



AGENDA

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center
302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday July 1, 2020

Meeting to be held via Zoom Conferencing and call-in.
Public welcome to join meeting using the following methods:

Join Zoom Meeting
<https://us02web.zoom.us/j/86559935849>

Meeting ID: 865 5993 5849
One tap mobile
+16513728299,,86559935849# US (St. Paul)
+13017158592,,86559935849# US (Germantown)

Work Session – 5:30pm
Regular Session – 6:30pm

MAYOR – John Widerman
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
George Brodin
Brian Eggleton
Eric Gotthelf
Gusty Kanakis

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

Work Session – 5:30pm

- Ordinance No. 07 – Series 2020 (Second Reading) an Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purposes of adopting inclusionary zoning for affordable housing – Hunn

Pg 21

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

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

3. Approval of Consent Agenda

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

- June 17, 2020 Meeting Minutes Pg 4
- Thai Kitchen LLC Annual Renewal of a Beer and Wine License; 141 Main St.; Wipanun Somdee, President – Brunvand Pg 13
- Resolution 21 – Series 2020 A Resolution supporting the CARES Act reimbursement – Metteer Pg 18

4. Approval of Agenda

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

5. Special Presentations

- Council Comments/Committee Reports
 - Water Committee Update – Kanakis Pg 20

PUBLIC HEARINGS AND/OR ACTION ITEMS

6. **Public Hearing/Action Item:** Ordinance No. 07 – Series 2020 (Second Reading) an Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purposes of adopting inclusionary zoning for affordable housing – Hunn Pg 21

7. **Public Hearing/Action Item:** Resolution 22 – Series 2020 A Resolution approving the Minturn Community Housing Residency Requirements and Guidelines and the Community Housing Residency Requirements and Guidelines: Administrative Procedures – Hunn Pg 36

8. **Public Hearing/Action Item:** Ordinance No. 08 – Series 2020 (First Reading) an Ordinance of the Town of Minturn amending Chapter 10, Article 13 of the Minturn Municipal Code to remove offenses relating to a minor’s curfew and conform the code therewith – Sawyer Pg 69
9. **Public Hearing/Action Item:** Ordinance 08 – Series **2019** (Second Reading) An Ordinance approving Disconnection of Real Property from the Town of Minturn – Battle Mountain Bolts Lake Property – Sawyer Pg 72
10. **Public Hearing/Action Item:** Resolution 19 – Series 2020 A Resolution approving encroachment fees – Metteer Pg 92
11. **Public Hearing/Action Item:** Resolution 20 – Series 2020 A Resolution approving the Minturn True North (Strategy) Statement – Metteer Pg 95

COUNCIL INFORMATION / UPDATES

12. Staff Updates

- Manager’s Report
- Future Agenda Items Pg 106

MISCELLANEOUS ITEMS

13. Future Meeting Dates

- a) Council Meetings:
 - July 15, 2020
 - August 5, 2020
 - August 19, 2020

14. Other Dates:

- 4th of July Holiday – Offices Closed July 3, 2020

15. Adjournment



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center
302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday June 17, 2020

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

Work Session – 5:30pm
Regular Session – 6:30pm

MAYOR – John Widerman
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
George Brodin
Brian Eggleton
Eric Gotthelf
Gusty Kanakis

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

Work Session – 5:30pm

- Presentation of the Fiscal Year 2019 Financial Audit – Brunvand

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John W. at 6:31pm using the ZOOM on-line meeting format due to the COVID-19 pandemic concerns.

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

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

- Pledge of Allegiance

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

Ms. Shelley Bellm, 470 Pine St, requested the Council repeal any known curfew laws held by the town. She stated these are out dated and unnecessary.

Mr. Michael Cacioppo, Business Briefs, spoke of the Cable Board for cablevision of public information in the County. He spoke opposed to the current public broadcasting line up on the local public access channel. He asked the Council to support him in his concern.

3. Approval of Consent Agenda

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- May 20, 2020 Meeting Minutes
- Acceptance of the Fiscal Year 2019 Financial Audit – Brunvand

Motion by Gusty K., second by George B., to approve the Consent Agenda of June 17, 2020 as presented. Motion passed 7-0.

4. Approval of Agenda

- Items to be Pulled or Added

Add an Executive Session to the end of the meeting

Motion by Earle B., second by George B., to approve the agenda as amended to add an Executive Session at the end of the public meeting. Motion passed 7-0.

- Declaration of Conflicts of Interest

5. Special Presentations

- Minturn Scholarship Awards update – Shelley Bellm

Ms. Shelley Bellm, Minturn Scholarship Committee, gave a brief history of the scholarship program stating they were originally funded by the Battle Mountain Company, introduced the committee members, and presented an update on the 2020 Scholarship awards. There was a total

of five complete applications. She stated those that choose to defer a year due to COVID would not lose this year's award and could apply it to college next year with no penalty or requirement to reapply. A total of \$6,570 was awarded and was divided by Riley Bellm, Caleb Dennis, Emma Janusz, Amalia Manning, and Axelina Manning based on an interview process.

Brian E. spoke of how proud we are of our local students and praised this program for its successes.

- [COVID-19 update – Will Cook & Chris Lindley; Vail Health](#)
(click above for presentation link)

Misers Will Cook and Chris Lindley presented a PowerPoint which outlined the current status of the COVID-19 county affects and presented a health update that included current exposure levels. The complete presentation is posted on-line. Communitystream.org is a resource to connect with others in a safe setting.

Michelle M. updated on our town wide campaign to inform the citizens of the current regulation's county wide.

Terry A. emphasized the need of mental health support. She encouraged Eagle County Mental Health to attend some of the outdoor events in an attempt to get out in front of the people with need. Mr. Lindley stated not only would they like to attend but potentially even help sponsor.

John W. expressed this topic would be used for the next Minturn Matters event.

- Council Comments/Committee Reports

George B. gave a brief update of the two water projects. The survey work for the new tank site will begin next week. The Little Beach Park raw water line is ready to go next week. The water meter replacement plan is in progress and will begin in the next while. We are showing overall lower usage with the 2020 water rates.

Terry A. updated on the High Five Access Media. High Five is supporting local bands by highlighting the bands and their music. She stated July 9 will be the first Minturn Concert. They will be doing only local bands this year to support our local talent pool as well as to invest locally in Eagle County. The concerts will be at Little Beach Park and all social distancing and masks will be adhered too. She said VVMB had their first bike park volunteer night, to night. The park is moving along nicely.

Brian E. updated on the Scholarship Committee; the awards will be paid to the school. The next Radio Free Board meeting is next Tuesday. They have put off the August fund drive until December. He updated on the Climate Action Committee. He noted the recycling efforts being taken. Eco Transit is hoping to have 3-4 electric buses operating this year. He would like to have a representative of the Climate Action Committee come to a council meeting to present their sustainable building code. He said the committee also has a water conservation team that could assist the town as well. They are looking at a no idling of motor vehicles campaign this year. Brian E. expressed how well he felt the Board Retreat went on June 3.

PUBLIC HEARINGS AND/OR ACTION ITEMS

6. **Public Hearing/Action Item:** Ordinance No. 07 – Series 2020 (Second Reading) an Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purposes of adopting inclusionary zoning for affordable housing – Hunn

Scot H. updated on the process of adopting the regulations for the inclusionary zoning regulations. The regulations are designed to increase attainable and deed restricted housing for locals when a development includes five or more units. He outlined the eligibility guidelines defining that there is the Ordinance that creates the law and then there are guidelines that inform the developer how the regulations work. Scot H. has received comments and has modified the document to reflect some of those. He also reviewed the direction given and how it has evolved in to the current Ordinance.

John W. noted the document is very inclusive with lots of information.

Earle B. asked for input on the percentage levels for inclusionary zoning. Ms. Kim Bell Williams, Eagle County Government, stated the County requires 25% of the project to qualify as inclusionary. The concern balance is the cost to the developer vs the affordable units, the goal is to have housing for locals. She stated it is more helpful to be flexible with the developer by reducing the number of affordable units if the price point is lower.

John W. stated he felt the flexibility was very important as each project has its own merits. Earle B. and others expressed the same sentiment. These are guidelines not concrete regulations.

Michael S. noted for the Council that if there are aspects that still need changes then they should table for a set time to allow those considerations.

Public Hearing opened.

Mr. Tim McGuire, Battle Mountain Resort, stated as a developer he still had some confusion with the way the code definitions read. He felt the guidelines were good and agreed with flexibility, but felt some things were missing. He asked if cash-in-lieu fees could be included? He recommended that the code be as clear and unambiguous as possible prior to passing it on second reading. He recommended tabling. Ms. Kim Bell Williams expressed that allowing a developer cash-in-lieu was an idea but that would reduce the possible effectiveness.

Public Hearing closed

Earle B. asked if it would make sense to avoid hard numbers in the Ordinance but put them in the guidelines? Michael S. stated the goal is to give developers the guidance to propose projects that would be acceptable. By putting the hard numbers in the guidelines then the Ordinance can be more long term with hard numbers considered annually similar to fees.

Discussion ensued on the proposed inclusionary numbers.

Scot H. stated we do have a project that would fall into this anticipated for the next Planning Commission meeting.

Motion by Earle B., second by Terry A., to table to the July 1, 2020 Council Meeting Ordinance No. 07 – Series 2020 (Second Reading) An Ordinance of the Town of Minturn amending chapters 6 and 16 of the Minturn Municipal Code for the purpose of adopting inclusionary zoning for affordable housing as presented. Motion passed 7-0.

COUNCIL DISCUSSION / DIRECTION

7. Discussion/Direction: Vasquez land purchase request for consideration - Metteer

Michelle M. stated Mr. Roy Vasquez has requested to purchase the property adjacent to his property identified as the south side of the Toledo St Right-of-Way (ROW) between Pine and Boulder Streets immediately north of his property line. She noted if the Council agreed to sale the property it would need to be voted on in a public election and only sold if an affirmative vote is garnered.

Mr. Roy Vasquez presented his request with his daughter, Lisa Vasquez to assist. He would like to purchase the land that they have been using for years.

Michelle M. stated the town had a survey of the land in question commissioned showing exactly where and how much land is involved. She stated there is very limited parking in the area due to its narrowness on Toledo and that Staff is recommending denial of the request as presented.

John W. summarized that the Council is being asked to consider selling the ROW or not. Michelle M. asked for direction to Staff to bring this forward as an Ordinance and proceed with an election.

Michael S. commented on the limited width of the street area and compared the area to the 100 block of Main Street area where we needed to purchase ROW to complete the recent redesign in that area. He introduced the concept of an Encroachment Agreement. This would allow the town to maintain its ROW but allow Mr. Vasquez use of the land until such time as the town needs the ROW.

Earle B. asked if an Encroachment Agreement would be considered as a solution for the Vasquez's? This would allow the town to maintain their land for future use, would allow the Vasquez's use of the land until such time the ROW is needed, and would avoid a public election. Mr. Vasquez stated he would agree to the agreement.

Direction was for Michelle M. to proceed with the Encroachment Agreement as an alternative to a land exchange. This will not come back to Council as it will be handled as an administrative process.

8. Discussion/Direction: Whitney Creek Reservoir June Comment period - Sawyer

Michael S. informed that the Homestake Partners are desiring to expand their water storage in the area with the Homestake II proposal. The project is expected late this summer and proposed to last 4-6 weeks. It includes the construction of roads and drilling near the Holy Cross Wilderness boundary and potentially in wetland areas. The project is a precursor to the large dam and reservoir that would affect the Upper Eagle River Valley and its water sources. This comment period will last only 30 days. Michelle M. asked that Council authorize a letter in opposition to the project.

George B. asked how this is different than the Homestake Project? Michael S. said this is a proposal to enlarge that project dramatically. George B. felt this would have a very drastic effect on the stream flow on Whitney Creek and in the Eagle.

Terry A. asked about acting as a citizen vs a council member; Michael S. stated she could do both and it was important to do so.

Mr. Michael Cacioppo, Business Briefs, spoke opposed to the reservoir. West slope water should stay on the west slope drainage basin. He said years ago public hearings were held and the County should have those tapes.

Michael S. said we are at the beginning of a long process.

Terry A. asked if ERWSD is in support or just agreed to not oppose? This was not known.

Direction was to proceed as recommended by Michelle M.

9. Discussion/Direction: USFS Leasing Authority Comment period - Metteer

Michelle M. stated the White River national Forest has been working with the USFS national office on guidelines pertaining to how the leasing of qualified administrative USFS lands can occur. This is follow-up work to the 2005 Forest Service Facilities Realignment and Enhancement Act and the 2018 Farm Bill. This process is now open for public comment on the draft guidance. A primary Goal of Minturn is to utilize the USFS administrative parcel at the Dowd Junction location for the use of commercial sales tax revenue, public access to Meadow Mountain, and a regional transit hub.

Staff is requesting direction from Council to provide comments for the USFS Leasing Authority on behalf of the Town of Minturn.

Discussion ensued as to who could obtain the lease and for what purposes.

Direction was to proceed as proposed by Michelle M. to comment on behalf of the town in support of the leasing as proposed.

10. Discussion/Direction: Public Meetings and COVID-19 Health measures

Michelle M. stated the Council is desiring to get back to in-person meetings while adapting to all necessary safety. The concern is that even though we have a public meeting some citizens with compromised immune systems would be excluded. The recommendation is to have the in-person meeting and have a live stream Zoom meeting platform running as well.

John W. stated he felt this was workable as he had become accustomed to checking the Zoom audience for comments or raised hands.

Brian E. stated we are looking at months of this and we need to develop a plan to move forward. He felt safety was more important than speed and that we should move forward with the upgrades to the Council Room. He felt transparency was very important.

George B. asked if we could use the police deputy to assist, he was in support of the efforts as presented.

Michael Cacioppo, Business Briefs, felt that to continue with Zoom meetings combined with in-person meetings was the utmost transparency.

Direction was to move forward as proposed by Michelle M. It was stressed that we should exercise caution and safety over speed.

COUNCIL INFORMATION / UPDATES

11. Staff Updates

- Manager's Report

River Access Trail – GOCO Grant

Minturn locals have been working hard behind the scenes in preparation for the GOCO River Access Trail construction. This project will allow for several public access points in Minturn along the Eagle River. Anyone wishing to volunteer is greatly appreciated! Contact Madison Harris at Town Hall to be added to the volunteer list: 970-445-2429.

MUNICIPAL COURT

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

TRANSITION TRAIL MAP – BLACK PHASE

On June 11, 2020 Eagle County Government submitted a variance request to the State of Colorado for the ability to move into the “Black phase” of the Transition Trail Map by June 22, 2020. See full announcement [here](#).

HWY 24 CONSTRUCTION

The construction crew is back for the completion of the HWY 24/Main Street improvements. It is critical to address any issue as it arises. Should property owners adjoining the HWY 24 work have an issue, please call Jim Zufall, project manager at 720.544.3395. If you are unable to contact Jim directly, please let me know and I will assist in addressing the matter.

SANITARY SURVEY

Slow sand filters 1 & 2 failed the liner integrity testing. Town representatives conducted a call with CDPHE to notify of the failure and begin to address next steps. We anticipate CDPHE to respond within the next 30 days with an outline of the next action steps.

BEAR SEASON

The bears are out and that means it's time ensure those trash bins are properly locked or that you stand next to someone that can't run as fast as you (said by a local Minturn resident).

Brian E. updated on the sales tax revenue report included in the packet. He stated we still have a surplus due to the strong revenue in January and February. He stated the percentage down in April was less than the percentage down in March. He stated the online sales are proving very strong and encouraging.

- Future Agenda Items

Terry A. stated that High Five Media is drafting a response to Mr. Cacioppo's concerns and felt we should wait for them to act prior to us taking a stand.

Mr. Cacioppo stated he has not been approached and does not receive notice of their meetings.

Brian E. asked about adding the sustainable building from the Climate Action Committee.

MISCELLANEOUS ITEMS

12. Executive Session: An Executive Session pursuant to Section 24-6-402(4)(b) for the purposes of consulting with our attorney and pursuant of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e) – Eagle River Water and Sanitation District and Battle Mountain Resort – Sawyer

Motion by Earle B., second by Brian E., to convene in Executive Session pursuant to Section 24-6-402(4)(b) for the purposes of consulting with our attorney and pursuant of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e) – Eagle River Water and Sanitation District and Battle Mountain Resort. Motion passed 7-0.

MISCELLANEOUS ITEMS

13. Future Meeting Dates

a) Council Meetings:

- July 1, 2020
- July 15, 2020
- August 5, 2020

14. Other Dates:

- 4th of July Holiday – Offices Closed July 3, 2020

15. Adjournment

Motion by George B., second by Earle B., to adjourn at 10:50pm. Motion passed 7-0.

John Wideman, Mayor

ATTEST:

Jay Brunvand, Town Clerk



To: Mayor and Council

From: Jay Brunvand

Date: May 23, 2019

Agenda Item: Consent Agenda – Liquor License Renewal

REQUEST:

Staff is requesting Council to review and renew the attached annual renewal for a Beer and Wine license for Thai Kitchen LLC, Wipananun (Patti) Somdee, Owner, located at 141 Main St.

During the Consent Agenda approval Staff is requesting renewal of this application.

