any claim, liability, obligation, loss, damage, assessments, judgment, cost (including attorney fees) or expense incurred as a result of this Agreement, Owner's activities on and use of Minturn's property, or the proximity of Owner's property to Minturn's property, with respect to investigating, preparing or defending against any litigation or claim, action, suit, proceeding or demand of any kind or character.
8. **Disclaimer:** Owner and Owner's successors-in-interest disclaim any and all rights or claims, whether now or in the future, against any and all parts of Minturn's property by virtue of adverse possession or easement by prescription.
9. **Runs with Land:** So long as Owner is in compliance with the terms of this Agreement and such other provisions of the Minturn Code that apply to encroachments, this

Agreement shall be deemed to run with the land for the benefit of the property described as:

Lot: 2  
RBLA Minturn Subdivision  
otherwise known as  
701 Boulder Street, Minturn, Colorado 81645

10. **Recording:** The Agreement may be recorded in the public records of Eagle County.

11. **Binding Agreement:** It is understood and agreed that this Agreement shall be binding upon the assigns and successors in interest of the parties hereto.

TOWN OF MINTURN

By: \_\_\_\_\_

Date

ATTEST:

\_\_\_\_\_

Town Clerk

OWNER:

\_\_\_\_\_

Owner Signature

\_\_\_\_\_

Owner Print Name

Date

Notary Public

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_

My commission expires: \_\_\_\_\_

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public



## OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Vail Daily** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(970) 949-0555**.

Notice ID: CK4DhSSXtJhishMNL1W5 | **Proof Updated: Jun. 08, 2023 at 01:22pm MDT**  
 Notice Name: 8CD13 ORDINANCE NO. 07 - SERIES 2023

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

<b>FILER</b>	<b>FILING FOR</b>
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TOWN OF MINTURN	Vail Daily
treasurer@minturn.org	
(970) 827-5645	

<b>Columns Wide: 1</b>	<b>Ad Class: Legals</b>
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06/10/2023: Other Notice	14.28
Affidavit Fee	4.00

Subtotal	\$18.28
Tax	\$0.00
Processing Fee	\$1.83
<b>Total</b>	<b>\$20.11</b>

TOWN OF MINTURN, COLORADO  
 ORDINANCE NO. 07 - SERIES 2023  
 AN ORDINANCE OF THE TOWN OF MINTURN,  
 COLORADO, AUTHORIZING A REVOCABLE  
 LICENSE TO ENCR OACH AND AGREEMENT  
 FOR THE ENCR OACHMENT OF PHYSICAL  
 IMPROVEMENTS AND ASSOCIATED USES INTO  
 THE BOULDER STREET RIGHT-OF-WAY

INTRODUCED, READ BY TITLE, APPROVED  
 ON THE FIRST READING AND ORDERED  
 PUBLISHED BY TITLE ONLY AND POSTED IN  
 FULL ON THE OFFICIAL TOWN WEB SITE THE  
 7TH DAY OF JUNE 2023. A PUBLIC HEARING  
 ON THIS ORDINANCE SHALL BE HELD AT THE  
 REGULAR MEETING OF THE TOWN COUNCIL  
 OF THE TOWN OF MINTURN, COLORADO ON  
 THE 21ST DAY OF JUNE, 2023 AT 5:30 P.M. AT  
 THE MINTURN TOWN HALL 302 PINE STREET,  
 MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO  
 Earle Bidez, Mayor

Attest:  
 Jay Bruinvand, Town Clerk  
 PUBLISHED IN THE VAIL DAILY ON SATURDAY,  
 JUNE 10, 2023.



To: Mayor and Council  
From: Madison Harris, Planner I  
Date: June 16, 2023  
Agenda Item: Ordinance 08 - Series 2023 Amending Article 4, Chapter 17 of the MMC

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**REQUEST:**

Review and approve Ordinance 08- Series 2023 on first reading amending Article 4, Chapter 17 administrative replat regulations of the Minturn Municipal Code.

**INTRODUCTION:**

Staff is proposing a text amendment to Chapter 17, Article 4, Administrative Replat Procedures. This section of code allows the Planning Director to administratively approve minor replats such as lot line adjustments and vacations for up to 4 lots when the total number of lots does not increase.

**ANALYSIS:**

The Planning Commission reviewed this ordinance at their regular meeting of June 14, 2023. There was one correction requested within the intent paragraph, but the Planning Commission forwarded a recommendation of approval to the Town Council. That correction has been made within the ordinance that is before the Council for review.

**COMMUNITY INPUT:**

No member of the public spoke at the June 14, 2023 Planning Commission meeting. The ordinance was noticed according to Sec. 16-21-610 and within the Town’s posting boxes.

**BUDGET / STAFF IMPACT:**

TBD.

**STRATEGIC PLAN ALIGNMENT:**

The comprehensive review and updating of the Town’s land use and subdivision regulations and processes aligns with the following key strategies:

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

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

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

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance 08 - Series 2023 amending Article 4, Chapter 17 Administrative Replat Regulations of the Minturn Municipal Code.

**ATTACHMENTS:**

- Karp Neu Hanlon Memo
- Ordinance 08 - Series 2023

Glenwood Springs – Main Office

201 14<sup>th</sup> 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: June 9, 2023  
TO: Minturn Planning Commission  
FROM: Karp Neu Hanlon, P.C.  
RE: Administrative Replat Procedures

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Staff is proposing a text amendment to Chapter 17, Article 4, Administrative Replat Procedures. This section of code allows the Planning Director to administratively approve minor replats such as lot line adjustments and vacations for up to 4 lots when the total number of lots does not increase. However, the existing language at Sec. 17-4-10 requiring the replat to be “within the boundaries of one (1) subdivision” has proven problematic and serves no real policy purpose in the dense layout of Minturn where subdivisions are indistinguishable and most public infrastructure has already been built out. Instead, many owners wishing to make simple lot line adjustments and vacations have been required to bring Amended Final Plats through Planning Commission and Town Council. We are proposing to remove the requirement that the land all be within a single subdivision and allow for a streamlined process, as most municipalities do, for these types of minor adjustments. The Planning Department will ensure that adequate public infrastructure is in place or required as part of a development, and ensure compliance with existing zoning and engineering standards, as it currently does for administrative replats within a single subdivision. Existing call-up and referral procedures will also continue to allow Planning Commission and Town Council the opportunity to review these if desired.

Staff also reviewed the rest of Article 4 and made some tweaks throughout the match the code’s other standards, procedures, and general practices that have not been updated since this was adopted. The existence of plat standards within this article is somewhat odd, and we will be working soon on a consolidated plat standards article in chapter 17 where this will live with revised standards.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 8 – SERIES 2023**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING ARTICLE 4, CHAPTER 17  
ADMINISTRATIVE REPLAT 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 17, the Town Subdivision Regulations, Article 4, Administrative Replat Procedure as provided herein; and

**WHEREAS**, on June 14, 2023 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 Subdivision 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 4, Chapter 17 of the Minturn Municipal Code is hereby amended read as set forth in Exhibit A to this Ordinance, with additions shown in double underlined text and ~~strikethrough language~~ is deleted. Sections of Chapter 17 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

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 21<sup>st</sup> DAY OF JUNE 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 5<sup>th</sup> DAY OF JULY 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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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 5<sup>th</sup> DAY OF JULY 2023.

TOWN OF MINTURN, COLORADO

---

Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

## *ARTICLE 4 Administrative Replat Procedure*

### **Sec. 17-4-10. Intent.**

These procedures are to provide an abbreviated process for replat applications that demonstrate compliance with the criteria contained herein. The administrative replat process is intended to be accomplished within a period of thirty (30) business days. This time frame may vary depending upon the circumstances of each individual case. A final development plan, and/or subdivision development plan ~~or administrative site plan~~ shall be completed for each site prior to building permits being issued when applicable. ~~The administrative replat shall include one (1) contiguous parcel of land within the boundaries of one (1) subdivision. Right-of-way cannot be included within the boundaries of an administrative replat. Parcels separated by right-of-way cannot be replatted administratively.~~

### **Sec. 17-4-20. Prerequisite.**

The criteria for the Planning Director in making the administrative designation shall include, but not be limited to, the following:

- (1) An overall final drainage report, ~~and~~ street construction, and other site infrastructure plans have been approved for the final plat governing the administrative replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements. For subdivisions or lots created prior to Town regulations requiring drainage reports, street construction, and subdivision improvement agreements, the Applicant will provide to the Town evidence that: (a) all public streets and sidewalks required to serve the lots have been constructed, the administrative replat will not impact existing drainage conditions, and the lots that are subject to the administrative replat are served with utilities that would be otherwise be covered by a subdivision improvement agreement (such as water, wastewater, electric, gas, telephone, etc).
- (2) No additional right-of-way dedications, public improvements, traffic studies, drainage studies or subdivision improvement agreements are required.
- (3) ~~The perimeter boundaries of the administrative replat coincide with existing lot lines. The perimeter boundary of the existing subdivision is not affected. No more than four (4) platted lots are included in the application.~~
- (4) If the property that is subject to the administrative replat is located within a Planned Unit Development, the application does not include any property located outside of the Planned Unit Development boundaries.
- (5) Town Right-of-way cannot be included within the boundaries of an administrative replat or modified by an administrative replat. Parcels separated by right-of-way cannot be replatted administratively.

**Sec. 17-4-30. Administrative process determination.**

- ~~(a) The applicant shall submit all required presubmittal materials, in accordance with Planning Department requirements, along with a justification letter that details how the proposed administrative replat meets the applicable criteria contained herein.~~
- ~~(b) Upon the Planning Department's acceptance of the presubmittal materials, the applicant will be scheduled for and must attend a presubmittal conference with the Town Planner and Town Engineer to discuss the merits of the proposed administrative replat. During the presubmittal meeting, the Town Planner and Town Engineer will make an initial determination as to the proposal's eligibility to be processed administratively.~~
- (a) Prior to submitting an application pursuant to this Article 17.4, the Applicant shall comply with the preapplication requirement in Section 16-21-140.
- (~~b~~e) At the next regularly scheduled staff meeting following the ~~presubmittal~~ preapplication meeting, the proposal will be presented to the Planning Director for final determination as to whether the proposal can be processed administratively. The applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.
- (~~c~~d) The Planning ~~Director~~Division Manager reserves the right to refer any request for an administrative replat to the Town Council for consideration at a regular meeting of the Town Council. ~~The Planning Division will notify the applicant if the Planning Division Manager determines that Town Council review is desired.~~
- (~~d~~e) If the Planning ~~Director~~Division Manager denies a request for administrative replat process, the applicant can appeal the decision to the Town Council, within ten (10) working days of the Planning ~~Director's~~Division Manager's decision, by filing a letter of appeal with the Planning Department. The Planning Director will notify the Town Council upon receipt of the letter of appeal, and the matter will be scheduled within (30) thirty days for final Town Council determination. The applicant will be notified by the Planning Department of the date the Town Council will consider the appeal and the requirement to provide justification on his or her behalf.
- (~~e~~f) Upon a determination that the application can be processed administratively, the applicant must submit the formal application within ninety (90) working~~sixty (60)~~ days of the Planning Director's determination that an administrative replat is allowed. Failure to submit the application within the ninety (90)~~sixty (60)~~ working days of the Planning Division Manager's determination, in writing, will render the decision voidable.
- (~~f~~g) The Planning Director, at the Planning ~~Director's~~Division Manager's discretion, may waive the preapplication ~~presubmittal~~ conference. If a waiver is granted, the Planning Director will issue a letter of confirmation.