INTRODUCTION:

This is an annual renewal by the Council. I have had our police and attorney, as well as myself, review the application for items of concern which might factor into the renewal process. No items have been brought forward which would preclude renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The renewal fee of \$125.00 has been paid to the town with this submittal.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approved within the motion to approve the Consent Agenda.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Submit to Local Licensing Authority

**THAI KITCHEN
P.O. BOX 6515
Vail CO 81658**

Fees Due		
Renewal Fee		351.25
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name THAI KITCHEN LLC			Doing Business As Name (DBA) THAI KITCHEN	
Liquor License # 03-10349	License Type Beer & Wine (city)	Sales Tax License # 39854352	Expiration Date 08/01/2020	Due Date 06/17/2020
Business Address 141 MAIN STREET Minturn CO 81645				Phone Number 9704457499
Mailing Address P.O. BOX 6515 Vail CO 81658			Email Wipanuns@gmail.com	
Operating Manager Wipawan Somdee	Date of Birth 10/12/80	Home Address 827 Greenway Dr., Gypsum, CO 81637		Phone Number 970-445-7499
1. Do you have legal possession of the premises at the street address above? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>2022</u>				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input type="checkbox"/> No				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Tax Check Authorization, Waiver, and Request to Release Information

I, Wipanon Somdee am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Wipanon Somdee / Thai Kitchen (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Wipanon Somdee / Thai Kitchen</u>		Social Security Number/Tax Identification Number <u>230-95-5497 /</u>	
Address <u>P.O. Box 6515</u>			
City <u>Vail</u>		State <u>CO</u>	Zip <u>81658</u>
Home Phone Number <u>-</u>		Business/Work Phone Number <u>970 445</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>WIPANUN SOMDEE</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Wipanon Somdee</u>			Date signed <u>06/16/20</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business WIPANUN SOMDEE	Title Owner
Signature Wipann Somdee	Date 06/16/20

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For	Date	
Signature	Title	Attest



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-4049
treasurer@minturn.org

**FROM THE DESK OF
JAY BRUNVAND, TREASURER/FINANCE**

MEMORANDUM

To: Mike Sawyer, Attorney
Scott Peterson, ECSO/Minturn
CC:
Date: 6/25/20 1:50 PM
RE: Liquor License

Attached please find a copy of the renewal application for a Beer and Wine license for Thai Kitchen Inc, dba Thai Kitchen, Wipanun (Patti) Somdee, Owner, located at 141 Main St. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval to Council at the July 1, 2020 Council Meeting.

Please let me know if you have any questions or concerns, which I may be able to answer.

Thanks, jay



To: Mayor and Council
From: Michelle Metteer
Date: January 15, 2020
Agenda Item: 2020 CARES Act Collaboration Agreement

REQUEST:

Approve the Mayor to sign the Cares Act Collaboration Agreement

INTRODUCTION:

Eagle County government is coordinating the distribution of federal CARES Act relief funds amongst the Eagle County municipalities. This agreement identifies an agreed-upon amount for disbursement among the municipalities while ensuring any unspent, eligible relief dollars will go back to Eagle County should a municipality not have the ability to utilize all funds.

ANALYSIS:

The goal of this agreement is to cooperatively work in conjunction with our neighboring communities to provide a systematic method for distributing COVID-19 relief funds while ensuring any unspent dollars go back to Eagle County as even after the distribution of these dollars, the county will still have a shortfall.

COMMUNITY INPUT:

Public Comment at time of Resolution discussion

BUDGET / STAFF IMPACT:

TbD – Still determining what expenses fall under “eligible funds” as defined by the CARES Act

STRATEGIC PLAN ALIGNMENT:

Making data-based decisions aligns with Minturn’s strategic plan in the following ways:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Resolution

ATTACHMENTS:

- CARES Act Collaboration Agreement

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 21 – SERIES 2020**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE
TOWN OF MINTURN TO SIGN AN AGREEMENT
REGARDING DISBURESEMTN OF CORONAVIRUS AID,
RELIEF AND ECOMNOMIC SECURITY ACT FUNDS TO
COUNTY AND LOCAL GOVERNMENTS BETWEEN THE
COUNTY OF EAGLE, STATE OF COLORADO AND THE
TOWN OF MINTURN**

WHEREAS, The Minturn Town Council has reviewed the Collaboration Agreement with Eagle County and deems it acceptable; and,

WHEREAS, The Town Council desires to work collaboratively with Eagle County and its various municipalities as presented in the attached agreement.

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

1. The Minturn Town Council hereby approves the Collaboration Agreement between Eagle County and the Towns of Avon, Basalt, Eagle, Gypsum, Red Cliff, and Vail Colorado and the Town of Minturn, Colorado and authorizes the Mayor or his designee to execute said agreement.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 1st
day of July, 2020.**

TOWN OF MINTURN

By: _____
John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Update on 6/18/2020 Northwest COG QQ meeting

We had a great presentation from The Colorado River District.

Items that were discussed was the Law of the river, calls on the river (who get what amounts), how much of the river goes to Trans Mountain Diversion, (the front range) 56%, history of Lake Powell storage and what is happening to protect it.

Legislation monitoring was also a topic that was discussed as to where bills are in the House.

Water quality and conservation was talked about.

CC has a new resource guide it is called Water Savings Resource Guide and Model Standards for Colorado Headwaters.

Dues will not increase for next year.

The next meeting will be scheduled for some time in October.

The meeting was very informative.

Gusty/George.



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: June 26, 2020

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

REQUEST:

Continued review and approval, on second reading, of an ordinance amending the following sections the Minturn Municipal Code for the purpose of creating the Town of Minturn Housing Guidelines and Administrative Procedures:

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

Additionally, staff has provided updated “Community Housing Residency Requirements and Guidelines” as well as an updated copy of the accompanying “Community Housing Residency Requirements and Guidelines: Administrative Procedures” for the Council’s review.

INTRODUCTION:

In February 2019 the Town initiated a public process to create the Town of Minturn Housing Action Plan, a policy document establishing goals and implementation strategies aimed at addressing work force, or “community” housing in the Town of Minturn. In August 2019, the Town of Minturn Housing Action Plan was approved. The first action following adoption of the Plan was to move forward with an Inclusionary Housing ordinance. A draft inclusionary housing ordinance was forwarded to the Planning Commission for consideration in April 2020.

Planning Commission Review and Recommendation – April 8, 2020

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

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

On May 6, 2020, the Town Council held a work session to consider and review Ordinance No. 7 and subsequently voted to approve the ordinance on first reading during a duly noticed public hearing. During the Council’s work session and deliberations, and following the Council’s vote on first reading, the following comments were received by staff:

- Provide Community Housing Guidelines and Administrative Procedures to accompany proposed changes to the Minturn Municipal Code and setting forth the means by which the Town will administer and enforce housing mitigation requirements. Two separate documents – the Town of Minturn Community Housing Guidelines, and the Town of Minturn Community Housing Guidelines: Administrative Procedures – have now been developed and are presented for review.
- Increase the Resident Occupied deed restriction requirement. The goal established in the 2019 Town of Minturn Housing Action Plan was 20% and, based upon Council direction, the ordinance and companion Guidelines and Administrative Procedures now show 35%.
- Consider revisions to incentives (density bonuses and site design flexibility) to encourage voluntary provision of Community Housing units.

Town Council Review on Second Reading – June 17th

On June 17, 2020, the Town Council held another work session to consider and review an updated Ordinance No. 7 along with the draft Guidelines and Administrative Procedures. Following that work session as well as the review during regular session, the Council voted to table the review of the ordinance, Guidelines and Administrative procedures once more to allow staff time to address additional issues identified in the documents prior to adoption of the ordinance. During the Council’s work session and deliberations on June 17th, the following comments and suggestions were received by staff:

- Separate out the Guidelines and the Administrative Procedures from the ordinance so as to allow for the Guidelines – which may be amended from time to time for proper administration of Community Housing requirements – to be approved and amended by resolution rather than by ordinance, and to allow for the Administrative Procedures to be updated and amended administratively by the Community Housing Program Administrator.
- Revise and correct defined terms used in the ordinance, the Guidelines and the Administrative Procedures to ensure that the three documents use consistent language and are more easily interpreted by the Program Administrator and the general public in the future.
- Revise and correct the percentage requirements for For Sale Deed Restricted and/or For Rent Deed Restricted Community Housing Units, as well as for Deed Restricted Resident Occupied (local’s) Community Housing Units to ensure that emphasis is placed on Resident Occupied units (now set at 35% of total housing units in a project) and to clarify that any residential project with five (5) or more dwelling units will be required to provide Deed Restricted For Sale/For Rent units AND Deed Restricted Resident Occupied units.

The documents have been updated and are now presented in manner that Town staff believes addresses inconsistencies in language/terms, makes clear the mitigation requirements, and removes specific requirements and administrative procedures (mitigation rates and other specific requirements) from the ordinance – placing those details in the Guidelines and Administrative Procedures.

Last, as a key component of the Town’s development of Guidelines and Administrative Procedures setting forth how, exactly, housing requirements will be administered and enforced, staff confirmed that Eagle County Government is willing to assist the Town.

ANALYSIS:

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

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

Ordinance No. 7 along with the adoption of the Town of Minturn Community Housing Residency Requirements and Guidelines and the accompanying Administrative Procedures is intended to advance these directives and provide the Town staff with the tools to require and incentivize the provision of community housing moving forward.

COMMUNITY INPUT:

The draft ordinance was presented to the Minturn Planning Commission during a work session on April 8, 2020. That meeting was advertised and publicly noticed in accordance with the Minturn Municipal Code. Members of the public were given the opportunity to speak at that hearing and to provide feedback to the Commission. On May 6, 2020 and June 17, 2020, the Minturn Town Council held work sessions to consider the ordinance, followed by reviews on first and second reading, respectively, of the ordinance during duly noticed public hearings.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

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

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

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

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

1. Approve Ordinance No. 7, Series 2020 on second reading, and direct Town staff to present a resolution to approve the Town of Minturn Community Housing Residency Requirements and Guidelines and Administrative Procedures.

Recommended Motion:

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

ATTACHMENTS:

- Chapters 6 and 16 Amendment Ordinance
- Draft Town of Minturn Community Housing Guidelines and Administrative Procedures

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 7 – SERIES 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Town Council at duly noticed public hearings on May 6, 2020, June 17, 2020, and July 1, 2020 considered the proposed Zoning Code amendments and recommendation of the Planning Commission and determined that the amendments are in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Minturn Municipal Code.

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

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

SECTION 2. Chapter 6 of the Minturn Municipal Code, the Zoning Code of the Town of Minturn, is hereby amended to read as follows, with additions shown in double underlined text, and ~~strike through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 6 - Business Licenses and Regulations

ARTICLE 7 – Short-Term Rentals

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

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

Sec. 6-7-20. - Definitions.

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

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

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

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

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

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

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

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

- (a) Zoning. A short-term rental license may be issued in all zone districts.
- (b) Parking requirement. Parking shall be provided consistent with the requirements of Article 16 of this Code.

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

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

CHAPTER 16 – Zoning

ARTICLE 2 – Definitions

Sec. 16-2-20. - Definitions.

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

* * *

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

* * *

Community housing unit means a residential dwelling unit within the Town of Minturn that is deed restricted in accordance with the Town of Minturn’s Community Housing Residency

Requirements and Guidelines and Chapter 16, Article 26, as approved and amended from time to time by resolution of the Town Council, and in accordance with a deed restriction approved by the Town of Minturn Town Council or its designee

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

* * *

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

Deed restricted resident occupied housing means housing with a deed restriction recorded against it requiring that it be owned or occupied by an Employee/Qualified Resident as its Primary Residence as set forth in these the Guidelines and giving preference to qualified residents of the Town of Minturn.

* * *

Employee/Qualified resident means a person who meets the definition and requirements for Employment Qualifications as defined and amended from time to time in the Town of Minturn Community Housing Guidelines and Administrative Procedures.

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

* * *

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

* * *

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

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

* * *

Price capped for sale deed restricted housing means housing with a deed restriction recorded against it requiring that it meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

Price capped for rent deed restricted housing means housing with a deed restriction recorded against it requiring that it meet a maximum rental prices, as well as residency, employment and income qualifications for owners and occupants.

* * *

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

ARTICLE 26 – Community Housing Standards and Guidelines

DIVISION 1 – Administration.

Sec. 16-26-10. – Title.

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

Section 16-26-20 - Purpose and Findings.

- (a) Purpose. The purpose and intent of the regulations set forth in this Article is to increase affordable housing choices for year-round residents and to preserve a balance between second homeowners and locals in accordance with adopted Housing Action Plans and the goals and policies of adopted Community Plans, including the following goals:
- (1) To regulate and encourage the provision of locals only, or Community Housing in new and redevelopment residential, mixed-use and commercial projects;
 - (2) To ensure that the Town maintains a minimum percentage of its overall housing stock as available and occupied by locals who meet local eligibility guidelines;

- (3) To seek out partnerships with local residents, developers and existing housing agencies such as the Eagle County Housing Authority to administer Community Housing deed restrictions and to provide assistance to qualified local housing renters and/or buyers;
 - (4) To ensure that a minimum percentage of new housing developed within the Town is available to those households earning between 80%-200% Area Median Income (AMI).
- (b) Findings. The Minturn Town Council has identified attainable housing for year-round locals as a top policy priority and finds that:
- (1) According to the 2018 Eagle Valley Housing Needs and Solutions report, the free market in the upper Eagle River Valley is unlikely to produce housing affordable for those renters below 140% AMI and owners below 200% AMI without local intervention such as incentives, regulations, subsidies, and/or public/private partnerships;
 - (2) Minturn has maintained a high level of year-round residency (80% at the 2010 Census) compared to other municipalities in the upper Eagle River Valley;
 - (3) In recent years, this high level of year-round residency by locals is threatened by rising land, development and housing costs;
 - (4) The definition of “affordable” is that a household pays 30% or less of the income for housing
 - (5) There is now a shortage of affordable housing available for year-round local residents to rent or purchase;
 - (6) These regulations are necessary to ensure that the Town maintains its local resident housing goals.

Sec. 16-26-30. - Applicability.

The Inclusionary Housing requirements for Community Housing required in accordance with Article 26, Minturn Municipal Code and these Guidelines shall apply to all residential and mixed-use developments proposing the construction of five (5) or more new dwelling units, the creation of five (5) or more residential lots, or the conversion of existing non-subdivided multi-family housing into five (5) or more separately conveyable units within the corporate limits of the Town of Minturn after the effective date of these regulations. In addition, incentives for Community Housing shall also apply to all residential developments over one (1) dwelling unit.

Sec. 16-26-40. - Administration.

- (a) The Planning Director shall be responsible for the administration of these regulations, and he or she shall have the authority and duty to:

- (1) Exercise administration of this Article or any guidelines thereof pertaining to all building and developments where applicable.
 - (2) Enforce all terms of this Article or any guidelines thereof.
 - (3) Review and recommend approval or denial of all housing mitigation plans submitted in accordance with this Article or any guidelines thereof.
- (b) The Planning Director may also enter into contracts with other agencies, including regional housing authorities, to administer this Article or any guidelines thereof, subject to approval of the Town Council.

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

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

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

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

DIVISION 2 – COMMUNITY HOUSING REQUIREMENTS.

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

All new residential subdivisions, all new multi-family residential developments creating five (5) or more residential dwelling units and the conversion of existing non-subdivided multi-family housing into five (5) or more separately conveyable units shall set aside lots or units for Community Housing in accordance with the provisions and requirements of the Town of Minturn Community Housing Guidelines and Administrative Procedures, as amended from time to time.

Sec. 16-26-110. – Incentives for Voluntary Provision of Community Housing Units.

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

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

The following methods, as further described in the Town of Minturn Housing Residency Requirements Guidelines, as amended from time to time, are provided for an applicant to comply with this Article:

- (a) Provision of Price Capped For Sale and For Rent Deed Restricted Community Housing in accordance with the mitigation rates and other requirements set forth in the Town of Minturn Community Housing Guidelines and Administrative Procedures, as amended from time to time.
- (b) Provision of For Sale and/or For Rent Resident Occupied Deed Restricted Community Housing Units.
- (c) Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.
- (d) Community Housing Mitigation for the Mountaintop Area shall be as provided in Chapter 18 Sec. 18-16-120 (c).

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

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

Sec. 16-26.140. – Housing Plan.

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

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

Sec. 16-26-150. – Severability.

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

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 1th DAY OF MAY, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 1st DAY OF JULY, 2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 1st DAY OF JULY, 2020.