**Sec. 17-4-40. Approval criteria for administrative replat.**

The ~~Town Council shall consider the following criteria for~~ shall govern approval of an administrative replat:



- (1) Whether the administrative replat is consistent with the efficient development and preservation of the entire final plat.
- (2) Whether the administrative replat will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.
- (3) A lot line vacation when there is no increase in the number of lots in the original plat; i.e., the combination of two (2) or more lots into one (1) lot up to a maximum of four (4) lots.
- (4) An adjustment of lot lines ~~for impacting~~ a maximum of four (4) existing lots ~~(e.g., four [4] lots into two [2] lots)~~, in which the original subdivision or Town layout is not substantially modified and additional lots are not created.
- (5) Use of the administrative replat procedures is compatible with the site's existing planned unit development, when applicable, as well as the Town's community plan.
- (6) Approval is in keeping with the spirit and intent of the subdivision regulations and will not weaken the purposes of those regulations.
- (7) Approval will not adversely affect public health, safety and welfare.
- ~~(8) The subdivision of lots within an approved final plat for property located within an approved master development plan or PUD.~~
- (8) Whether the administrative replat will cause a greater non-conformity with zoning standards than may presently exist.
- (9) The administrative replat will not reduce the overall amount of open space within a neighborhood or a planned unit development.

**Sec. 17-4-50. Formal submittal process.**

- (a) Upon receipt of all required information, the Planning Department shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.
- (b) Staff will refer the application to the Town Engineer and Town Surveyor. If the application has not adequately addressed ~~all~~ other outside referral agencies through submittal letters of approval at Paragraph 17-4-60(10) below, staff will notify those agencies with a fourteen-day referral period. This referral process may extend the thirty-day review period.
- (c) The applicant will be notified of any outstanding issues upon completion of this internal review.
- (d) The applicant shall submit a final Mylar for signature ~~by the Town Council~~ following completion of all outstanding issues raised by the referral process and staff's determination that the administrative replat complies with all specified plat content requirements per Section 17-4-70 herein.

- (e) The final Mylar shall be an original drawing in black ink on twenty-four-by-thirty-six-inch single/double matte Mylar or photographic blackline positive Mylar of the same, or equivalent.
- ~~(f) Prior to recordation of the replat, the applicant must submit all required documentation, recordation fees and a certificate of taxes paid, along with the approved administrative replat in accordance with the Town Council approval.~~
- (g) The applicant shall provide evidence through a current title insurance policy or commitment, no more than thirty (30) days old from the date the Mylar is submitted, that the signature of the owner on the Mylar is the owner of the property.
- ~~(h) No plat shall be recorded on the replatting of real property unless all delinquent taxes and special assessments thereon have been paid and unless such property is classified in the appropriate zoning district as defined in Chapter 16 of this Code.~~
- (i) Upon acceptance of the final Mylar by the Planning Director, the administrative replat will be signed by the Mayor and attested by the Town Clerk.
- (j) Within thirty (30) days receipt of the Mylar, the applicant shall record the administrative replat with the office of the County Clerk and Recorder.

**Sec. 17-4-60. Formal submittal requirements.**

The following are requirements for formal submittal:

- (1) Land use application (the application is available in the Planning ~~Division~~Department office).
- (2) Application fee (fee schedule is available in the Planning Division office).
- (3) A letter of intent that explains, justifies and validates the request, ~~stating all facts relied upon and providing documentation where possible~~ addressing each of the criteria contained in Sections 17-4-20 and 17-4-50.
- (4) Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old.
- (5) A notarized letter of authorization from the landowner permitting a representative to process the application with a disclaimer that no other party's consent is required.
- (6) An administrative replat exhibit, per Section 17-4-70 below. The format for all plats shall be in upper-case sans serif. Font size shall be readable when reduced to an eleven-by-seventeen-inch size. No plats shall include copyright restrictions.
- ~~(7) Certificate of taxes paid.~~
- (8) One (1) set of traverse closure computations corresponding to the administrative plat.
- (9) One (1) set of monument records if applicable.
- ~~(10) Letters from any referral agencies stating their recommendation regarding the replat and any existing facility they have over or across the land, including:~~

- a. ~~All special districts providing maintenance of infrastructure within or adjacent to the property.~~
  - b. ~~All known easement beneficiaries and/or utility providers.~~
  - c. ~~All landowners abutting the property.~~
- (11) Any easements or roadway vacations associated with an administrative replat must be processed separately.
- ~~(12) A submittal requirements matrix is available in the Planning office Department listing the complete list of submittal items and the proper number of copies. There may be other submittal requirements based on an engineering review.~~

**Sec. 17-4-70. Plat exhibit.**

The administrative replat exhibit shall be an original drawing in black ink on twenty-four-by-thirty-six-inch single/double matte Mylar or photographic blackline positive Mylar of the same, or equivalent, and shall contain the following information:

- (1) The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, in smaller lettering, the second line of the title block shall read "A REPLAT OF \_\_\_\_\_," followed by the legal description of the lots and blocks included within the administrative replat. On each sheet, the next line of the title block shall indicate the quarter section, section, township, range and 6th Principal Meridian in which the administrative replat is located. The name of the County and the State shall be included on the last line of the subtitle.
- (2) Each sheet of the administrative replat shall show the date of the survey, north arrow, sheet number and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. On the bottom left-hand corner of each page, the Case No. XX-XXX shall be added. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet.
- (3) Vicinity map (scale of 1" = 2000' preferred) showing the administrative replat in relation to section lines and existing or proposed streets within one (1) mile.
- (4) An accurate and complete monumented land survey pursuant to Section 38-51-102(13), C.R.S., shall be made of the land to be included in the administrative replat. A traverse of the boundary when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).
- (5) The monumented land survey shall be an accurate reflection of the legal description. The legal description shall be in the following format:

"A parcel of land in the ¼ Section \_\_, Township \_\_ South, Range \_\_ West of the Sixth Principal Meridian, County of Eagle, State of Colorado, more particularly described as follows:

"(Include the Lots, Block, if any, and name of the subdivision as dedicated. The area of the subdivision to the nearest one-hundredth (.01) of an acre, more or less, shall be included.)"

- (6) ~~If the subdivision of which the replat is a part was recorded prior to July 1, 1975, t~~The legal description must include a metes-and-bounds legal description.
- (7) One (1) corner of the replat shall be tied (distance and bearing) to two (2) adjacent section or quarter section corners of the Public Land Survey System. The monuments found/set at the section or quarter-section corners must be described on the plat.
- (8) The surveyor shall rehabilitate or upgrade any section or quarter-section corners used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.
- (9) This Section is not applicable if the subdivision of which the replat is a part was tied (distance and bearing) to two (2) adjacent section or quarter-section corners of the Public Land Survey System.
- (10) A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the replat. If the subdivision of which the replat is a part uses bearings, the surveyor may use the same basis of bearings for the replat.
- (11) If the original basis of bearings is not used or the original subdivision did not use bearings, the surveyor must establish a basis of bearing in accordance with Article 6 of this Chapter.
- (12) The administrative replat shall be monumented pursuant to Subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105, C.R.S.
- (13) Where applicable, the monuments set by the surveyor on the boundary of the subdivision shall be thirty (30) inches long, solid steel pins, one-half ( $\frac{1}{2}$ ) inch to three-fourths ( $\frac{3}{4}$ ) inch in diameter, set in a concrete collar at least six (6) inches in diameter and twelve (12) inches in depth.
- (14) Offsets, which are to be set on the extension of any lot line, shall be noted on the plat at the time of recording and shall comply with Section 38-51-105, C.R.S. This note shall specify the standard offset distance and any nonstandard distances. An example of a note is as follows:
  - a. All offset notes are one-inch metal disks embedded in concrete sidewalks set on the lot line extended, five (5) feet from the platted lot corner along all streets except as follows: Nonstandard offsets for lot lines between:
    1. Lots 1 and 2, Block 1, is 5.87 feet.
    2. Lots 3 and 4, Block 1, is 6.03 feet.
  - b. If no offset monuments are to be set in conjunction with the administrative replat, the following note shall be included on the plat:

Note: No offset monuments are to be set in conjunction with this administrative replat.

- (15) A Colorado land survey monument record for each section or quarter-section corner that the subdivision is tied to or controlled from must be prepared and sealed at the time the plat is submitted to the Planning Department.
- (16) Each monument record shall describe both the supporting and contradicting evidenced, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points. If the latest monument records on file meet the above-described criteria and the reference points are still existing, the surveyor only needs to submit copies of the latest monument records with the plat.
- (17) The following note shall be placed on the administrative replat exhibit:

Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class 2 misdemeanor pursuant to Section 18-4-508, C.R.S.
- (18) The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.
- (19) The boundary of the administrative replat shall be delineated with a heavy solid line.
- (20) The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line or a curved property line, the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.
- (21) The location of lots, blocks, tracts and parcels adjoining the administrative replat shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.
- (22) The blocks in the administrative replat shall be numbered consecutively throughout the administrative replat, commencing with Block 1. The lots in each block shall be numbered consecutively, commencing with Lot 1.
- (23) The names and widths of all public streets shall be shown on the administrative replat. Existing rights-of-way shall bear notations of dedication by book and page number. Private drives and streets shall be labeled as such.
- (24) All easements shall be clearly labeled, identified and dimensions shown and tied to reference points within the subdivision, and be shown by dashed lines. Existing easements shall bear a notation of dedication of conveyance by book and page number. If any easement of record can not be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section. Easements that abut the exterior boundary of the subdivision shall be shown and clearly labeled.
- (25) All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

- (26) The identification and designation of the boundary lines of any one-hundred-year developed floodplain and the source of the designation shall be shown on the plat.
- (27) The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.
- (28) All standard notes and certificates required by the Planning Department shall be included on the plat. All notes not meeting these specifications shall be removed. The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.

**Sec. 17-4-80. Expiration of approval.**

- (a) Unless extended as provided herein, failure by the applicant to submit all required documentation within ~~sixty (60)~~ ninety (90) days of approval shall render approval of the administrative replat voidable and may result in the necessity for a new submittal of the administrative replat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Department.
- (b) The Planning Director may grant extensions of time up to twelve (12) months upon a written request by the applicant or staff for showing good cause. Good cause may include, but not be limited to, that signatories are out of state or country or a major change was requested by the Town Council.
- (c) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines. The request shall list any changes in the character of the neighborhood and any changes in the ~~County Master~~ Comprehensive Plan, zoning resolution or subdivision regulations that have occurred since approval of the administrative replat. These changes may affect the administrative replat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning ~~Division~~ Department office. Additional review of the administrative replat may occur, resulting in additional conditions as applicable.
- (d) The denial of an extension by the Planning Director may be appealed to the Town Council in writing within ten (10) working days of the decision by the Planning Director.

**Sec. 17-4-90. Recordation procedure.**

The administrative replat shall be recorded in accordance with the final plat regulations.



# Memorandum

**To:** Michelle Metteer, Town Manager  
Richard Peterson-Cremer, Town Attorney

**cc:** Susan Ryan, H&H

**From:** Cristy Radabaugh

**Date:** June 14, 2023

**Subject:** Minturn Cash-In-Lieu Policy

At your request, I updated past calculations of a cash-in-lieu rate regarding the Town of Minturn’s (Town’s) policy which requires a developer to bring water rights/water supplies to the Town or to instead provide a payment in lieu of a dedication of water rights. The current work presented in this memorandum builds on past assessments completed in 2016, 2018, and 2021.

## ESTIMATE OF WATER NEEDS

For the purpose of a cash-in-lieu policy, this memorandum utilizes on the amount of water needed to meet the indoor demands of a single-family equivalent (SFE) and includes 2,000 square feet (sq. ft.) of outdoor lawn and gardens per unit. This is consistent with the Town’s current definition an SFE and the values used in the Town’s Capital Improvement Plan from 2019 by SGM.

Indoor Water Usage. Indoor water use for one SFE is 0.16 acre-feet per year (af/yr). Considering an average system loss of 20%, the diversion to meet this indoor demand is 0.20 af/yr.

Outdoor Water Usage. The outdoor water use is estimated at a maximum of delivery of 0.07 af/yr. With an average system loss of 20%, the diversion needed to meet this demand is 0.09 af/yr.

**Table 1**  
**Summary of Annual Water Needs**

Unit	Annual Diversion of Water (af)	Annual Delivery of Water (af)
1 SFE Indoor Use	0.20	0.16
2,000 sf Outdoor Use	0.09	0.07
<b>Annual (af)</b>	<b>0.29</b>	<b>0.23</b>

Although some of the water for new development would currently be provided from Minturn's senior water rights, there will come a time when junior water is used exclusively for new development. Junior water would need to be augmented at all times when there is a call, which is conservatively estimated to be 100% of the time. If senior water can be used to supply new development (based on staying within the consumptive use limits and considering the location of use restrictions associated with Minturn's senior water rights), then the augmentation demands are reduced.

## **ESTIMATE OF CASH-IN-LIEU RATES**

To determine the basis for cash-in-lieu rates, we considered the cost of leasing Eagle Park Reservoir water from the Colorado River Water Conservancy District (River District). The River District's current price in 2023 for its water leased from Eagle Park Reservoir for municipal and industrial use is \$1,783/af to be paid every year.

The water marketing policy calls for the River District to update its lease rates annually, with the annual increase to be no more than a Consumer Price Index (CPI) plus New Growth Index (NGI). As the leasing costs are for a single year, they must be capitalized to a present worth for the purpose of a one-time cash payment to the Town in lieu of a developer's bringing an actual water supply for the developer's units.

It is assumed that the River District's lease can be renewed in perpetuity, as the units to be built or their replacements must be assumed to be permanent units. It is noted that the River District's water marketing policy allows for a lease term of up to 40 years, with the lessee's option to extend the lease for another 35 years. There has also been historical limitations on the amounts of water that an entity can lease, so there may come a time when additional water should be leased by an entity other than Minturn or augmentation water may need to be leased from a different entity.

The initial annual lease cost would be based on the water needed for augmentation, which can be estimated as the diversion, delivery, or consumption amount. Then, increasing the initial annual lease payment for subsequent years (essentially in perpetuity) by an annual increase of 2.96% (which is the average of the annual increases shown in the River District's materials from 2011 to 2022) and using a 4% internal rate of return for the Town (as previously discussed with Mike Sawyer), I arrived at a present worth, or a one-time "cash-in-lieu" payment shown below.



**Table 2**  
**Summary of Estimated One-Time “Cash-in-Lieu” Payment for Eagle Park Water**

<b>Criteria</b>	<b>Annual Volume (af)</b>	<b>One Time Cash-in-Lieu Payment per SFE</b>
1 SFE Diversion	0.29	\$51,067
1 SFE Delivery	0.23	\$40,501
1 SFE Consumption	0.07	\$12,326

Note: Minturn must determine whether the fee should be based on the diversion, delivery, or consumption amount. My notes are not clear regarding what Minturn decided in 2021-2022.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 18– SERIES 2023**

**A RESOLUTION SETTING AND APPROVING WATER  
CASH IN LIEU FEES FOR THE TOWN OF MINTURN,  
COLORADO**

**WHEREAS**, The Town of Minturn can review and approve such fees by Resolution annually and as necessary, and;

**WHEREAS**, The fees have been set for the Enterprise Fund and it is the desire of the Council to modify those established rates to better conform with the needs of the Enterprise.

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

Section 1.

The following fees are hereby set and adopted as follows effective immediately:

	Current Fee	Modified Fee
Cash in Lieu Water fee	\$13,329.33	\$_____

Section 2.

All other rates previously adopted for the Fiscal Year 2023 will remain unchanged.

Section 3.

In the event of a conflict between the fees, rates and charges listed in Appendix A and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED  
THIS 21<sup>st</sup> DAY OF JUNE, 2023**

ATTEST:

\_\_\_\_\_  
EARLE BIDEZ, MAYOR

\_\_\_\_\_  
JAY BRUNVAND, TOWN CLERK



## LOCATION

This project will take place in the parking area along the south side of Nelson Ave (adjacent to the vacant lot). Additionally, art across the entrance to the street (sidewalk to sidewalk) may also be proposed / considered to bring more liveliness to the area.