TOWN OF MINTURN, COLORADO

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO
RESOLUTION 22 – SERIES 2020**

**A RESOLUTION TO APPROVE THE TOWN OF MINTURN
COMMUNITY HOUSING RESIDENCY REQUIREMENTS AND
GUIDELINES AND THE COMMUNITY HOUSING
RESIDENCY REQUIREMENTS AND GUIDELINES:
ADMINISTRATIVE PROCEDURES**

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

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

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

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

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

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

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

WHEREAS, the 2019 Town of Minturn Housing Action Plan sets forth certain overarching goals and objectives aimed at creating and preserving local’s-only, Community Housing stock within the Town and creating and preserving restricted

housing stock through deed restrictions via the subsequent adoption of inclusionary Community Housing ordinances, annexation policies and incentives for the creation of Accessory Dwelling Units (ADUs) within the Town; and

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

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

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

WHEREAS, the Town initiated an amendment (the “amendment”) to Chapter 6 – Business Licenses and Regulations, Minturn Municipal Code and Chapter 16 – Zoning, Minturn Municipal Code for the purpose of creating Inclusionary Community Housing regulations and requirements; and

WHEREAS, the Planning Commission at a duly noticed public hearing on April 8, 2020 considered the amendment and provided a recommendation for approval of the amendment to the Town Council; and

WHEREAS, the Town Council at duly noticed public hearings on May 6, 2020, June 17, 2020, and July 1, 2020 considered the amendment and the recommendation of the Planning Commission, and determined that the amendment is in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Minturn Municipal Code; and

WHEREAS, at its duly noticed public hearings on May 6 and June 17, 2020, the Town Council directed Town staff to create and refine the Town of Minturn Community Housing Residency Requirements and Guidelines (the “Guidelines”) and the Town of Minturn Community Housing Residency Requirements and Guidelines: Administrative Procedures (the “Administrative Procedures”); and

WHEREAS, at its duly noticed public hearing on July 1, 2020, the Town Council approved the amendment by ordinance and directed Town staff to subsequently present a resolution for approval of the Guidelines and the Administrative Procedures for the purpose of supporting and facilitating the administration of the amendment.

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

SECTION 1: The Minturn Town Council supports and directs approval and adopting of the Town of Minturn Community Housing Residency Requirements and Guidelines, as detailed in Exhibit A attached hereto and, which shall hereafter only be updated and amended from time to time by resolution approved by the Town of Minturn Town Council at a duly noticed public hearing; and

SECTION 2: The Minturn Town Council supports and directs approval and adopting of the Town of Minturn Community Housing Residency Requirements and Guidelines: Administrative Procedures, as detailed in Exhibit B attached hereto and, which shall hereafter be updated and amended from time to time by administrative action by the Town of Minturn Community Housing Program Administrator; and

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

INTRODUCED, READ, APPROVED, AND ADOPTED THIS 1st DAY OF JULY, 2020.

John Widerman, Mayor

Attests:

Jay Brunvand, Town Clerk/Treasurer

TOWN OF MINTURN
COMMUNITY HOUSING RESIDENCY
REQUIREMENTS AND GUIDELINES

Adopted
July 2020

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CHAPTER 1 – NEED AND PURPOSE OF THESE GUIDELINES

1.01 Minturn’s Need for Housing

The Minturn Town Council recently identified attainable housing for year-round locals as one of their top policy priorities. The Town of Minturn Housing Action Plan (the “Plan”), adopted in August 2019, sets the course for the Town’s work on housing over the next three to five years. The Plan was created through a series of workshops with elected and appointed officials, interviews with local stakeholders, and questionnaires in the first half of 2019. The priorities identified in this plan include:

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

As of the 2010 Census, about 420 year-round households existing in the Town of Minturn, enjoying a strong sense of community, working class heritage, and historic small-town character. Minturn is located along the Eagle River just seven miles from the Town of Vail and Vail Resort area to the northeast. The Town is also proximate to Beaver Creek Resort and major employment centers in Edwards, Avon and Eagle Vail Commercial Service Center. Compared to other communities so close to a major resort, Minturn has maintained a high level of year-round residency (80% of homes were occupied by local residents at the 2010 Census; this compares with 20% in Vail or 64% in Avon).

In recent years, some of these attributes have been threatened by rising land and housing costs. Minturn has been discovered, and an increasing number of second homeowners have begun to shift the historic social and economic diversity. Short-term rentals are permitted but regulated in the Town and there is now a severe shortage of housing for local residents to rent or purchase at rates or prices attainable or affordable to locals, particularly those citizens of Eagle County employed in critical community support industries such as emergency services, education, and medical professions.

Despite the documented demand for workforce housing units in the Eagle River Valley – from Dotsero to Red Cliff, including Vail - private developers have little incentive to provide housing for Households with incomes of 140%-200%, or less, of the Area Median Income because responding to demand for high end and second homes is more profitable. The exceptional quality of life, natural beauty, and abundance of recreation opportunities in Eagle County, and in Minturn specifically, coupled with limited land resources, means that demand for, and availability of housing will continue to keep prices beyond the reach of median income Households without assistance.

The Minturn Community Plan, adopted in December of 2009, acknowledged the need to sustain Minturn’s community and the supply of housing that employees can afford. In the larger community, Eagle County’s labor shortages and forced commuting to homes outside of Eagle County materially degrade quality of service, the economy, the natural environment, traffic, and the character of local communities.

To these ends, Minturn’s Community Plan delineates four primary goals regarding housing:

1. Promote the development of housing opportunities for all income levels throughout all areas of town.
2. Allow a variety of lot sizes (small and large lot) as appropriate to specific areas.
3. Develop an affordable housing program, to include housing assistance for town employees,

- qualified town residents and other eligible Eagle County employees.
4. Leverage town-owned property for the development of affordable housing.

Purpose of the Guidelines

Although the Town’s documents have, over time, referenced the terms “attainable” and “affordable” housing when defining the Town’s strategic goals and objectives, the Minturn *Community Housing and Residency Requirements Guidelines* (the “Guidelines”) were developed to reflect, first and foremost, that Minturn is a close-knit community and, therefore, the Guidelines are intended to promote a sustainable and strong Minturn Community through the creation of permanently local and affordable housing stock.

The Guidelines call for all new residential and mixed-use developments proposing five (5) or more dwelling units to provide for sale and for rent housing for Households earning between 80%-200% or less of the area median income (“AMI”) - Households that have little or no opportunity to purchase market rate housing without significant subsidy. The Guidelines also offer options to incentivize the provision of Community Housing voluntarily for new developments and for redevelopment projects with four or fewer dwelling units. These guidelines and the Town’s Community Housing requirements are not applicable to commercial developments.

The Guidelines will assist in implementing specific strategies of the Community Plan and the 2019 Housing Action Plan, which call for private development to share in the responsibility for keeping up with the demand for workforce housing in the future as part of all new residential and mixed-use growth.

Through the Guidelines, Minturn seeks to reduce the number of Cost Burdened Households (as defined below) in the Town, maintain the relationship between Primary Residences (as defined below) and vacation homes, preserve community character and vitality, and keep the negative impacts associated with a commuting workforce from worsening. It is Minturn’s belief that jobs and housing should be located in close proximity whenever possible.

1.02 Applicability

The Guidelines apply to projects for a Development Permit (as defined below) for all residential and mixed-use projects containing five (5) or more units which are located within the corporate boundaries of the Town of Minturn. Governmental and non-profit entities must also adhere to these Guidelines unless otherwise exempted through valid intergovernmental agreements.

Compliance with the Guidelines is only one of several components of an application for a Development Permit, as detailed in the Town of Minturn Municipal Code. Compliance with the Guidelines, however, does not ensure that an application for a Development Permit will be approved by the Town.

1.03 Town of Minturn Community Housing Guidelines: Administrative Procedures

The Town of Minturn Community Housing Guidelines: Administrative Procedures (the “Administrative Procedures”) is the document that provides the technical procedures for developing, purchasing, owning, selling, and renting Community Housing (as defined below). The Administrative Procedures include specific eligibility criteria, AMI levels, purchase prices and rents, sale and leasing procedures, payment in lieu calculations, employment generation rates, and other information relevant to the development and operation of Community Housing. The Administrative Procedures are to be read in conjunction with the Town of Minturn Community Housing Guidelines.

CHAPTER 2 – DEFINITIONS

The terms, phrases, words, and clauses in the Guidelines shall have the meaning assigned below. Any terms, phrases, words, or clauses not defined herein will have the meanings as defined in the Minturn Municipal Code or the Town of Minturn Community Housing Guidelines: Administrative Procedures.

Affordability Gap: The difference between the average home price in each Eagle County community and the average buying power of a typical household in that community, as provided for in the Administrative Procedures.

Area Median Income (“AMI”): The estimates of median household income compiled and released annually by the United States Department of Housing and Urban Development.

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

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

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

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

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

Community Plan: The plan officially adopted by the Town of Minturn that sets forth the recommendations and policies for guiding future growth and development, while providing for the public’s health, safety, and general welfare.

Cost Burdened Household: A Household that is paying more than 30% of its income for housing costs.

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

Deed Restricted Resident Occupied Community Housing: Housing with a deed restriction recorded against it requiring that it be owned or occupied by an Employee/Qualified Resident as its Primary Residence as set forth in these the Guidelines and giving preference to qualified residents of the Town of Minturn.

Development Permit: Any preliminary or final approval of an application for rezoning, planned unit development, amendment of an existing planned unit development, special use permit, subdivision, or other development requiring a building permit or similar application for new construction.

Eagle County Housing and Development Authority (“ECHDA”): A body corporate and politic whose primary purpose is to increase the supply of Affordable Housing in Eagle County.

Eligible Household: A Household that meets the criteria set forth in the Administrative Procedures.

Employee/Qualified Resident: means a person who meets the definition and requirements for Employment Qualifications as defined and amended from time to time in the Town of Minturn Community Housing Guidelines and Administrative Procedures.

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

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

Household: All individuals who will occupy a unit regardless of legal status or relation to the owner or lessee.

Housing Plan: A written plan submitted to Eagle County describing how the applicant will satisfy the Guidelines.

Inclusionary Community Housing: The policy of requiring Community Housing in Residential Developments to ensure adequate housing stock for local residents and to maintain or increase the current ratio of primary to secondary home ownership in the Town of Minturn.

Initial Sales Price: The maximum price for which a Price Capped For Sale Housing unit may be initially sold, as provided for in the Administrative Procedures.

Maximum Rental Rate: The maximum monthly rent payment for an Affordable Rental Housing unit, as provided for in the Administrative Procedures.

Minturn Municipal Code: The regulations officially adopted by the Town of Minturn, which govern land use within the incorporated areas of the Town of Minturn.

Price Capped For Sale Deed Restricted Housing: Housing with a deed restriction recorded against it requiring that it meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

Price Capped For Rent Deed Restricted Housing: Housing with a deed restriction recorded against it requiring that it meet a maximum rental prices, as well as residency, employment, and income qualifications for owners and occupants.

Primary Residence: The residence in which an owner or renter lives for at least 9 out of any 12 months.

Program Administrator: The administrator of the Town of Minturn Community Housing Residency Requirements and Guidelines and Administrative Procedures. The Program Administrator shall be the Town of Minturn Planning Director unless the Town Council at their sole discretion appoints another person or entity.

Project: A residential or mixed-use development for which a development permit is required.

Residential Development: Any development that would result in the creation of one or more residential units or lots and for which a Development Permit is required.

Square Footage: A calculation of size including all habitable interior space, excluding garages and mechanical spaces, measured from the outside of exterior walls of the residential or mixed-use development.

Town Council: The Town Council of the Town of Minturn, Colorado.

CHAPTER 3 – REQUIREMENTS FOR COMMUNITY HOUSING

3.01 Mitigation for Residential Developments (Inclusionary Housing)

In order to address the issue of Cost Burdened Households and slow the shift from primary to secondary home ownership, Minturn has set its mitigation rate for Inclusionary Community Housing in residential and mixed-use developments proposing five (5) or more residential units at:

- Ten (10%) percent of the total residential units in a Project to be Price Capped For Sale and/or For Rent at prices and rates established within the Town of Minturn Community Housing Guidelines: Administrative Procedures; and,
- Thirty-five (35%) percent of the total residential units in a Project to be For Sale and/or For Rent Deed Restricted Resident Occupied Community Housing.

Within a single Project requiring mitigation, Price Capped Deed Restricted For Sale and/or Price Capped Deed Restricted For Rent units and Deed Restricted Resident Occupied Community Housing Units must be provided in combination.

3.02 Mixed-Use Developments

Minturn encourages mixed-use developments within certain zone districts. Because the Town does not require mitigation for commercial development, Inclusionary Housing requirements apply to residential dwelling units developed as part of any mixed-use, commercial-residential development Project proposing five (5) or more residential dwelling units

3.03 Residential Lots

When an applicant for a Development Permit seeks only to create residential lots, the Inclusionary Housing requirement of the Guidelines will be based on the number of such lots, each of which will count as one unit.

CHAPTER 4 – ACCEPTABLE METHODS OF COMMUNITY HOUSING MITIGATION

In an effort to provide the flexibility necessary for the development industry, an applicant for a residential development project proposing five (5) or more residential dwelling units may comply with the Guidelines in the following ways, all of which are subject to approval by the Town of Minturn Town Council, in its sole discretion:

1. Provision of Price Capped For Sale Deed Restricted Community Housing Units with a maximum Initial Sales Price set at or below 200% AMI affordability level.
2. Provision of Price Capped For Rent Deed Restricted Community Housing Units with rental prices set at rates affordable to Households with incomes no higher than 80% AMI
3. Provision of For Sale and/or For Rent Deed Restricted Resident Occupied Community Housing Units.
4. Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.

Where a formula indicates that a portion of a unit must be provided, the development's mitigation responsibility will be rounded to the nearest whole number: below 0.5 round down (= 0 unit) and round up from 0.5 and higher (= 1 unit).

4.01 Price Capped For Sale Deed Restricted Community Housing

Price Capped For-Sale Deed Restricted Community Housing shall have the following characteristics:

- The Initial Sales Price shall be no greater than that which is affordable to Households earning no more than 200% AMI.
- The units shall be a spectrum of types and sizes and shall be consistent with market rate units and market demand as such need is demonstrated by a recent market analysis.
- Deed restrictions shall be perpetual and in favor of the Town of Minturn and shall include all material terms as outlined in the Administrative Procedures.

4.02 Price Capped For Rent Deed Restricted Community Housing Unit

Price Capped For Rent Deed Restricted Community Housing Units provided within a project shall have the following characteristics:

- Rents must be set at or below rates that are affordable to Households with incomes no greater than 80% AMI.
- Deed restrictions shall be perpetual and in favor of Minturn or other acceptable agency such as the Colorado Housing and Finance Authority or the US Department of Housing and Urban Development and shall include all material terms as outlined in the Administrative Procedures.

4.03 For Sale and For Rent Deed Restricted Resident Occupied Community Housing

Resident Occupied For Sale and For Rent Community Housing shall have the following characteristics:

- Sales prices for Resident Occupied For Sale Housing are not limited.
- A spectrum of unit sizes and pricing responsive to market demand is encouraged.
- Deed restrictions shall be perpetual and in favor of Minturn and shall include all material terms as outlined in the Administrative Procedures, including but not limited to a 2% transfer fee due to ECHDA upon sale to a non-Eligible Household.

4.04 Land Donation

An applicant may satisfy its Town of Minturn Community Housing obligations through the conveyance of land to the Town of Minturn. The Town Council, in its sole discretion, shall decide whether to accept land offered in lieu of an applicant's Community Housing obligations in an amount determined by the Town Council meeting the following requirements:

- Land shall be free of all liens and encumbrances and shall be conveyed by general warranty deed.
- Land shall be properly entitled and capable of supporting the applicable number of Community Housing Units.
- Land shall be buildable, have suitable soils and drainage and available utilities, and should not be within an area that has potential geologic hazards associated with development.

CHAPTER 5 - HOUSING PLAN

In order for an application for a Development Permit to be deemed complete, an applicant shall submit a clear, concise, and complete Housing Plan specific to the Project, which has been approved by the Program Administrator. Compliance with the Housing Plan shall be a condition of approval for the Development Permit.

At a minimum, the Housing Plan shall contain the following information, as applicable:

1. Total number of market rate units and Community Housing Units.
2. Details regarding how the Guidelines will be met, including unit types, Square Footage, number of bedrooms per unit, targeted income category, and Initial Sales Prices.
3. Average lot size of proposed Community Housing lot and average lot size of market rate housing lots, as applicable.
4. Location of proposed Community Housing within the Project, by unit type and size.
5. Proposed production schedule of Community Housing and market rate units, including phasing plan, issuance of building permits, or other acceptable triggers.
6. Concept for marketing to Households that may be eligible for the Community Housing.
7. Any other information deemed to be relevant by the Program Administrator.

The Housing Plan will be recorded against the property in the records of the Eagle County Clerk and Recorder at the time the Development Permit is granted. Any amendment of the Housing Plan requires the approval of the Program Administrator with right of appeal to the Town Council as provided in the Minturn Municipal Code.

CHAPTER 6 – MISCELLANEOUS PROVISIONS

6.01 Deed Restrictions

All Community Housing units shall be subject to deed restrictions, which shall be recorded in the records of the Eagle County Clerk and Recorder. All deed restrictions must comply with these Guidelines and the Administrative Procedures and shall be in a form approved by the Program Administrator and the Town of Minturn Town Attorney.

6.02 Unit Quality and Design

Community Housing shall meet the requirements of all Town of Minturn land use regulations and local building codes. Community Housing Units should be architecturally compatible with surrounding uses. Exterior finishes should not be substantially inferior to the materials used on market rate units. Adequate storage space dedicated for each Community Housing Unit shall be provided.

Enhancing the long-term affordability of Community Housing through designs that reduce utility costs is strongly encouraged and conversely, amenities that are costly to operate are strongly discouraged unless such costs are otherwise defrayed or dispersed throughout the Project so as not to further cost burden Households.