The approximate dimensions of the proposed project area are 100' wide / long x 13' deep, although the entirety of the area does not necessarily need to be used.

## STIPEND

The Town of Minturn is looking for proposals with an estimated cost (materials and artist time). The artist will need to procure all materials necessary to complete the project. If any assistance is needed, requests can be made but will be up to the discretion of the Town of Minturn.

## APPLICANTS

We are currently only accepting applicants who are residents of Eagle County. Residents of Minturn are especially encouraged to apply!

## SELECTION PROCESS

Once applications have been submitted following the June 5<sup>th</sup> deadline, the Town Council will select a design that best suits the space and goal of the initiative.

Full Name: Jennifer Holmes

Email: jenngholmes@gmail.com

Phone: 979-270-1494



**Address:** 453 Pine St. , 301 Boulder St. #819 Minturn CO 81645

**Website:** Please see attached photos

If you don't have a website, please provide us with other references of previous art projects you have completed.

**Medium:** Mixed media

**Have you painted on a similar surface before? What would you need to do to prepare the surface for your project?**

I have not painted on asphalt before. I think it will be essential to have the surface swept and pressure washed in order for the paint to adhere to the asphalt.

**Please share with us why this project is of interest to you and/or why it is relevant to you and your art:**

I am a resident of Minturn and I believe that public art elevates a community's vibrancy. Public art has the power to unite community members and welcome outside visitors. My proposed project could serve as a collective community expression and could transform the asphalt parking lot to a more enhanced sensory experience.

**Description of proposed art:** "The Colors of Minturn."

I propose painting an abstract geometric rainbow with radiant sun rays. I envision collecting leftover



exterior housepaint from local residents to re-purpose  
materials and to incorporate Minturn's unique  
color palette into the project. Please see attached  
photo shopped image.

**Please attach an image/rendering of your proposed art**

The final artist selection decision is final. If you are accepted, by submitting your entry, you give Town of Minturn the right to publish your images for publicity purposes. All credits to the artist will be included. We may ask artists to provide higher resolution jpegs suitable for publishing.

I understand that if selected, I will be asked to complete my proposed artwork no later than June 28<sup>th</sup>. If selected, I will sign a Release of Liability form to the Town of Minturn.

Signature: \_\_\_\_\_

*Jennifer Holmes*

Date: 6.1.2023

Please return completed application to Cindy Krieg no later than 12:00pm on Monday, June 5th  
[events@minturn.org](mailto:events@minturn.org)

Questions, please call 970-445-2415.

## Cindy Krieg

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**Subject:** FW: Minturn Market Asphalt Art

**From:** Jennifer Holmes <jenngholmes@gmail.com>

**Sent:** Thursday, June 8, 2023 4:10 PM

**To:** Cindy Krieg <events@minturn.org>

**Subject:** Re: Minturn Market Asphalt Art

Hi Cindy,

Thank you for reaching out. As far as time and material costs are concerned, I would be donating my time and am hopeful that the material costs would be limited to less than \$500. As I mentioned, I would like to repurpose leftover exterior house paint from local residents and would request rejected paint samples from local paint stores to reduce costs.

If the town is not able to do the power wash, it would be an additional expense for me to rent the equipment.

Sincerely,  
Jennifer

On Thu, Jun 8, 2023 at 9:27 AM Cindy Krieg <[events@minturn.org](mailto:events@minturn.org)> wrote:

I should add – because we're pushing this back, we are flexible on completion date.

Thanks,

Cindy

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**From:** Cindy Krieg

**Sent:** Wednesday, June 7, 2023 2:49 PM

**To:** Jennifer Holmes <[jenngholmes@gmail.com](mailto:jenngholmes@gmail.com)>

**Subject:** RE: Minturn Market Asphalt Art

Jennifer,

Do you have an estimated / ballpark cost in mind?

Council is going to ask that tonight, so we need to have a rough estimate of what you think this might cost?

Please advise asap if possible, thank you,

Cindy

---

**From:** Jennifer Holmes <[jenngholmes@gmail.com](mailto:jenngholmes@gmail.com)>

**Sent:** Thursday, June 1, 2023 12:52 PM

**To:** Cindy Krieg <[events@minturn.org](mailto:events@minturn.org)>

**Subject:** Minturn Market Asphalt Art

Dear Cindy,

Thank you for your response to my email. I am excited about the prospect of participating in the asphalt art project and I have attached my proposal with the photoshopped image of my vision. If there are others who are interested in working together to enliven the designated space for the project, I am willing to collaborate and am not wedded to my particular idea.