Units must meet minimum energy or other efficient building standards as might be amended and as provided for in the Minturn Municipal Code. Community Housing design must address livability, maintenance, health, safety concerns, climate, lifestyle, and needs of the types of Households the units are intended to serve. To enhance livability, balconies, decks, and yards and/or pocket parks designed and intended for use of Community Housing residents are also encouraged.

6.03 Community Housing Bedroom Mix and Size

While there are no specific bedroom mix or size requirements for Community Housing Units, the applicant is expected to analyze market demand and to propose a mix that is responsive and appropriate to that demand. The bedroom mix and size will be approved by the Program Administrator as part of the Housing Plan. A market analysis should be provided to the Program Administrator prior to starting

construction on the Community Housing units.

6.04 Initial Sales and Marketing of Community Housing Units

An applicant shall be responsible for the initial sales and marketing of the Community Housing Units in its Project. The Program Administrator shall have the right to review the terms of each sale for compliance with the Guidelines.

6.05 Timing of Community Housing

All required Community Housing units must be provided prior to, or concurrently and proportionally with, the production of a Project's market rate housing as measured by issuance of building permits, unless an approved Housing Plan provides otherwise.

6.06 Replacement Housing

Applicants are prohibited from using units built as replacement of housing affordable to Households earning less than 200% AMI toward satisfaction of Inclusionary Housing requirements. Any such Community Housing destroyed in the development process must be replaced with units of similar affordability and size, in addition to the applicant's obligations under these Guidelines.

6.07 Incentives for Voluntary Provision of Community Housing Units

Any residential or mixed-use development proposing to create one (1) or more residential dwelling units may be eligible for the following incentives when voluntarily providing deed restricted Community Housing in the form of Deed Restricted Resident Occupied Community Housing, Deed Restricted For Sale Community Housing and/or Deed Restricted For Rent Community Housing, or a combination thereof, that is deed restricted in accordance with the Town's Community Housing Guidelines:

1. **Density bonus:** As part of any new residential or mixed-use Project, the Town may offer a density bonus.
2. **Site design flexibility:** Provided that the housing goals and eligibility requirements of these Guidelines are met; that the intents and purposes of the Minturn Municipal Code are not compromised; and, that the design of the Project achieves other Minturn strategic policy goals, the Town may consider flexible application of design and development standards including, but not limited to minimum lot size, building height, lot coverage, setbacks, and landscaping.
3. **Public-private partnerships:** The Town may participate or facilitate participation with other governmental entities regarding financing or purchasing of Community Housing Units directly from the applicant or other participation as agreed to by the parties.
4. **Other fee waivers:** The Town Council, in its sole and absolute discretion, may waive any other fee required by the Minturn Municipal Code and ordinances, as amended from time to time, in return for the voluntary provision of Community Housing Units.

6.08 Liberal Construction

These Guidelines shall be liberally construed so as to further their purpose.

6.09 Severability

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

provisions of the Guidelines are declared to be severable.

6.10 Modification

These Guidelines may only be modified by resolution by the Town of Minturn Town Council in a public hearing on the record. The Administrative Procedures may be amended by the Program Administrator in a manner consistent with the terms and intent of the Guidelines without Town Council approval.

6.11 Grievance Procedures

A grievance is any dispute that a unit owner, purchaser, or applicant may have with the Town or the Program Administrator with respect to action or failure to act in accordance with the rights, duties, welfare, or status of these persons or entities under these Guidelines. Procedures for filing such a grievance are as follows:

1. A written grievance must be presented to the Program Administrator. It shall specify:
 - a. The particular ground(s) upon which the grievance is based;
 - b. The action requested; and
 - c. The name, address, telephone number of the complainant, and similar information about his/her representative, if any.
2. Upon presentation of a written grievance, the Program Administrator shall meet with complainant to review the grievance and resolve the issue, if possible.
3. If the issue is not resolved, the complainant may request a hearing before the Town Council. Rules for the hearing before the Town Council follow the provisions of the Minturn Municipal Code as found in Chapter 16 – *Zoning*, Section 16-21-30 *Town Council Powers and Duties*.

6.12 Enforcement

The Guidelines are hereby incorporated as a component of the Minturn Municipal Code. Enforcement of the Guidelines will be pursuant to Chapter 16, Section 16-1-90 - *Enforcement and Penalties*, as amended from time to time, of the Minturn Municipal Code. Remedies include, refusing to issue building permits or certificates of occupancy, withholding monies from escrow, legal proceedings at law and equity, and all other remedies available under applicable law and equity.

TOWN OF MINTURN

**COMMUNITY HOUSING RESIDENCY
REQUIREMENTS AND GUIDELINES:**

ADMINISTRATIVE PROCEDURES

Adopted
July 2020

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CHAPTER 1 – DESCRIPTION OF ADMINISTRATIVE PROCEDURES

The Town of Minturn Community Housing Residency Requirements and Guidelines: Administrative Procedures (“Administrative Procedures”) provide the technical procedures for developing, purchasing, owning, selling, and renting Community Housing, and are to be read in conjunction with the Town of Minturn Community Housing Residency Requirements and Guidelines (the “Guidelines”). The Administrative Procedures are updated periodically based on current real estate market, area median income, and the most recent Housing Needs Assessment completed by Eagle County which can be found at www.eaglecounty.us/housing.

The Administrative Procedures is separated into chapters, which set forth the requirements for developers of Residential and/or Mixed-Use Development containing Community Housing (Chapter 3), requirements of buyers, owners, and sellers of Community Housing Units (Chapter 4), and requirements of owners, renters, or managers of Community Rental Housing Units (Chapter 5). Chapter 2 contains definitions and Chapter 6 contains all relevant tables, which may be updated on an annual basis.

CHAPTER 2 – DEFINITIONS

The terms, phrases, words, and clauses in the Administrative Procedures shall have the meaning assigned below. Any terms, phrases, words, or clauses not defined herein will have the meanings as defined in the Town of Minturn Community Housing Guidelines (the “Guidelines”) or the Minturn Municipal Code.

Acknowledgement of Deed Restriction: A document accepting a purchaser’s agreement to be bound by both the recorded deed restriction covering the Community Housing Unit and the Guidelines.

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

Maximum Resale Price: The maximum amount an owner can sell the Community Housing Unit for per the deed restriction requirements.

Non-Eligible Household: A Household that does not qualify as an Eligible Household per section 4.0.1 of the Administrative Procedures.

Permitted Capital Improvements: Certain improvements made to a Community Housing Unit that may be included in a seller’s Maximum Resale Price.

Qualified Employer: An individual or entity that regularly conducts business in the Eagle River Valley, with a preference for businesses located within the Town of Minturn.

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

CHAPTER 3 – INFORMATION FOR DEVELOPERS OF COMMUNITY HOUSING

3.0 Price Capped For Sale Deed Restricted Community Housing Unit

Section 3.0 will cover all requirements specific to Price Capped For-Sale Deed Restricted Housing.

3.0.1 Initial Pricing of Price Capped For Sale Deed Restricted Community Housing Units

The Initial Sales Price for Price Capped For-Sale Deed Restricted Housing Units shall be initially set at or below a price affordable to Households earning 200% of AMI. The units should be priced in a spectrum of prices consistent with unit size, location, and market demand. Community Housing Units should come to market proportionately with free market units.

Chapter 6 (Table 6.1) contains a table showing the current year's maximum Initial Sales Prices.

3.0.2 Deed Restrictions for Price Capped For Sale Deed Restricted Community Housing Units

All deed restrictions burdening Price Capped For-Sale Deed Restricted Community Housing Units must include resale restrictions binding future buyers and sellers to the applicable conditions set forth in the Guidelines and these Administrative Procedures, and shall be in a form approved by the Program Administrator and the Town of Minturn Attorney. All purchasers shall execute the deed restriction as well as an Acknowledgement of Deed Restriction.

The material terms for deed restrictions against Price Capped For Sale Deed Restricted Community Housing Units are as follows:

- a. Eligible Households only with annual recertification
- b. Primary Residency use only with annual recertification
- c. May not own other real property, subject to exceptions
- d. Limitations on rentals
- e. Initial Sales Price restrictions
- f. Maximum Resale Price restrictions. Appreciation should be based upon the average wage for Eagle County as determined by the Colorado Department of Labor and Employment using the most current available data, but in no case shall the allowed increase be more than 3% on an annual basis. There should be no floor on the amount of the increase. Table 6.7 shows current and historic wage appreciation data.
- g. Ownership interest conveyed to ECHDA
- h. Ability to force sale if owner is not complying with program rules
- i. Option to buy post foreclosure
- j. Resale by Program Administrator

3.1 Price Capped For Rent Deed Restricted Community Housing

Section 3.1 will cover all requirements specific to For Rent Deed Restricted Community Housing.

3.1.1 Maximum Rental Rates

Maximum Rental Rates for For Rent Deed Restricted Community Housing Units must be set at rates that are affordable for Households with incomes no greater than 80% AMI.

Chapter 6 (Table 6.2) contains a table showing the current year's Maximum Rental Rates.

3.1.2 Deed Restrictions for For Rent Deed Restricted Community Housing

The material terms for deed restrictions against For Rent Deed Restricted Community Housing, shall be as follows:

- a. Eligible Households only, unless otherwise prohibited
- b. Maximum rents
- c. Household income limitations of no greater than 80% AMI (income limits may be lower, but cannot be higher than 80% AMI)
- d. Term of the deed restriction should be perpetual, and the restriction agreement must be between the owner of the rental property and either ECHDA or other acceptable entity, such as the Colorado Housing and Finance Authority or the United States Department of Housing and Urban Development.

Under no circumstances shall any portion of a Community Rental Housing Unit be leased or rented for any period of time without the prior written approval of the Program Administrator and compliance with the Guidelines.

3.1.3 Divided Ownership of For Rent Community Housing Limited

No For Rent Community Housing Unit shall be converted in the future to For-Sale housing through subdivision, the cooperative form of ownership, condo conversion, or some similar form of ownership inconsistent with its rental purpose, unless the owner of such Community Rental Housing Unit proposes providing substantially similar substitute Community Rental Housing and such proposal is approved in writing in advance by the Town Council.

3.2 Resident Occupied For-Sale or For Rent Deed Restricted Community Housing Units

Section 3.2 will cover all requirements specific to Resident Occupied For-Sale and For Rent Deed Restricted Community Housing.

3.2.1 Initial Pricing of Resident Occupied For-Sale Deed Restricted Community Housing

For any Resident Occupied For Sale Deed Restricted Community Housing Units that are provided to meet the Town's required minimum amount of Resident Occupied Community Housing Units within a Project, but which are not also required to meet the minimum amount of Price Capped For Sale Units, no maximum Initial Sales or subsequent resale pricing will be established.

3.2.2 Maximum Rental Rates

For any Resident Occupied For Rent Deed Restricted Community Housing Units that are provided to meet the Town's required minimum amount of Resident Occupied Community Housing Units within a Project, but which are not also required to meet the minimum amount of Price Capped For Rent Units, no maximum rental rates or subsequent verification of rental rates will be established.

3.2.3 Deed Restrictions for Resident Occupied For-Sale Deed Restricted Community Housing

All deed restrictions burdening Resident Occupied For-Sale Deed Restricted Community Housing Units must include resale restrictions binding future buyers and sellers to the applicable conditions set forth in the Guidelines and these Administrative Procedures, and

shall be in a form approved by the Program Administrator and the Town of Minturn Attorney. All purchasers shall execute the deed restriction as well as an Acknowledgement of Deed Restriction.

The material terms for deed restrictions against Resident Occupied For-Sale Deed Restricted Community Housing shall be as follows:

- a. Eligible Households only with annual recertification
- b. Primary Residency use only with annual recertification
- c. May not own other real property, subject to exceptions
- d. Should a Non-Eligible Household desire to purchase the unit; the Non-Eligible Household must pay a transfer fee of no less than 2.0% to the Eagle County Housing and Development Authority.

3.2.4 Deed Restrictions for Resident Occupied For Rent Deed Restricted Community Housing

The material terms for deed restrictions against For Rent Deed Restricted Community Housing, shall be as follows:

- a. Eligible Households only, unless otherwise prohibited
- b. Maximum rents
- c. Household income limitations of no greater than 80% AMI (income limits may be lower, but cannot be higher than 80% AMI)
- d. Term of the deed restriction should be perpetual, and the restriction agreement must be between the owner of the rental property and either ECHDA or other acceptable entity, such as the Colorado Housing and Finance Authority or the United States Department of Housing and Urban Development.

Under no circumstances shall any portion of a Community Rental Housing Unit be leased or rented for any period of time without the prior written approval of the Program Administrator and compliance with the Guidelines.

3.2.5 Divided Ownership of For Rent Community Housing Limited

No For Rent Community Housing Unit shall be converted in the future to For-Sale housing through subdivision, the cooperative form of ownership, condo conversion, or some similar form of ownership inconsistent with its rental purpose, unless the owner of such Community Rental Housing Unit proposes providing substantially similar substitute Community Rental Housing and such proposal is approved in writing in advance by the Town Council.

3.3 Miscellaneous Provisions

Section 3.3 covers miscellaneous requirements related to the development of Community Housing.

3.3.1 Homeowners and Condominium Associations

Any documents creating a condominium or homeowners association should require that the Community Housing units will only be assessed monthly dues and other shared assessments based upon a reasonable formula.

CHAPTER 4 – INFORMATION FOR BUYERS, OWNERS, AND SELLERS OF COMMUNITY HOUSING

4.0 Buying Community Housing

Section 4.0 addresses requirements for Households interested in purchasing Community Housing.

4.0.1 Eligible Households

Eligible Households are Households meeting the following criteria:

- a. Employment Qualification: At least one member of the Household must meet one or more of the following criteria:
 - i. Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or
 - ii. Cumulatively earned at least 75% of the Household's Gross Household Income in Eagle County; or
 - iii. Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or
 - iv. Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or
 - v. Is a Disabled Person who had been a full-time employee in Eagle County immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state disability benefit program, if the person works the maximum number of hours per week the program will allow; or
 - vi. Households that make their home in Eagle County but work for employers that are located outside of Eagle County (i.e. telecommuters) may be considered eligible if all other eligibility requirements are met and the Household can prove Eagle County residency for a continuous period before application submission, subject to the Program Administrator's sole discretion.
- b. Limits on Owning Other Real Estate: No member of an Eligible Household, including, but not limited to, spouses and children under 18 years of age, may own real estate anywhere as of the date of purchase of the Community Housing unit, subject to the following exceptions:
 - i. If the Eligible Household member is currently an owner of real estate, and he or she actively seeks to sell the existing unit and purchase a Community Housing unit contemporaneously.
 - ii. A member of an Eligible Household that owns other real estate may request a hardship exemption from this requirement, which may be granted at the sole discretion of the Program Administrator.
 - iii. A member of an Eligible Household that owns commercial property for business use or vacant land may request an exemption from this requirement, which may be granted at the sole discretion of the Program Administrator.
 - iv. Exemptions for ownership of residential real estate in Eagle County will not be granted.
 - v. Trust Ownership

During ownership of a Community Housing Unit, no Household member shall own any interest alone or in conjunction with others, in any other real estate.

Real estate that is owned by a prospective Eligible Household of Community Housing may not deed that real estate to a corporation or other person or entity except at fair market value nor may real estate be deeded to a corporation or other legal entity in which the Household member has any financial interest in order to meet these requirements.

4.0.2 Application Process and Selection Criteria for Price Capped For-Sale Housing Units

Households interested in purchasing Price Capped For-Sale Deed Restricted Housing Units must submit an application to the Program Administrator to certify eligibility prior to submitting an offer to purchase a unit.

Approved applicants who are interested in purchasing Price Capped For-Sale Deed Restricted Housing units will also be added to a master buyer list to be maintained by the Program Administrator. The application and any accompanying documentation will become the property of Program Administrator and will not be returned to the applicant. The Program Administrator will accept new applications throughout the year on a rolling basis. An applicant may update its application at any time.

The application steps are as follows:

- a. Obtain an application from the Program Administrator.
- b. Provide evidence of employment by a Qualified Employer:
 - i. Total Household AMI shall be calculated from two of the most recent pay stubs or tax returns of all income earners.
- c. Provide evidence of residency in Eagle County.
- d. Affirm on the application that your Household intends to live in the unit as your Primary Residence and that no members of your Household own other real estate. If necessary, an applicant may request an exemption regarding owning other real estate according to Section 4.0.1(b).
- e. Provide a letter of prequalification from a mortgage lender for a mortgage with a fixed interest rate of at least 5 years duration or a statement of proof of funds and submit a copy to the Program Administrator. Reverse amortization mortgages are prohibited.
- f. Supply a valid copy of a homebuyer education class certification.
- g. Provide proof of funds for a down payment equal to at least 1% of the purchase price.

Once basic eligibility has been met, the applicant submitting the highest and best offer (not to exceed the Maximum Resale Price) will have the first right to negotiate for the purchase of the unit. If two or more equal offers are received, those offers will be prioritized for selection based on the highest score using the criteria listed below. The Program Administrator will notify the applicant if proof of any of the following item is necessary.