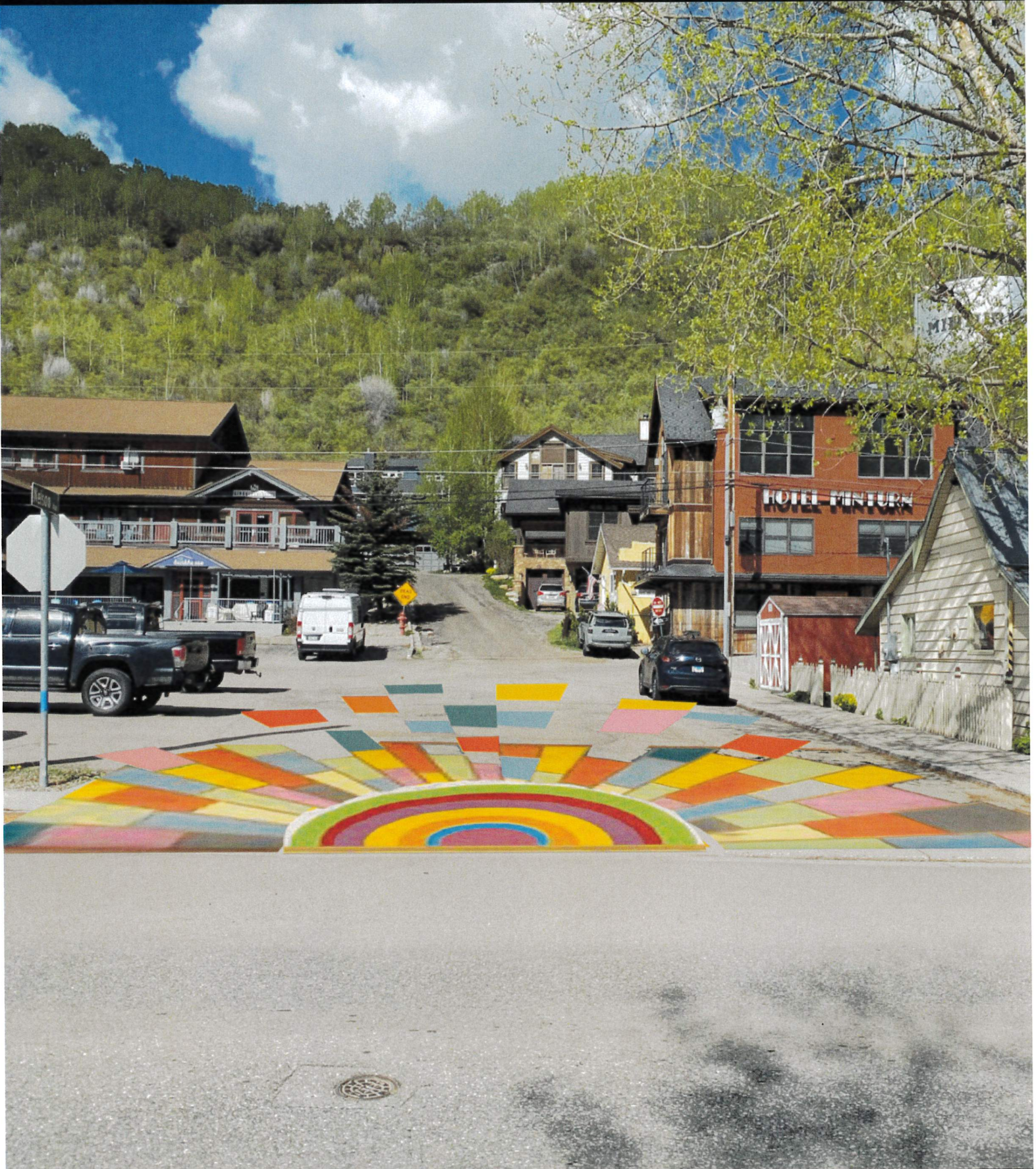
I anticipate the project would take 2-3 days and would require diverting car traffic to one lane in and out of the parking lot and Nelson St. With your help, I would like to email Minturn residents to request donated leftover exterior house paint. My hope is to reflect the unique colors of Minturn as well as reducing costs and reusing materials. I also think that local businesses like Walmart, Home Depot, and Sherman Williams, may be willing to donate rejected paint samples if necessary. I do think that the asphalt will need to be power washed and cleared of debris before painting.

In addition to the proposal and photoshopped image of my idea, I have included two photos of other projects that I have worked on. The phoenix is a mural that I helped paint for a business in Eagle. The other is an interactive portable mural project that I spearheaded, designed, and created with my daughter's Girl Scout Troop.

Thank you for your consideration. Please feel free to reach out if you have questions. I am currently traveling, but I am available via email and will return to Minturn next Thursday.

Sincerely,

Jennifer Holmes











## LOCATION

*This project will take place in the parking area along the south side of Nelson Ave (adjacent to the vacant lot). Additionally, art across the entrance to the street (sidewalk to sidewalk) may also be proposed / considered to bring more liveliness to the area.*

*The approximate dimensions of the proposed project area are 100' wide / long x 13' deep, although the entirety of the area does not necessarily need to be used.*

## STIPEND

*The Town of Minturn is looking for proposals with an estimated cost (materials and artist time). The artist will need to procure all materials necessary to complete the project. If any assistance is needed, requests can be made but will be up to the discretion of the Town of Minturn.*

## APPLICANTS

*We are currently only accepting applicants who are residents of Eagle County. Residents of Minturn are especially encouraged to apply!*

## SELECTION PROCESS

*Once applications have been submitted following the June 5<sup>th</sup> deadline, the Town Council will select a design that best suits the space and goal of the initiative.*

**Full Name:** TRACY LONG

**Email:** HEALTHFORWARDYOGA@GMAIL.COM

**Phone:** 970-977-0317



**Address:** 515 KING RANCH ROAD, MINTURN CO

**Website:** tracylong.art

If you don't have a website, please provide us with other references of previous art projects you have completed.

**Medium:** Acrylic Paint

**Have you painted on a similar surface before? What would you need to do to prepare the surface for your project?**

Asphalt? No... WOOD - YES. I WOULD NEED THE AREA PRESSURE WASHED, THEN I WOULD DO A LAYER OF PRIMER. THEN I COULD PAINT THE MURAL.