The following selection criteria applies to all resales of Price Capped For-Sale Housing units:

- a. 1 point for each calendar year of residency in Eagle County up to a maximum of 20 points. Partial years shall be awarded points on a pro-rata basis.
 - i. The applicant should provide evidence of Eagle County residency status as follows: 1) copy of lease or deed or property tax statement, or 2) utility statements from service provider, or 3) other documentation that the Program

- Administrator deems necessary to make a determination, such as voter registration information, place of automobile registration, driver's license address and income tax returns.
- b. 2 points for each calendar year of full-time employment in Eagle County. Partial years shall be awarded points on a pro-rata basis.
 - i. Provide evidence of employment by a Qualified Employer as follows: 1) the two most recent pay stubs and the W2(s) from your employer(s), and your most recent tax returns, or 2) employment contract or other documents that the Program Administrator deems necessary to make a determination, or 3) affidavit from employer verifying employment plus other documents that the Program Administrator deems necessary to make a determination.
 - c. 3 points for each calendar year of full-time employment in the Town of Minturn. Partial years shall be awarded points on a pro-rata basis.
 - i. Provide evidence of employment by a Qualified Employer as follows: 1) the two most recent pay stubs and the W2(s) from your employer(s), and your most recent tax returns, or 2) employment contract or other documents that the Program Administrator deems necessary to make a determination, or 3) affidavit from employer verifying employment plus other documents that the Program Administrator deems necessary to make a determination.
 - d. 5 points for each calendar year of full-time employment in the Town of Minturn providing contracted emergency services within the Town of Minturn. Partial years shall be awarded points on a pro-rata basis.
 - i. Provide evidence of employment by a Qualified Employer as follows: 1) the two most recent pay stubs and the W2(s) from your employer(s), and your most recent tax returns, or 2) employment contract or other documents that the Program Administrator deems necessary to make a determination, or 3) affidavit from employer verifying employment plus other documents that the Program Administrator deems necessary to make a determination.
 - e. 5 points per Household for current owners of Community Housing units.
 - f. 5 points per Household for current owners of Community Housing units.
 - g. 5 points per Household member with special needs as defined by ADA.
 - h. 10 points for applicants with a household size of 3 or more members when applying for a unit with 3 or more bedrooms.
 - i. 25 points for Households earning 200% of AMI or less.
 - i. Total Household AMI shall be calculated from two of the most recent pay stubs or tax returns of all income earners.
 - j. Points as mandated by all applicable intergovernmental and similar agreements.

The following rules apply to the selection process described above:

- a. The physical place of residency and employment is relevant; the applicant's mailing address is not.
- b. If two individuals are applying jointly, their points will not be combined.
- c. If two individuals are applying, joint income will be considered for Households earning less than 200% AMI.
- d. All claims may be verified by the Program Administrator. Claims of residency or employment that cannot be verified will not be counted in determining length of employment or residency.
- e. Eligible Households may have no more than two occupants per bedroom at any time. For example, a household of 5 people does not qualify for a two-bedroom unit.
- f. If there is a tie based upon the selection criteria above, the Program Administrator shall hold a lottery to determine the winning applicant. The drawing shall be held

by the Program Administrator during regular business hours and witnessed by the applicants with equal point priority, if desired.

4.0.3 Application Process for Resident Occupied For-Sale Deed Restricted Community Housing Units

Households interested in purchasing Resident Occupied For-Sale Housing units must submit an application to the Program Administrator to certify eligibility prior to submitting an offer to purchase a unit.

The application and any accompanying documentation will become the property of Program Administrator and will not be returned to the applicant. The Program Administrator will accept new applications throughout the year on a rolling basis. The applicant may update an application at any time.

The application steps are as follows:

- a. Obtain an application from the Program Administrator.
- b. Provide evidence of employment by a Qualified Employer as follows: 1) the two most recent pay stubs and the W2(s) from your employer(s), and your most recent tax returns, or 2) employment contract or other documents that the Program Administrator deems necessary to make a determination, or 3) affidavit from employer verifying employment plus other documents that the Program Administrator deems necessary to make a determination.
- c. Affirm on the application that your Household intends to live in the unit as your Primary Residence and that no members of your Household own other real estate. If necessary, an applicant may request an exemption regarding owning other real estate according to Section 4.0.1(b).

There are no selection criteria for resales of Resident Occupied For-Sale Deed Restricted Housing units.

4.0.4 Trust Ownership

An Eligible Household may seek a variance to allow title of a Community Housing Unit to be held in trust for the benefit of a natural person who also meets the definition of an Eligible Household member. Such ownership in trust may only occur in the circumstances provided herein and at the sole discretion of the Program Administrator.

In order to request a variance from the strict application of these Guidelines, the applicant shall submit a letter requesting a special review to the Program Administrator as follows:

- a. Community Housing Units may be held in trust only for the benefit of a natural person who due to a physical or mental impairment lacks the capacity to contract or is prevented by such impairment from acquiring title to a unit in his or her own name. The letter shall include documentation of such impairment and the basis for ownership in trust. It should be noted that the applicant should submit any additional information reasonably requested by the Program Administrator to allow Program Administrator to process this special request.
- b. The beneficiary of the trust may not own other real property.
- c. The beneficiary of the trust must be of the age of majority to qualify under this section.

- d. The criteria set forth in the Administrative Procedures may be met so long as the trust pre-qualifies for a loan. Further the trust must prove an adequate means of ensuring that expenses associated with ownership, including, but not limited to association dues and expenses are met.
- e. Upon receipt of a request for a special review and any requested information and documentation, the Program Administrator may grant the request with or without conditions, in a timely manner.

4.0.5 Rental of Community Housing by Qualified Employers for Employees

Qualified Employers may purchase Community Housing and lease to employees who are members of Eligible Households. Qualified Employers may not impose additional deed restrictions to Community Housing without the written consent of the Program Administrator.

4.1 Owning Community Housing

Section 4.1 addresses requirements for Households that own Community Housing units.

4.1.1 Maintaining Occupancy

The owner of a Community Housing unit shall continue to use the unit as its exclusive and permanent place of residence. The owner of a Community Housing Unit will be deemed to have ceased to use the unit as its Primary Residence by accepting permanent employment outside of Eagle County, by residing in the unit for fewer than 9 months out of any 12 months, or by registering to vote outside of Eagle County.

4.1.2 Recertification

Once a Community Housing Unit has been purchased, it must continue to be owned and occupied only by an Eligible Household. On an annual date set by the Program Administrator, the owner of a Community Housing Unit, shall submit the following information to the Program Administrator:

- a. A verification that the owner continues to meet employment and residency requirements, as applicable; and
- b. A statement that the owner owns no other real property with the exceptions provided for herein.

The Program Administrator will provide a paper or electronic form. Failure to provide information as required by the Program Administrator and any applicable deed restriction may result in forfeiture of appreciation, a sale mandated by the Program Administrator, or any other available remedy at law or equity.

4.1.3 Leave of Absence

A leave of absence for an owner of a Community Housing Unit may be granted at the sole discretion of the Program Administrator, subject to clear and convincing evidence that shows the reason for leaving and a commitment to return. Said evidence shall be in written form and presented to the Program Administrator for review and decision prior to the owner leaving. The leave of absence shall be for one year and may, at the discretion of the Program Administrator, be extended up to one additional year, but in no event shall it

exceed two years. In the case of an approved leave of absence, the owner shall only rent to an Eligible Household.

Rents charged during a leave of absence may not exceed the lesser of 1) Maximum Rental Rates for For Rent Deed Restricted Community Housing at 80% AMI or 2) the owner's monthly housing expenses. The tenant must submit a complete application and receive approval from the Program Administrator. The owner shall provide a copy of the executed lease agreement between the owner and tenant to the Program Administrator.

If a Community Housing Unit is listed For-Sale and the owner has relocated outside of Eagle County, the unit may, upon approval of the Program Administrator, be rented to an Eligible Household prior to completion of the sale.

4.1.4 Short Term Leases

Short term leases are not permitted in Community Housing Units. A short-term rental is defined as a non-owner providing compensation to lodge in another owner's property for periods of less than thirty (30) days. Owners shall not advertise any part of their Community Housing unit available for short term lease on any open, public forum such as Airbnb, VRBO, Homeaway, or equivalent.

4.1.5 Foreclosure

In the event of a foreclosure or of acceptance of a deed in lieu of foreclosure by the holder of a promissory note secured by a first deed of trust on an Community Housing Unit, ECHDA, the Town of Minturn, or its assigns shall have the option to purchase the unit, which option shall be exercised as set forth in the deed restriction. The owner has an obligation to notify the Program Administrator in writing once the owner perceives a foreclosure difficulty.

4.2 Sales of Community Housing Units

Section 4.2 addresses requirements for Households that are selling Community Housing Units.

4.2.1 Listing Units

All Community Housing Units must be listed For-Sale with the Program Administrator or its designee or as specified by its deed restriction.

The owner/seller of Community Housing must follow these steps:

- a. Execute a standard Listing Contract on forms approved by the Program Administrator.
- b. Consult with the Program Administrator to review the deed restrictions recorded against the unit to determine the Maximum Resale Price and other applicable provisions concerning a sale.
- c. The Program Administrator shall administer the sale in accordance with the requirements in effect at the time of listing.
- d. The owner may consult legal counsel regarding examination of title and all contracts, agreements and title documents. The retention of such counsel, licensed real estate brokers, or such related services (excluding all sales fees), will be at the owner's own expense and shall not be included in the calculation of the Maximum Resale Price.

4.2.2 Inspection Prior to Sale

The Owner shall commission a listing inspection by a listing inspector certified by the Program Administrator before executing a listing contract to determine the condition of the unit.

- a. The owner shall pay for the cost of the inspection at the time of inspection.
- b. The inspector shall furnish a written report to the owner and the Program Administrator.
- c. This information shall be furnished to the purchaser as a part of the seller's property disclosure once a purchase contract has been executed.
- d. The inspection will be valid for no more than 60 days.

The owner shall replace or repair any items that are identified as unsatisfactory in the report at market value or reduce the listing price accordingly.

4.2.3 Sales Fees

Unless otherwise set forth in the deed restriction recorded against a Community Housing Unit, at the closing of the sale, the owner/seller shall pay the Program Administrator or its designee a sales fee of 2% (two percent) of the sale price.

- a. The owner/seller must deposit 0.50% (one half percent) of the list price with the Program Administrator upon listing the unit for sale, known as the listing deposit.
- b. In the event that the owner/seller fails to perform under the listing contract, rejects all offers, or withdraws the listing after advertising has commenced, the owner/seller shall not be refunded the listing deposit.
- c. The listing deposit shall be considered a budgeted amount for advertising and administrative costs that will be incurred by the Program Administrator. If the Program Administrator incurs any additional costs, the owner/seller will be notified in advanced by the Program Administrator and shall be responsible for those additional costs.

4.2.4 Closing Costs

Sellers of Community Housing shall not permit any prospective buyer to assume any of the seller's customary closing costs, including the fees set forth herein, nor accept any other consideration that would increase the purchase price above the Maximum Resale Price so as to induce the seller to sell to such prospective buyer.

4.2.5 Maximum Resale Price

No owner of a Price Capped For-Sale Housing unit shall sell the unit for an amount greater than the Maximum Resale Price for the unit. Maximum Resale Price will be calculated as follows: Base Price + Appreciation of Base Price + Permitted Capital Improvements – Depreciation of Capital Improvements + Sales Fee = Maximum Resale Price.

There are no resale price limitations on Resident Occupied For-Sale Housing units.

4.2.6 Increases to Base Price and Permitted Capital Improvements

Certain improvements to a unit may be included in a unit's Maximum Resale Price. The following table outlines the costs that may be included in an owner's base price, items

which will not be considered Permitted Capital Improvements, items which will be allowed as Permitted Capital Improvements and depreciated on a five year schedule and items which will be allowed as Permitted Capital Improvements and depreciated on a twenty year schedule.

<p><u>Items included in Base Price</u></p> <ul style="list-style-type: none"> ● Purchase price, including garage, lot premium, heating systems and water heaters <p>The following items may be included in base price with the written approval of the Program Administrator prior to the commencement of the work:</p> <ul style="list-style-type: none"> ● Structural addition or addition of livable space including bathrooms, bedrooms, exterior door, interior doors, baseboard, window casing, insulation and plumbing (excluding fixtures) ● Modifications or improvements to accommodate a person with a disability as defined in the Americans with Disabilities Act of 1990 ● Roof replacement 	<p><u>Items which are NOT Permitted Capital Improvements</u></p> <ul style="list-style-type: none"> ● All work performed without the issuance of a building permit ● Jacuzzis, saunas, steam showers, hot tubs, etc. ● Maintenance of existing fixtures, appliances, plumbing, mechanical systems, painting, cleaning, etc. and improvements to existing fixtures ● Decorative items including window coverings, lamps and lighting not affixed to walls or ceilings, bath towel bars and hooks, etc. ● Interior paint ● Cost of tools ● Equipment Rental ● Removable items not attached to the unit
<p><u>Items depreciated on 5 year schedule</u></p> <ul style="list-style-type: none"> ● Replaced appliances ● Washer and dryer (including stackable) ● Carpet upgrades including pad ● Permanent fitted window blinds ● Garage door openers ● Gutters and downspouts ● Security system ● Electric fireplace ● Exterior paint ● Ceiling fans ● Storm doors ● Laminate flooring ● Building permit fees ● Improvements for health and safety protection 	<p><u>Items depreciated on 20 year schedule</u></p> <ul style="list-style-type: none"> ● Flooring and countertop upgrades including hardwood, stone, slate, granite, marble, tile, etc. ● Light fixtures (electrical fixtures & wiring) ● Plumbing fixtures including sinks and toilets ● Cabinets including vanities ● Closet organization systems ● Trees and permanent landscaping including sod, concrete pads, concrete pavers, etc. ● Outdoor decks ● Irrigation system ● Fencing ● Gas fireplace ● Windows ● Solar Panels ● Asphalt roof shingles (single family & duplex)

Unless otherwise identified in the recorded deed restriction, the actual costs of Permitted Capital Improvements made to a unit shall not exceed 10% of the Initial Sales Price for a five-year term, regardless of changes in ownership. For every subsequent five-year period, an additional 10% of the value of the unit at the beginning of that five-year period may be added as Permitted Capital Improvements. The five-year period for Permitted Capital Improvements shall not reset merely upon resale. No costs incurred in one five-year term may be rolled into a different five-year term.

For an owner to request that Permitted Capital Improvements be added to the Maximum Resale Price, he or she must comply with the following:

- a. Upon completion of the work, Program Administrator requests the following:
 - i. Legible copies of receipts and invoices
 - ii. Proof of payment by a third party
 - iii. Owners must retain original receipts and invoices
- b. In calculating the costs allowed as Permitted Capital Improvements, only the owner's actual out of pocket costs and expenses shall be eligible for inclusion. Such amount shall not include an amount attributable to owner's labor, or that of their employees or business, or to any appreciation in the value of these improvements.
- c. If an owner pays cash for improvements, the owner must provide third party documentation of payment. An owner must have an invoice for improvements, but if no such documentation of proof of cash payment can be produced, the Program Administrator can inspect the improvement completed in the unit. Up to 75% of documented invoice value may be included after an inspection, subject to depreciation, at the Program Administrator's sole discretion.
- d. Work that requires and is performed without the issuance of all required building permits or property owners' association approval will not be included as a Permitted Capital Improvement.
- e. The value of the Permitted Capital Improvements will be added to the appreciated value of the unit at the time of sale. No appreciation is allowed on Permitted Capital Improvements.
- f. Other improvements to the Community Housing unit are allowed, but adjustments to the Maximum Resale Price will only be given for Permitted Capital Improvements.

If a Permitted Capital Improvements or an improvement included in the base price of the unit is removed or is no longer operational, the actual cost of the improvement shall be deducted from the base price or Permitted Capital Improvement schedule. No other categories or types of expenditures may qualify as Permitted Capital Improvements unless pre-approved in writing by the Program Administrator.

4.2.7 Other Title Transfers

In the event that title to an Community Housing unit transfers, through descent or other method, to a person or entity that is not an Eligible Household, the Non-Eligible Household must notify the Program Administrator of its intent as outlined below within 90 days of taking title to the unit.

- a. The Non-Eligible Household may list the unit For-Sale, following the procedures outlined herein.
- b. The Non-Eligible Household shall have one year to become an Eligible Household. In the event the Non-Eligible Household is unable to become an Eligible Household in one year then the unit shall be listed For-Sale as provided herein.
- c. Non-Eligible Households shall not: 1) occupy the Community Housing Unit; 2) rent all or any part of the Community Housing Unit, except in strict compliance with these Guidelines; 3) engage in any other business activity on or in the Community Housing Unit; 4) sell or otherwise transfer the Community Housing Unit except in accordance with these Guidelines or corresponding deed restriction.
- d. The Program Administrator may require the Non-Eligible Household to rent or sell the Community Housing Unit in accordance with the provisions of these Administrative Procedures.

CHAPTER 5 – INFORMATION FOR RENTERS OR MANAGERS OF COMMUNITY RENTAL HOUSING

5.0 Application Process

Eligible Households must be given priority for Community Rental Housing Units, unless prohibited by other funding sources. Households must meet all other requirements of the deed restriction, including Area Median Income limits.

The owner/manager must document how eligibility and income was confirmed and must keep a record of any documents supporting the eligibility and income determination.

5.1 Records Inspection

The Program Administrator has the right to inspect the owner/manager's records on an annual basis to ensure compliance with the deed restriction.

CHAPTER 6 – TABLES

Table 6.1 – Maximum Initial Sales Price Calculations

Table 6.1 - Maximum Initial Sales Price Calculations updated 7/22/19						
		Studio	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
		1	1.5	3	4.5	6
Household Size						
100% AMI		\$ 65,800	\$ 70,500	\$ 84,600	\$ 97,760	\$ 109,040
Max Monthly Housing Payment	30%	\$ 1,645	\$ 1,762.50	\$ 2,115	\$ 2,444	\$ 2,726
Property Tax, Insurance, HOA	20%	\$ 329	\$ 353	\$ 423	\$ 489	\$ 545
Max Mortgage Payment		\$ 1,316	\$ 1,410	\$ 1,692	\$ 1,955	\$ 2,181
Maximum Mortgage Amount*		\$ 203,000	\$ 217,000	\$ 260,000	\$ 301,000	\$ 336,000
Less: Closing Costs**	1.5%	\$ 3,045	\$ 3,255	\$ 3,900	\$ 4,515	\$ 5,040
Plus: Downpayment	10%	\$ 22,894	\$ 24,473	\$ 29,322	\$ 33,946	\$ 37,893
Maximum Sales Price		\$ 228,939	\$ 244,728	\$ 293,222	\$ 339,461	\$ 378,933

* Assumes a mortgage amortized over 30 years with an interest rate of 6.77% which was determined by using the FHLMC (Freddie Mac) mortgage rate average over 30 years.

** Includes all closing costs such as Origination Fees, Recording Fee, Document Fees, Appraisal, Title Fees.

Table 6.2 – Maximum Monthly Rental Rates

Table 6.2 - Maximum Monthly Rental Rates						
HUD Release Date updated 7/22/19						
		Unit Size				
		Studio	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
Income Limits	140%	\$ 2,303	\$ 2,468	\$ 2,961	\$ 3,422	\$ 3,816
	120%	\$ 1,974	\$ 2,115	\$ 2,538	\$ 2,933	\$ 3,271
	100%	\$ 1,645	\$ 1,763	\$ 2,115	\$ 2,444	\$ 2,726
	80%	\$ 1,316	\$ 1,410	\$ 1,692	\$ 1,955	\$ 2,181
	75%	\$ 1,234	\$ 1,322	\$ 1,586	\$ 1,833	\$ 2,045
	70%	\$ 1,152	\$ 1,234	\$ 1,316	\$ 1,481	\$ 1,645
	60%	\$ 987	\$ 1,058	\$ 1,269	\$ 1,466	\$ 1,636
	50%	\$ 823	\$ 881	\$ 1,058	\$ 1,222	\$ 1,363

All ongoing fees required to be paid by a resident (including but not limited to utilities and mandatory parking fees) must be included within the Maximum Rental Rate.
Rents based on 1.5 persons per bedroom.

Table 6.3 – Area Median Incomes

Table 6.6 - Area Median Incomes							
HUD Release Date April 24, 2019							
		Household Size					
		1 person	2 person	3 person	4 person	5 person	6 person
Income Limit	160%	\$ 105,280	\$ 120,320	\$ 135,360	\$ 150,400	\$ 162,432	\$ 174,464
	140%	\$ 92,120	\$ 105,280	\$ 118,440	\$ 131,600	\$ 142,128	\$ 152,656
	120%	\$ 78,960	\$ 90,240	\$ 101,520	\$ 112,800	\$ 121,824	\$ 130,848
	100%	\$ 65,800	\$ 75,200	\$ 84,600	\$ 94,000	\$ 101,520	\$ 109,040
	80%	\$ 52,640	\$ 60,160	\$ 67,680	\$ 75,200	\$ 81,216	\$ 87,232
	60%	\$ 39,480	\$ 45,120	\$ 50,760	\$ 56,400	\$ 60,912	\$ 65,424
	50%	\$ 32,900	\$ 37,600	\$ 42,300	\$ 47,000	\$ 50,760	\$ 54,520

Table 6.4 – Historical Wage Appreciation Data

Table 6.7 - Historical Wage Appreciation Data updated 7/22/19						
US Department of Labor Average Weekly Wages for Eagle County						
Year	Q1	Q2	Q3	Q4	Annual	Annual
2002	\$ 578	\$ 624	\$ 603	\$ 668	\$ 617	
2003	\$ 609	\$ 636	\$ 638	\$ 685	\$ 641	3.89%
2004	\$ 599	\$ 670	\$ 659	\$ 724	\$ 662	3.28%
2005	\$ 645	\$ 674	\$ 709	\$ 777	\$ 701	5.89%
2006	\$ 730	\$ 704	\$ 776	\$ 791	\$ 750	6.99%
2007	\$ 741	\$ 747	\$ 759	\$ 824	\$ 768	2.40%
2008	\$ 774	\$ 752	\$ 781	\$ 837	\$ 786	2.34%
2009	\$ 725	\$ 735	\$ 770	\$ 806	\$ 757	-3.69%
2010	\$ 692	\$ 730	\$ 768	\$ 814	\$ 749	-1.06%
2011	\$ 703	\$ 742	\$ 771	\$ 793	\$ 751	0.27%
2012	\$ 726	\$ 754	\$ 743	\$ 794	\$ 754	0.40%
2013	\$ 740	\$ 768	\$ 775	\$ 834	\$ 778	3.18%
2014	\$ 757	\$ 791	\$ 793	\$ 871	\$ 802	3.08%
2015	\$ 789	\$ 819	\$ 812	\$ 899	\$ 829	3.37%
2016	\$ 787	\$ 827	\$ 852	\$ 890	\$ 838	1.09%
2017	\$ 852	\$ 833	\$ 858	\$ 918	\$ 865	3.22%
2018	\$ 856 *	\$ 839 *	\$ 888 *	\$ 945 *	\$ 882 *	1.97%

* Preliminary, subject to change.

Table 6.5 – Size of Deed Restricted Units in Eagle County

Table 6.8 Size of Deed Restricted Units			
Deed Restriction	# Units	Average	Total SF
Miller Ranch	282	1,310	369,459
Brett Ranch	156	1,163	181,362
Red Draw	4	900	3,600
Riverwalk	59	892	52,620
Bluffs	4	1,716	6,864
Avon	62	727	45,104
Vail*	100	1,255	125,497
Eagle	23	1,549	35,628
Eagle Ranch	51	1,398	71,317
ERWSD-various locations	57	1,302	74,216
Stratton Flats	21	1,652	34,692
Total/Average	819	1,221	1,000,359

Table 6.6 – Affordability Gap

Table 6.10 Affordability Gap				
Town/Neighborhood	Average Home Sales Price*	Average Weekly Wage (by zip code)	Average Household Buying Power**	Affordability Gap
Beaver Creek, Bachelor Gulch	\$ 2,239,607.09	\$776	\$ 346,115	\$ 1,893,492
Cordillera, Lake Creek	\$ 1,650,893.62	953	\$ 424,235	\$ 1,226,659
Vail	\$ 2,247,610.16	\$922	\$ 410,130	\$ 1,837,480
Arrowhead	\$ 1,780,252.94	\$953	\$ 424,235	\$ 1,356,018
Wolcott	\$ 1,621,173.08	\$1,072	\$ 477,400	\$ 1,143,773
Countywide	\$ 1,191,984.13	\$871	\$ 388,430	\$ 803,554
Edwards	\$ 862,393.68	\$953	\$ 424,235	\$ 438,159
Basalt (in Eagle County)	\$ 775,090.63	\$883	\$ 392,770	\$ 382,321
El Jebel (in Eagle County)	\$ 709,517.53	\$856	\$ 380,835	\$ 328,683
Minturn, Red Cliff	\$ 756,964.29	\$803	\$ 358,050	\$ 398,914
Eagle	\$ 616,249.50	\$920	\$ 410,130	\$ 206,120
Eagle-Vail	\$ 679,175.71	\$776	\$ 346,115	\$ 333,061
Avon	\$ 653,317.07	\$776	\$ 346,115	\$ 307,202
Rural (in Eagle County)	\$ 360,000.00	\$806	\$ 359,135	\$ 865
Gypsum	\$ 447,691.35	\$884	\$ 393,855	\$ 53,836

* Based on 2018 residential improved transactions
 ** Based on 2 workers per household using 2018 QCEW wage data, mortgage rate of 4.5%.

Table 6.7 – Historical Freddie Mac 30-Year Mortgage Rates

Table 6.11 Historic Mortgage Rates - Freddie Mac updated 7/22/19							
	Year	Rate	Points		Year	Rate	Points
1	1989	10.34%	2.10%	17	2005	5.87%	0.60%
2	1990	10.13%	2.10%	18	2006	6.41%	0.55%
3	1991	9.25%	2.00%	19	2007	6.34%	0.40%
4	1992	8.39%	1.70%	20	2008	6.03%	0.60%
5	1993	7.31%	1.60%	21	2009	5.04%	0.70%
6	1994	8.38%	1.80%	22	2010	4.69%	0.70%
7	1995	7.93%	1.80%	23	2011	4.45%	0.70%
8	1996	7.81%	1.70%	24	2012	3.66%	0.70%
9	1997	7.60%	1.70%	25	2013	3.98%	0.70%
10	1998	6.94%	1.10%	26	2014	4.17%	0.60%
11	1999	7.44%	1.00%	27	2015	3.85%	0.60%
12	2000	8.05%	1.00%	28	2016	3.65%	0.50%
13	2001	6.97%	0.90%	29	2017	3.99%	0.50%
14	2002	6.54%	0.60%	30	2018	4.54%	0.50%
15	2003	5.83%	0.60%			6.38%	1.03%
16	2004	5.84%	0.70%			Points	0.38% *
						All-In Rate	6.77%

* 1 point typically buys between .25% and .50% interest rate reduction

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

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

DATE: June 25, 2020
TO: Minturn Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Repealing Minor Curfew

At the last Town Council meeting, a request was made during public comment to repeal the Town’s minor curfew. That curfew is currently located in Sections 10-13-10 and 10-13-20 – which prohibit minors from remaining on public streets between the hours of 10:00 a.m. and 6:00 p.m. Numerous studies have shown curfews to be ineffective at reducing crime, can create distrust with law enforcement, and penalize non-criminal behavior. Additionally, curfews that do not provide for exercise of First Amendment rights to engage in religious, civic, and social activities have been held unconstitutional by federal courts, though not binding within Colorado. The Colorado Supreme Court has upheld curfews that are narrowly targeted to permit such activities, while finding that a minor’s rights are not co-extensive with those of an adult. Neither the Colorado Revised Statutes nor the Eagle County Code contain a curfew on minors.

The simple code amendment in the attached ordinance will repeal the existing violations – on both parents and minors – and replace those provisions with “Reserved” notation for future recodification.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 08 – SERIES 2020**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 10, ARTICLE 13 OF
THE MINTURN MUNICIPAL CODE TO REMOVE
OFFENSES RELATING TO A MINORS CURFEW AND
CONFORM THE CODE THEREWITH.**

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

WHEREAS, Chapter 10, Article 13 of the Minturn Municipal Code (the “Code”) provides for certain offenses committed by minors, currently including a curfew between the hours of 10:00 p.m and 6:00 a.m. and violations for both minors and their parents; and

WHEREAS, at during public comment at the June 17, 2020 Town Council meeting, members of the public requested repeal of the offenses relating to juvenile curfew; and

WHEREAS, juvenile curfews have been shown to be ineffective in reducing crime, can create distrust with law enforcement, punish non-criminal behavior, and have been found unconstitutional in certain circumstances; and

WHEREAS, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Town Code to repeal the juvenile curfew and violations associated therewith.

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

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

SECTION 2. Section 10-13-10. - Curfew; parent's responsibility, and Section 10-13-20. - Curfew; child's responsibility of the Minturn Municipal Code are hereby repealed and replaced with the following. Sections of Chapter 10 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 13 – Minors

Sec. 10-10-10. – Reserved

Sec. 10-10-20. - Reserved.

*** * ***

**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 1st DAY OF JULY, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF JULY, 2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 15th DAY OF JULY, 2020.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Council
From: Michelle Metteer
Date: July 1, 2020
Agenda Item: Ord. 08 - Series 2019

REQUEST:

Deny Ord. 08 – Series 2019

INTRODUCTION:

Second reading of Ordinance 08 – Series 2019 was tabled to July 1, 2020 with the goal to provide time to both the developer and the Minturn community for direct discussions to determine the possibility of a path forward with development while remaining within the town of Minturn. Since the tabling, Battle Mountain Development has met and discussed possible project options with many Minturn residents. The developer believes through additional discussions there is room for a development project to meet both the needs of the community and the developer while staying within town limits. (See developer request to withdraw the deannexation application).

ANALYSIS:

The denial of the deannexation request provides the ability for the developer to continue discussions with the public regarding possible development options in south Minturn while mitigating impacts and providing future benefits. The “all or nothing” scenario has shown to put Minturn in an unfavorable position for mitigating any future impacts, so rather than forcing an unattainable solution, an alternative option is for the developer to work collaboratively with the community to find compromise. All steps moving forward will be required to follow the public process and nothing is guaranteed at this time other than to continue discussions.

COMMUNITY INPUT:

Extensive and ongoing

BUDGET / STAFF IMPACT:

TbD

STRATEGIC PLAN ALIGNMENT:

Denying the deannexation request is in line with all four initiatives of the Minturn Strategic Plan.

RECOMMENDED ACTION OR PROPOSED MOTION:

Deny Ordinance 08 – Series 2019

ATTACHMENTS:

- Battle Mountain letter requesting withdraw of the deannexation application
- Ordinance 08 – Series 2019



Battle Mountain Resort
440 Eagle Street – PO Box 56
Minturn CO, 81654
970-827-4609

Mayor John Widerman and Minturn Town Council
cc: Michelle Metteer, Mike Sawyer
PO Box 309
Minturn, CO 81645

6/25/2020

via email

Dear Honorable Mayor Widerman and Members of Minturn Town Council:

We realize the proposed Disconnection of the Battle Properties (Ordinance No. 8 – Series 2019) was continued at the January 15th, 2020 Council meeting until the upcoming July 1st meeting. No doubt the community has many pressing issues to address and with that in mind we believe it is best to withdraw the application at this time.

The request to de annex was based on our belief that this was what both Council and the community preferred. It was never our intention to remain in a community that did not want us there. Like all of us, we want to protect the way of life in the communities we call home.

Since that time, members of the community have opened their homes, taken the time to share and listen, and provided us with many ideas on how we can collaborate for the future of Minturn. Every Council member has made themselves available over the past few months to provide their guidance and feedback. As a result, we are hopeful and confident that we might all find the right balance for a sustainable, thoughtful plan. It begins with the core values and principles that are important to Minturn and building from there. We do see exciting opportunities for the project and understand that there will be a thorough and thoughtful review ahead. Your community and town staff have been gracious with their time and we do feel we can find a path to work together to create a new and sustainable relationship.

We are not done listening, and although the last few months have been appropriately focused on COVID-19 response and economic recovery, we intend to continue listening and sharing ideas. Our hope is to provide a more detailed plan and path of collaboration in the months to come. We are getting close.

Both Tim and I do hope the community feels the same, and as such we look forward to continuing to find a better path together.

Sincerely,

Battle North, LLC

a Georgia limited liability company

By: Bassel Battle Investment, Corp.,

a Colorado corporation, its Manager

By: 

Name: Lorne Bassel

Title: President

Battle South, LLC

a Georgia limited liability company

By: Bassel Battle Investment, Corp.,

a Colorado corporation, its Manager

By: 

Name: Lorne Bassel

Title: President

TOWN OF MINTURN, COLORADO
ORDINANCE NO.8 -- SERIES 2019

AN ORDINANCE APPROVING DISCONNECTION OF REAL
PROPERTY FROM THE TOWN OF MINTURN.

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

WHEREAS, the Town Council has authority pursuant to the Home Rule Charter and CRS §31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, in the exercise of this authority, the Town Council has previously adopted § 16-1-70 of the Minturn Municipal Code, concerning annexation and disconnection; and

WHEREAS, Minturn Municipal Code § 16-1-70 (b) provides that real property may be disconnected from the Town pursuant to the procedures within the limitations and conditions set forth in that section and in C.R.S. § 31–12–501 through 503, inclusive, as amended; and

WHEREAS, pursuant to C.R.S. § 31–12–501 and Minturn Municipal Code § 16-1-70 (b), the Town Council has received a petition for disconnection of certain real property from the Town, which real property is generally described as the “Battle North tract” and “Battle South tract” and is more fully described on **Exhibit A**, attached hereto and fully incorporated herein by this reference; and

WHEREAS, the Town Council finds that the requirements of C.R.S. § 31–12–501 for disconnection of the subject property from the Town have been satisfied, in that: (1) the owner of the subject property has applied to the Town Council for disconnection; (2) the owner of the subject property has also provided notice and a copy of the application for disconnection to the Board of County Commissioners of Eagle County and to the board of directors of any affected special district pursuant to C.R.S. §31-12-501(2); and (3) the Board of Commissioners **has[has not]** requested and conducted meetings with the property owners requesting disconnection and appointees of the Town Council, as provided by C.R.S. 31–12–501(2); and

WHEREAS, the Town Council finds that the requirements of Minturn Municipal Code § 16-1-70 (b) for disconnection of the subject property from the Town have been satisfied, in that: (1) the application is complete pursuant to Code § 16-1-70 (b)(2); and (2) disconnection will not prejudice the best interests of the Town as defined in § 16-1-70 (b)(3); and

WHEREAS, upon due consideration being given to the disconnection application, the Town Council is of the opinion that the best interests of the Town of Minturn will not be prejudiced by the disconnection of the subject property.