**Please share with us why this project is of interest to you and/or why it is relevant to you and your art:**

I WOULD LOVE TO SEE A ZILLION ART PROJECTS LIKE THIS COME TO LIFE SCATTERED THROUGHOUT OUR LITTLE TOWN OF MINTURN! IF I UNDERSTAND THE BRIEF, THE ASPHALT ART IS MEANT TO BE WARM, INVITING, WELCOMING. ART CREATES FEELINGS. I AM A COLORIST - I AMPLIFY & EXAGGERATE COLORS TO ELICIT FEELINGS OF JOY, HAPPINESS AND DELIGHT, I ESPECIALLY LOVE PAINTING ANIMALS. I BELIEVE MINTURN'S PROXIMITY TO NATURE AND WILDLIFE IS ONE OF OUR GREATEST ASSETS.

**Description of proposed art:** "WELCOME FRIENDS"

ASPEN BRANCHES CASCADING DOWN THE LENGTH OF THE ART ZONE TO EMPHASIZE THE BEAUTY OF OUR



town landscape... Ten different birds perched  
in the branches to suggest that all kinds of folks are  
welcome here. The birds are sharing greetings - welcoming  
and happy. Area for hopscotch or other game(s).  
**Please attach an image/rendering of your proposed art**

*The final artist selection decision is final. If you are accepted, by submitting your entry, you give Town of Minturn the right to publish your images for publicity purposes. All credits to the artist will be included. We may ask artists to provide higher resolution jpegs suitable for publishing.*

*I understand that if selected, I will be asked to complete my proposed artwork no later than June 28<sup>th</sup>.  
If selected, I will sign a Release of Liability form to the Town of Minturn.*

**Signature:**

Jay Jay

**Date:** June 3, 2023

Please return completed application to Cindy Krieg no later than 12:00pm on Monday, June 5th  
[events@minturn.org](mailto:events@minturn.org)

Questions, please call 970-445-2415.

## Cindy Krieg

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**From:** healthforwardyoga@gmail.com  
**Sent:** Thursday, June 8, 2023 9:36 AM  
**To:** Cindy Krieg  
**Subject:** Re: Asphalt Art Application

Hi, Cindy.

Ok, I have come up with a better estimate for time and materials.

For materials: \$550. For time \$1000, if I worked 5 full days I could get this done, with some paid help from artist friends. That said, painting outside can get derailed by weather. Wind, rain, and temperature can disrupt the project. I am concerned with the time constraints. It sounds like the announcement/ start date is being pushed out by at least a week. Would the Town be open to also extending the completion date by the same amount of time? I totally understand if the time window can not be moved, but if that is the case, please remove my application from this open call, and I'll look forward to the next opportunity to add to the beauty of our little town.

Thanks so much, Tracy

Sent from my iPhone

On Jun 7, 2023, at 2:44 PM, Cindy Krieg <events@minturn.org> wrote:

Tracy,

Do you have an estimated / ballpark cost in mind?

Council is going to ask that tonight, so we need to have a rough estimate of what you think this might cost?

Please advise asap if possible, thank you,  
Cindy

### Cindy Krieg

Economic Development / Special Events

Town of Minturn

[events@minturn.org](mailto:events@minturn.org)

Phone, Direct: 970-445-2415

Main Office Phone: 970-827-5645

[Minturn Newsletter Sign-up](#)

[www.minturn.org](http://www.minturn.org)

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**From:** Tracy Long <thomconville@icloud.com>  
**Sent:** Saturday, June 3, 2023 4:24 PM  
**To:** Cindy Krieg <events@minturn.org>  
**Subject:** Asphalt Art Application



Conceptual Rendering







Town of Minturn  
301 Boulder St #309  
Minturn, CO 81645  
970-827-5645  
[council@minturn.org](mailto:council@minturn.org)  
[www.minturn.org](http://www.minturn.org)

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## **FUTURE MEETING AGENDA ITEMS**

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

### **June 21, 2023**

- Audit Presentation/Acceptance – FY 2022
- Revisit Resolution 17 - Series 2023, A Resolution updating the fee for Cash in Lieu
- Ord 07 – Series 2023; (Second Reading) An Ordinance Approving an Encroachment Agreement at 701 Boulder Street
- Ord 08 - Series 2023, (First Reading) An Ordinance Amending sections of Chapter 17
- Discussion/Direction – Asphalt Art

### **July 5, 2023**

- Ordinance \_\_ - Series 2023 (First Reading) an Ordinance Approving a Preliminary Plan and Preliminary Plat for the Minturn North/Minturn Crossing Planned Unit Development
- Special Presentation – Vail Valley Mountain Trails Alliance Meadow Mountain trail network plan review
- Ord \_\_\_ - Series 2023, (Second Reading) An Ordinance Amending sections of Chapter 17
- Consent Agenda – Public Service Agreement; Stolfus Engineering, for the purposes of design and engineering for the Main Street Phase II Sidewalk project.
- Discussion/Direction – Exterior Energy Offset Program

### **July 19, 2023**

- Discussion/Direction – Minturn Snow Removal (possible date)
- Discussion/Direction – Exterior Energy Offset Program

### **Dates to be Determined:**

- Holy Cross Energy Transmission Line
- Ord \_\_\_ - Series 2023 (First Reading) – ECSD Impact Fee in lieu
- Ord \_\_\_ - Series 2023 (First Reading) An Ordinance defining SFE requirements for ADUs over 750 sf.
- Resolution \_\_ - Series 2023 a Resolution authorizing a proposed Phase I Environmental Site Assessment
- Discussion/Direction - Water Treatment Plant Infrastructure Analysis
- Discussion/Direction – Battle Mountain Settlement Agreement (Public Discussion only)