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

SECTION 1. Disconnection approved. Disconnection of the real property described on **Exhibit A** hereto is hereby approved and the said property is hereby disconnected from the Town of Minturn.

SECTION 2. Approval Contingent. Disconnection of the real property described on **Exhibit A** is contingent upon the approval and execution of a separate disconnection agreement between the Town of Minturn and the Battle Mountain Entities as discussed in Resolution No. _____. If, for any reason, the disconnection agreement is declared invalid or rescinded, the disconnection effectuated by the Ordinance shall similarly be declared invalid and/or rescinded.

SECTION 3. Recording. The Town Clerk is hereby authorized and directed to file for record with the Eagle County Clerk and Recorder two certified copies of this disconnection ordinance and map, and to request that the County Clerk and Recorder file the second certified copy with the Division of Local Government and the Department of Local Affairs as provided by section 24-32-109, C.R.S. The Town Clerk is further authorized and directed to take all other ministerial and filing actions required or appropriate to effectuate the action of the Town Council in- approving disconnection of the subject property.

SECTION 4. Effective date. This ordinance shall take effect 7 days after publication in accordance with Section 11.5 of the Minturn Home Rule Charter.

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 16th DAY OF OCTOBER 2019. 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 4TH DAY OF DECEMBER 2019 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS ____DAY OF DECEMBER 20__.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

EXHIBIT A
REAL PROPERTY DISCONNECTED
[Legal Description and Map attached]

EXHIBIT A

Legal Description of the Battle Mountain Property

The following tracts of real property which, collectively, comprise the Battle Mountain Property:

Parcel 1: Bolts Lake Property (Battle North)

Tract A

A parcel of land located in Sections 1, 2, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and Section 36 of Township 5 South, Range 81 West of the Sixth Principal Meridian and consisting of the following parcels: Mineral Survey 20712 - Treasury Vault Mill Site, Mineral Survey 20712 - Gold Star Mill Site, H.E.S. 41, Mineral Survey 20745 - Mars Mill Site; along with those portions of the following parcels situated westerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for the Union Pacific Railroad as described in the D&RGW Right-of-Way and Track Map dated June 30, 1919: Nelson Addition (Book 131 Page 76), H.E.S. 46, Mineral Survey 19500 - Brooklyn Placer, Mineral Survey 20043 - May No. 5 Lode, Mineral Survey 20257 - May No. 14 and May No. 15, Mineral Survey 20461 - Ruby Lode, H.E.S. 40 and Mineral Survey 19856 - River Bend Mill Site; and excepting the parcel described in Book 380 Page 574; being more particularly described as follows:

Beginning at the Southwesterly corner of a parcel of land described in Book 131 page 76 said point also being the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place whence the South Quarter corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place bears N 89°58'35" E a distance of 2,694.09 feet; thence the following five courses along the northwesterly boundary of said parcel described in Book 131 page 76:

1. N 00°20'54" W a distance of 99.96 feet along the west line of said Section 36;
2. N 28°13'18" E a distance of 715.35 feet;
3. N 57°23'50" E a distance of 557.58 feet;
4. N 70°47'50" E a distance of 762.18 feet;
5. N 89°56'50" E a distance of 491.16 feet to a point on said westerly right-of-way of U.S. Highway 24;

thence the following four courses along said westerly right-of-way of U.S. Highway 24:

1. 57.85 feet along the arc of a non tangent curve to the left having a radius of 756.30 feet, a central angle of 04°22'58", and the chord bears S30°36'24" E a distance of 57.84 feet;
2. S 32°47'53" E a distance of 199.00 feet;
3. 228.45 feet along the arc of a non tangent curve to the right having a radius of 2,825.00 feet, a central angle of 04°38'00", and the chord bears S 30°28'53" E a distance of 228.39 feet;
4. S 28°09'53" E a distance of 895.89 feet to a point on the easterly boundary of said parcel described in Book 131 page 76;

thence along said easterly boundary S 00°10'02" W a distance of 77.04 feet to the South Quarter corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place said point also being Angle Point 1 of Homestead Entry Survey (H.E.S.) No. 46, Township 6 South, Range 81 West of the Sixth Principal Meridian; thence along line 1-2 of said H.E.S. No. 46 S 89°38'32" E a distance of 41.61 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following two courses along said westerly right-of-way of U.S. Highway 24:

1. S 28°09'53" E a distance of 149.51 feet;
2. S 27°31'53" E a distance of 807.36 feet to a point on line 1-2 of Homestead Entry Survey (H.E.S.) No. 40 Township 6 South, Range 81 West of the Sixth Principal Meridian;

thence along said line 1-2 of H.E.S. No. 40 S 21°45'15" E a distance of 1,161.84 feet to a point on line 1-2 of Mineral Survey 20461 "Ruby Lode"; thence along said line 1-2 of Mineral Survey 20461 "Ruby Lode" N 59°21'27" E a distance of 100.96 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following six courses along said westerly right-of-way:

1. S 24°22'53" E a distance of 31.22 feet;
2. 76.61 feet along the arc of a tangent curve to the left having a radius of 800.00 feet, a central angle of 05°29'13", and the chord bears S 27°07'29" E a distance of 76.58 feet;
3. 75.27 feet along the arc of a tangent curve to the right having a radius of 800.00 feet, a central angle of 05°23'27", and the chord bears S 27°10'22" E a distance of 75.24 feet;
4. S 24°28'38" E a distance of 57.10 feet;
5. S 24°28'38" E a distance of 79.86 feet;
6. 436.38 feet along the arc of a non tangent curve to the right having a radius of 915.00 feet, a central angle of 27°19'32", and the chord bears S 10°48'52" E a distance of 432.26 feet to a point on line 2-3 of said Mineral Survey 20461 "Ruby Lode";

thence along said 2-3 line of Mineral Survey 20461 "Ruby Lode" N 53°55'33" W a distance of 74.99 feet to a point on said line 1-2 of H.E.S. No. 40; thence along said line 1-2 of H.E.S. No. 40 S 21°45'15" E a distance of 140.75 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following six courses along said westerly right-of-way of U.S. Highway 24:

1. 262.58 feet along the arc of a non tangent curve to the right having a radius of 915.00 feet, a central angle of 16°26'33", and the chord bears S16°31'05" W a distance of 261.68 feet;
2. S 24°44'22" W a distance of 216.35 feet;
3. S 35°45'52" W a distance of 205.41 feet;
4. S 14°36'41" W a distance of 532.15 feet;
5. S 01°15'08" E a distance of 429.27 feet;
6. S 01°25'41" W a distance of 268.53 feet to a point on line 3-4 of said H.E.S. No. 40;

thence along said 3-4 line of H.E.S. No. 40 S 33°56'45" W a distance of 246.93 feet to Angle Point 4 of said H.E.S. No. 40 said point also being Angle Point 8 of Homestead Entry Survey (H.E.S.) No. 41, Township 6 South, Range 81 West of the Sixth Principal Meridian; thence along line 7-8 of said H.E.S. No. 41 S 08°01'50" E a distance of 682.50 feet to Angle Point 8 of Mineral Survey 19856 "River Bend Mill Site"; thence along line 8-9 of said Mineral Survey 19856 "River Bend Mill Site" N 73°03'36" E a distance of 114.40 feet to Angle Point 9 of said Mineral Survey 19856 "River Bend Mill Site"; thence along line 1-9 of said Mineral Survey 19856 "River Bend Mill Site" N 00°06'36" E a distance of 101.02 feet to a point on the southwesterly right-of-way of U.S. Highway 24; thence along said southwesterly right-of-way of U.S. Highway 24, S 55°00'36" E a distance of 95.06 feet to a point on line 3-4 of said Mineral Survey 19856 "River Bend Mill Site"; thence along said line 3-4 of Mineral Survey 19856 "River Bend Mill Site" S 11°05'59" W a distance of 246.97 feet to a point on line 1-2 of Mineral Survey 20257 "May No. 14"; thence along said line 1-2 of Mineral Survey 20257 "May No. 14" N 38°38'30" E a distance of 23.65 feet to a point on the westerly right-of-way of Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30, 1919; thence the following four courses along said westerly right-of-way of Union Pacific Railroad, said right-of-way being parallel to and offset 50-feet westerly from the centerline of the main line of said Union Pacific Railroad:

1. S 14°36'28" W a distance of 130.66 feet;
2. 299.94 feet along the arc of a tangent curve to the right having a radius of 29,800.64 feet, a central angle of 00°34'36", and the chord bears S 14°53'46" W a distance of 299.94 feet;
3. 346.51 feet along the arc of a tangent curve to the right having a radius of 1,687.09 feet, a central angle of 11°46'05", and the chord bears S21°04'06" W a distance of 345.90 feet;
4. 117.33 feet along the arc of a tangent curve to the right having a radius of 2,298.64 feet, a central angle of 02°55'28", and the chord bears S 28°24'53" W a distance of 117.33 feet to a point on the 5-6 line of the unpatented Astor-Eureka Placer as described in the Location Certificate recorded in Book 8 Page 77;

Thence the following seven courses along said westerly right-of-way of the Union Pacific Railroad as described:

1. along said 5-6 line S 89°10'02" W a distance of 66.59 feet to the westerly right-of-way of said Union Pacific;
2. along the westerly right-of-way of said Union Pacific S 30°39'47" W a distance of 22.42 feet to the 6-1 line of said Astor-Eureka Placer, said right-of-way being along a line parallel to and offset 82.00 feet westerly from the centerline of the mainline of said Union Pacific Railroad;
3. along the 6-1 line of said Astor-Eureka Placer S 00°49'58" E a distance of 109.10 feet;
4. S 30°39'47" W a distance of 884.09 feet along a line which is parallel to and offset 25.00 feet westerly from the centerline of the main line of said Union Pacific Railroad to a point on the 1-2 line of the unpatented Henry Clay Lode as described in the Location Certificate recorded in Book 7 Page 298;
5. along said 1-2 line N 13°07'52" W a distance of 39.09 feet;
6. 37.95 feet along the arc of a non tangent curve to the left having a radius of 836.49 feet, a central angle of 02°35'59", and the chord bears S 13°13'46" W a distance of 37.95 feet, said curve being parallel to and offset 100.00-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad;
7. 47.98 feet along the arc of a tangent curve to the left having a radius of 3,919.72 feet, a central angle of 00°42'05", and the chord bears S 11°34'45" W a distance of 47.98 feet, said curve being parallel to and offset 100.00-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence the following five courses along said westerly right-of-way of the Union Pacific Railroad, said right-of-way being parallel to and offset 25.00 feet westerly from the centerline of the western corridor of said Union Pacific Railroad:

1. S 30°39'47" W a distance of 44.76 feet;
2. 141.71 feet along the arc of a tangent curve to the left having a radius of 4,816.15 feet, a central angle of 01°41'09", and the chord bears S 29°49'13" W a distance of 141.71 feet;
3. 577.96 feet along the arc of a tangent curve to the left having a radius of 873.26 feet, a central angle of 37°55'13", and the chord bears S 10°01'01" W a distance of 567.46 feet;
4. 132.72 feet along the arc of a tangent curve to the left having a radius of 2,684.59 feet, a central angle of 02°49'57", and the chord bears S 10°21'34" E a distance of 132.70 feet;
5. S 11°46'32" E a distance of 338.53 to a point on line 5-6 of Mineral Survey 19500 "Brooklyn Placer";

thence along said line 5-6 of Mineral Survey 19500 "Brooklyn Placer" N 16°11'23" W a distance of 982.56 feet to Angle Point 6 of said Mineral Survey 19500 "Brooklyn Placer"; thence along line 6-7 of said Mineral Survey 19500 "Brooklyn Placer" N 12°07'10" W a distance of 494.47 feet to Angle Point 3 of Mineral Survey 20745 "Mars Mill Site"; thence along line 2-3 of said Mineral Survey 20745 "Mars Mill Site" N 45°47'44" W a distance of 1,091.01 feet to Angle Point 2 of said Mineral Survey 20745 "Mars Mill Site" said point also being on line 5-6 of said H.E.S. No. 41;

thence the following five courses along said H.E.S. No. 41:

1. along line 5-6 N 79°06'56" W a distance of 2,661.26 feet to Angle Point 5;
2. along line 4-5 N 38°40'30" W a distance of 385.83 feet to Angle Point 4;
3. along line 3-4 N 44°15'35" E a distance of 992.47 feet to Angle Point 3;
4. along line 2-3 S 82°15'42" E a distance of 1,508.05 feet to Angle Point 2;
5. along line 1-2 N 39°24'50" E a distance of 1,104.62 feet to Angle Point 1 said point also being Angle Point 5 of H.E.S. No. 40;

thence the following two courses along said H.E.S. No. 40:

1. along line 5-6 N 23°21'23" E a distance of 1,564.21 feet to Angle Point 6;

2. along line 6-7 N 25°10'25" W a distance of 707.61 feet to Angle Point 2 of Mineral Survey 20712 "Gold Star Mill Site";

thence along line 2-3 of said Mineral Survey 20712 "Gold Star Mill Site" N 67°56'00" W a distance of 967.24 feet to Angle Point 3 of said Mineral Survey 20712 "Gold Star Mill Site" said point also being Angle Point 3 of Mineral Survey 20712 "Treasury Vault Mill Site"; thence along line 3-4 of said Mineral Survey 20712 "Treasury Vault Mill Site" N 67°56'00" W a distance of 403.10 feet to Angle Point 4 of said Mineral Survey 20712 "Treasury Vault Mill Site" said point also being on line 3-4 of said H.E.S. No. 46; thence along line 3-4 of said H.E.S. No. 46 N 69°12'00" E a distance of 553.58 feet to a point on a parcel described in Book 380 Page 574;

thence the following four courses along the easterly boundary of said parcel described in Book 380 Page 574:

1. N 34°17'20" E a distance of 269.23 feet;
2. N 33°47'30" W a distance of 346.69 feet;
3. N 59°40'30" W a distance of 743.48 feet;
4. N 00°15'50" E a distance of 459.11 feet to a point on line 1-7 of said H.E.S. No. 46 said point also being on the South line of said Section 36;

thence along said line 1-7 of H.E.S. No. 46 S 89°58'35" W a distance of 420.19 feet to the point of beginning, Tract A containing 454.34 acres more or less.

Tract B

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 20461 Ruby and Sapphire Lodes situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way of the Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30, 1919; being more particularly described as follows:

Beginning at a point on the 1-2 line of Mineral Survey 20461 Sapphire Lode and the intersection of the western right-of-way of the Union Pacific Railroad, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 65°38'07" W a distance of 4,268.70 feet; thence the following three courses along said west right-of-way of the Union Pacific Railroad:

1. S 19°13'15" E a distance of 625.71 feet;
2. 147.39 feet along the arc of a tangent curve to the right having a radius of 3365.06 feet, a central angle of 02°30'34", and the chord bears S 17°57'58" E a distance of 147.37 feet;
3. 301.02 feet along the arc of a tangent curve to the right having a radius of 1,286.60 feet, a central angle of 13°24'19", and the chord bears S 10°00'31" E a distance of 300.34 feet to a point on the 2-3 line of said Mineral Survey 20461 Ruby Lode;

thence along said 2-3 line of Mineral Survey 20461 Ruby Lode N 53°55'33" W a distance of 246.47 feet to a point on the easterly right-of-way of U.S. Highway 24; thence the following five courses along said easterly right-of-way of U.S. Highway 24:

1. 526.06 feet along the arc of a non tangent curve to the left having a radius of 994.91 feet, a central angle of 30°17'42", and the chord bears N 09°19'47" W a distance of 519.95 feet;
2. N 24°28'38" W a distance of 137.00 feet;
3. 82.80 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, a central angle of 05°23'27", and the chord bears N 27°10'22" W a distance of 82.77 feet;
4. 68.95 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, a central angle of 05°29'13", and the chord bears N 27°07'29" W a distance of 68.92 feet;

5. N 24°22'53" W a distance of 40.00 feet to a point on the 1-2 line of Mineral Survey 20461 Ruby Lode;

thence along said 1-2 line of Mineral Survey 20461 Ruby Lode N 59°21'27" E a distance of 86.36 feet to corner number 1 of Mineral Survey 20461 Ruby Lode said point also being corner number 1 of Mineral Survey 20461 Sapphire Lode; thence along the 1-2 line of said Mineral Survey 20461 Sapphire Lode N 59°21'07" E a distance of 55.86 feet to the point of beginning, Tract B containing 2.81 acres more or less.

Tract C

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet; thence along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 192.30 feet to a point on the 1-2 line of Mineral Survey 20461 Puritan Lode; thence along said 1-2 line of said Mineral Survey 20461 Puritan Lode N 59°22'30" E a distance of 155.38 feet to a point on the western right-of-way of the Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30, 1919; thence along said western right-of-way of the Union Pacific Railroad the following two courses:

1. 26.42 feet along the arc of a non tangent curve to the right having a radius of 2408.63 feet, a central angle of 00°37'43", and the chord bears S14°03'37" W a distance of 26.42 feet;
2. 184.39 feet along the arc of a tangent curve to the right having a radius of 58445.82 feet, a central angle of 00°10'51", and the chord bears S14°27'54" W a distance of 184.39 feet to a point on the 2-3 line of the Mineral Survey 20461 Puritan Lode;

thence along said 2-3 line of the Mineral Survey 20461 Puritan Lode N 45°06'44" W a distance of 131.43 feet to the 2-3 line of said H.E.S. 40; thence along said 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 927.03 feet to a point on the eastern right-of-way of U.S. Highway 24; thence the following four courses along said eastern right-of-way of U.S. Highway 24:

1. N 01°30'38" W a distance of 546.66 feet;
2. 309.80 feet along the arc of a tangent curve to the right having a radius of 676.20 feet, a central angle of 26°15'00", and the chord bears N 11°36'52" E a distance of 307.10 feet;
3. N 24°44'22" E a distance of 422.47 feet;
4. 160.49 feet along the arc of a non tangent curve to the left having a radius of 994.91 feet, a central angle of 09°14'33", and the chord bears N 20°07'14" E a distance of 160.32 feet to a point on the 1-2 line of said H.E.S. 40;

thence along said 1-2 line of said H.E.S. 40 S 21°45'15" E a distance of 321.76 feet; to the point of beginning, Tract C containing 5.57 acres more or less.

Tract D

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19856 - River Bend Mill Site situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 being more particularly described as follows:

Beginning at Corner No. 2 of said River Bend Mill Site, being a 2-1/2" U.S.D.A. Aluminum Cap marked "2 MS 19856 LS7235 1988", whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 40°38'51" W a distance of 5,894.14 feet; thence along the 2-3 line of said River Bend

Mill Site S 15°52'59" W a distance of 381.86 feet to a point on the eastern right-of-way of U.S. Highway 24; thence the following four courses along the easterly right-of-way of U.S. Highway 24:

1. 82.50 feet along the arc of a non tangent curve to the right having a radius of 646.20 feet, a central angle of 07°18'55", and the chord bears N05°10'06" W a distance of 82.45 feet;
2. N 01°30'38" W a distance of 282.09 feet;
3. S 88°29'22" W a distance of 30.00 feet;
4. N 01°30'38" W a distance of 4.26 feet to a point on the 1-2 line of said River Bend Mill Site;

thence S 89°53'21" E a distance of 149.47 feet along said 1-2 line of said River Bend Mill Site to the point of beginning, Tract D containing 0.52 acres more or less.

Tract E

A parcel of land located in Sections 1, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 2367 John C. Godfrey, 5712 Rosa M. and Peru Lodes, 19500 Brooklyn Placer Lode, 19960 General Pershing Lode, 20043 May No. 5 Lode, 20257 May Nos. 13, 14, 15, I Have It and Lincoln Highway Lodes, 20292 Big Timber and St. Patrick Lodes, 20293 Cave Lode, and 20461 May Nos. 4 and 16 Lodes situated westerly and southerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and easterly of the easternmost right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said Cave Lode from whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 20°54'18" W* a distance of 10659.37 feet; thence feet along the 2-3 line of said Cave Lode *N 45°07'27" W* a distance of 356.25 to a point on the eastern right-of-way for the Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following five courses:

1. *N 77°36'39" E* a distance of 20.62 feet along the southern boundary of the unpatented Cleveland No. 2 Lode;
2. *N 18°04'49" W* a distance of 301.49 feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
3. *S 77°36'39" W* a distance of 75.37 feet along line 2-3 of said Peru Lode;
4. *N 18°04'49" W* a distance of 600.75 feet along a line which is parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. *N 77°36'39" E* a distance of 75.37 feet along the 6-7 line of said Rosa M Lode to a point on the eastern right-of-way for the Union Pacific Railroad, said point being on a line offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence continuing along the 6-7 line of said Rosa M Lode *N 77°36'39" E* a distance of 21.52 feet to Corner No. 3 of said St. Patrick Lode; thence *N 17°11'16" W* a distance of 2.67 feet along the 2-3 line of said St. Patrick Lode to Corner No. 3 of said Brooklyn Placer; thence *S 76°33'32" W* a distance of 21.53 feet along the 3-4 line of said Brooklyn Placer to a point on the eastern right-of-way for the Union Pacific Railroad, said point being 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following twenty-two courses:

1. *N 18°04'49" W* a distance of 299.21 feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;

2. *S 77°36'39" W* a distance of 50.25 feet along the northerly boundary of the unpatented No. 33 Lode;
3. *N 18°04'49" W* a distance of 723.16 feet along a line which is parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
4. 135.32 feet along the arc of a *tangent* curve to the *right* having a radius of 2434.10 feet, a central angle of *03°11'07"*, and the chord bears *N 16°29'15" W* a distance of 135.30 feet, said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. 150.44 feet along the arc of a *tangent* curve to the *right* having a radius of 553.78 feet, a central angle of *15°33'54"*, and the chord bears *N 07°06'45" W* a distance of 149.98 feet said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
6. *N 13°07'52" W* a distance of 81.85 feet along the westerly boundary of the unpatented Henry Clay Lode;
7. 244.56 feet along the arc of a *non tangent* curve to the *right* having a radius of 3794.72 feet, a central angle of *03°41'33"*, and the chord bears *N 10°05'01" E* a distance of 244.52 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
8. 226.02 feet along the arc of a *tangent* curve to the *right* having a radius of 711.48 feet, a central angle of *18°12'05"*, and the chord bears *N 21°01'50" E* a distance of 225.07 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
9. *N 76°52'08" E* a distance of 48.45 feet along the northerly boundary of the unpatented Henry Clay Lode;
10. *N 30°39'47" E* a distance of 58.25 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
11. *S 82°41'41" W* a distance of 63.42 feet along the southerly boundary of the unpatented San Louis Lode;
12. *N 30°39'47" E* a distance of 190.27 feet along a line which is parallel to and offset 25-feet easterly from the centerline of the main line of said Union Pacific Railroad;
13. *N 82°41'41" E* a distance of 63.42 feet along the northerly boundary of the unpatented San Louis Lode;
14. *N 30°39'47" E* a distance of 184.78 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
15. *S 00°49'58" E* a distance of 82.31 feet along the westerly boundary of the unpatented Astor Eureka Placer claim;
16. *N 30°39'47" E* a distance of 352.10 feet along a line which is parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
17. 117.60 feet along the arc of a *tangent* curve to the *left* having a radius of 2441.64 feet, a central angle of *02°45'34"*, and the chord bears *N 29°17'00" E* a distance of 117.59 feet, said curve being parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
18. *S 89°10'02" W* a distance of 49.17 feet along the southerly boundary of the unpatented Astor Eureka Placer claim;
19. 63.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 2398.64 feet, a central angle of *01°30'57"*, and the chord bears *N 27°42'37" E* a distance of 63.46 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;

20. 367.05 feet along the arc of a *tangent* curve to the *left* having a radius of 1787.09 feet, a central angle of $11^{\circ}46'05''$, and the chord bears $N 21^{\circ}04'06'' E$ a distance of 366.41 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
21. 300.95 feet along the arc of a *tangent* curve to the *left* having a radius of 29900.64 feet, a central angle of $00^{\circ}34'36''$, and the chord bears $N 14^{\circ}53'46'' E$ a distance of 300.95 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
22. $N 14^{\circ}36'28'' E$ a distance of 309.21 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad to a point on said western right-of-way of U.S. Highway 24;

thence the following nineteen courses along said western right-of-way of U.S. Highway 24:

1. $S 55^{\circ}00'36'' E$ a distance of 299.10 feet;
2. $N 56^{\circ}45'57'' E$ a distance of 216.37 feet;
3. $N 29^{\circ}39'07'' E$ a distance of 275.58 feet;
4. $N 02^{\circ}26'21'' E$ a distance of 269.62 feet;
5. $N 37^{\circ}48'55'' E$ a distance of 427.27 feet;
6. $S 61^{\circ}41'50'' E$ a distance of 114.28 feet;
7. $S 16^{\circ}35'49'' W$ a distance of 567.34 feet;
8. $S 48^{\circ}39'59'' W$ a distance of 175.60 feet;
9. $S 09^{\circ}52'34'' W$ a distance of 532.21 feet;
10. $S 47^{\circ}54'05'' W$ a distance of 673.50 feet;
11. $S 16^{\circ}36'56'' W$ a distance of 631.44 feet;
12. $S 42^{\circ}50'33'' E$ a distance of 206.37 feet;
13. $S 10^{\circ}21'25'' E$ a distance of 389.77 feet;
14. $S 47^{\circ}30'31'' E$ a distance of 350.91 feet;
15. $S 13^{\circ}25'37'' E$ a distance of 237.62 feet;
16. $S 47^{\circ}15'23'' W$ a distance of 356.18 feet;
17. $S 16^{\circ}21'06'' W$ a distance of 394.80 feet;
18. $S 06^{\circ}53'19'' E$ a distance of 612.04 feet;
19. $S 22^{\circ}20'58'' E$ a distance of 832.28 feet to a point on the 1-2 line of said Cave Lode;

thence along said 1-2 line of Cave Lode, $S 77^{\circ}36'39'' W$ a distance of 363.34 feet to the point of beginning. Tract E containing 71.84 acres more or less.

Tract F

A parcel of land located in Sections 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated easterly of the eastern right of way of the western corridor and westerly of the western right-of-way of the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at a point on said western right-of-way of the eastern corridor for the Union Pacific Railroad, said point being on a line offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears $N 20^{\circ}06'13'' W$ a distance of 8,054.90 feet; thence along said western right-of-way of the eastern corridor the following three courses, said right-of-way being parallel to and offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad:

1. 214.72 feet along the arc of a *non tangent* curve to the *left* having a radius of 653.78 feet, a central angle of $18^{\circ}49'04''$, and the chord bears $S 05^{\circ}29'10'' E$ a distance of 213.76 feet;
2. 140.88 feet along the arc of a *tangent* curve to the *left* having a radius of 2534.10 feet, a central angle of $03^{\circ}11'07''$, and the chord bears $S 16^{\circ}29'15'' E$ a distance of 140.86 feet;
3. $S 18^{\circ}04'49'' E$ a distance of 1014.66 feet to a point on the 4-5 line of said MS 19500 Brooklyn Placer;

thence along said 4-5 line of said MS 19500 Brooklyn Placer, $S 77^{\circ}39'37'' W$ a distance of 300.62 feet to the eastern right-of-way of the western corridor for the Union Pacific Railroad; thence along the eastern right-of-way of the western corridor for the Union Pacific Railroad the following five courses, said right-of-way being parallel to and offset 25-feet easterly from the centerline of the western corridor of said Union Pacific Railroad:

1. 193.66 feet along the arc of a *non tangent* curve to the *right* having a radius of 788.65 feet, a central angle of $14^{\circ}04'10''$, and the chord bears $N 23^{\circ}10'39'' W$ a distance of 193.17 feet;
2. 124.90 feet along the arc of a *tangent* curve to the *right* having a radius of 1638.73 feet, a central angle of $04^{\circ}22'01''$, and the chord bears $N 13^{\circ}57'33'' W$ a distance of 124.87 feet;
3. $N 11^{\circ}46'32'' W$ a distance of 509.04 feet;
4. 130.25 feet along the arc of a *tangent* curve to the *right* having a radius of 2634.59 feet, a central angle of $02^{\circ}49'57''$, and the chord bears $N 10^{\circ}21'34'' W$ a distance of 130.23 feet;
5. 502.96 feet along the arc of a *tangent* curve to the *right* having a radius of 823.26 feet, a central angle of $35^{\circ}00'13''$, and the chord bears $N 08^{\circ}33'32'' E$ a distance of 495.17 feet;

thence $S 63^{\circ}56'22'' E$ a distance of 86.97 feet; to the point of beginning. Tract F containing 8.01 acres more or less.

Tract G

A parcel of land located in Section 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated westerly of the western right-of-way of the western corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at the intersection of the 5-6 line of said MS 19500 Brooklyn Placer and said western railroad right-of-way whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears $N 17^{\circ}20'46'' W$ distance of 9,365.21 feet; thence along the western right-of-way of the western corridor for the Union Pacific Railroad 14.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 838.65 feet, a central angle of $00^{\circ}59'17''$, and the chord bears $S 28^{\circ}37'12'' E$ a distance of 14.46 feet, said right-of-way being parallel to and offset 25-feet westerly from the centerline of the western corridor of said Union Pacific Railroad, to a point on the 4-5 line of said MS 19500 Brooklyn Placer; thence along said 4-5 line of said MS 19500 Brooklyn Placer $S 77^{\circ}39'37'' W$ a distance of 3.12 feet to corner number 5 of said MS 19500 Brooklyn Placer; thence along the 5-6 line of said MS 19500 Brooklyn Placer $N 16^{\circ}11'23'' W$ a distance of 13.91 feet to the point of beginning. Tract G containing 21 square feet or 0.0005 acres more or less.

Tract H

A parcel of land located in Section 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 5712 Peru Lode and Rosa M. Lode situated

westerly of the western right-of-way for the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at corner number two of said MS 5712 Peru Lode, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 19°14'39" W* a distance of 10,013.77 feet; thence along the 1-2 line of said MS 5712 Peru Lode *N 12°33'49" W* a distance of 298.89 feet to corner numbers 1 and 5 of said MS 5712 Peru and Rosa M. Lodes. thence along the 5-6 line of said MS 5712 Rosa M. Lode *N 12°33'49" W* a distance of 277.96 feet to a point on the western right-of-way for the eastern corridor for the Union Pacific Railroad, said right of way being parallel to and offset 25-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said western right-of-way for the eastern corridor for the Union Pacific Railroad *S 18°04'49" E* a distance of 579.71 feet to a point on the 2-3 line of said MS 5712 Peru Lode; thence along said 2-3 line of MS 5712 Peru Lode *S 77°36'39" W* a distance of 55.73 feet to the point of beginning. Tract H containing 0.37 acres more or less.

Parcel 2: Gillman Property (Battle South)

A parcel of land located in Sections 12 and 13, Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at a point on the 3-4 line of the Coolidge Lode (MS #20293); also being the 1-2 line of the Cave Lode (MS #20293); and the western boundary of the U.S. Highway 24 right-of-way as described in the Boundary Agreement recorded July 27, 2018 in the Eagle County Clerk and Recorder's office at reception number 201812787, whence the South Quarter Corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears N 08°25'46" W a distance of 9988.76 feet; and from whence the Southwest corner of said Section 36, being a 2-1/2 inch GLO Brass Cap found in place bears S 89°58'35" W a distance of 2694.09 feet; thence along said right-of-way the following twenty-three (23) courses:

1. S 22°20'58" E a distance of 265.88 feet;
2. S 47°00'56" E a distance of 294.43 feet;
3. S 12°36'07" E a distance of 369.21 feet;
4. S 08°55'00" W a distance of 424.02 feet;
5. S 12°06'21" E a distance of 306.40 feet;
6. S 64°26'53" E a distance of 317.25 feet;
7. N 75°03'03" E a distance of 289.94 feet;
8. N 48°44'48" E a distance of 372.35 feet;
9. N 61°36'41" E a distance of 850.71 feet;
10. S 64°09'19" E a distance of 292.05 feet;
11. S 17°39'35" W a distance of 626.41 feet;
12. S 04°01'16" E a distance of 527.58 feet;
13. S 20°35'11" W a distance of 385.25 feet;
14. S 20°57'40" W a distance of 406.86 feet;
15. S 17°58'17" W a distance of 105.50 feet;
16. S 11°28'50" W a distance of 152.15 feet;
17. S 03°47'09" E a distance of 171.58 feet;
18. S 04°41'56" E a distance of 351.99 feet;
19. S 44°03'55" E a distance of 480.77 feet;
20. S 78°00'57" E a distance of 496.76 feet;
21. S 50°06'29" E a distance of 205.43 feet;
22. S 12°46'19" W a distance of 522.84 feet;
23. S 04°14'48" W a distance of 80.72 feet;

To the intersection of said right-of-way and the 2-3 line of the Mamie Lode (MS #781); thence departing said point S 89°53'50" W a distance of 235.86 feet; thence continuing the following seventeen (17) courses:

1. N 29°13'18" E a distance of 293.41 feet;
2. N 04°18'55" E a distance of 427.87 feet;
3. N 79°06'52" W a distance of 796.21 feet;
4. N 04°21'10" W a distance of 361.84 feet;
5. S 67°13'01" W a distance of 626.85 feet;
6. S 81°30'30" W a distance of 569.84 feet;
7. S 69°30'35" W a distance of 702.54 feet;
8. N 20°25'12" W a distance of 200.64 feet;

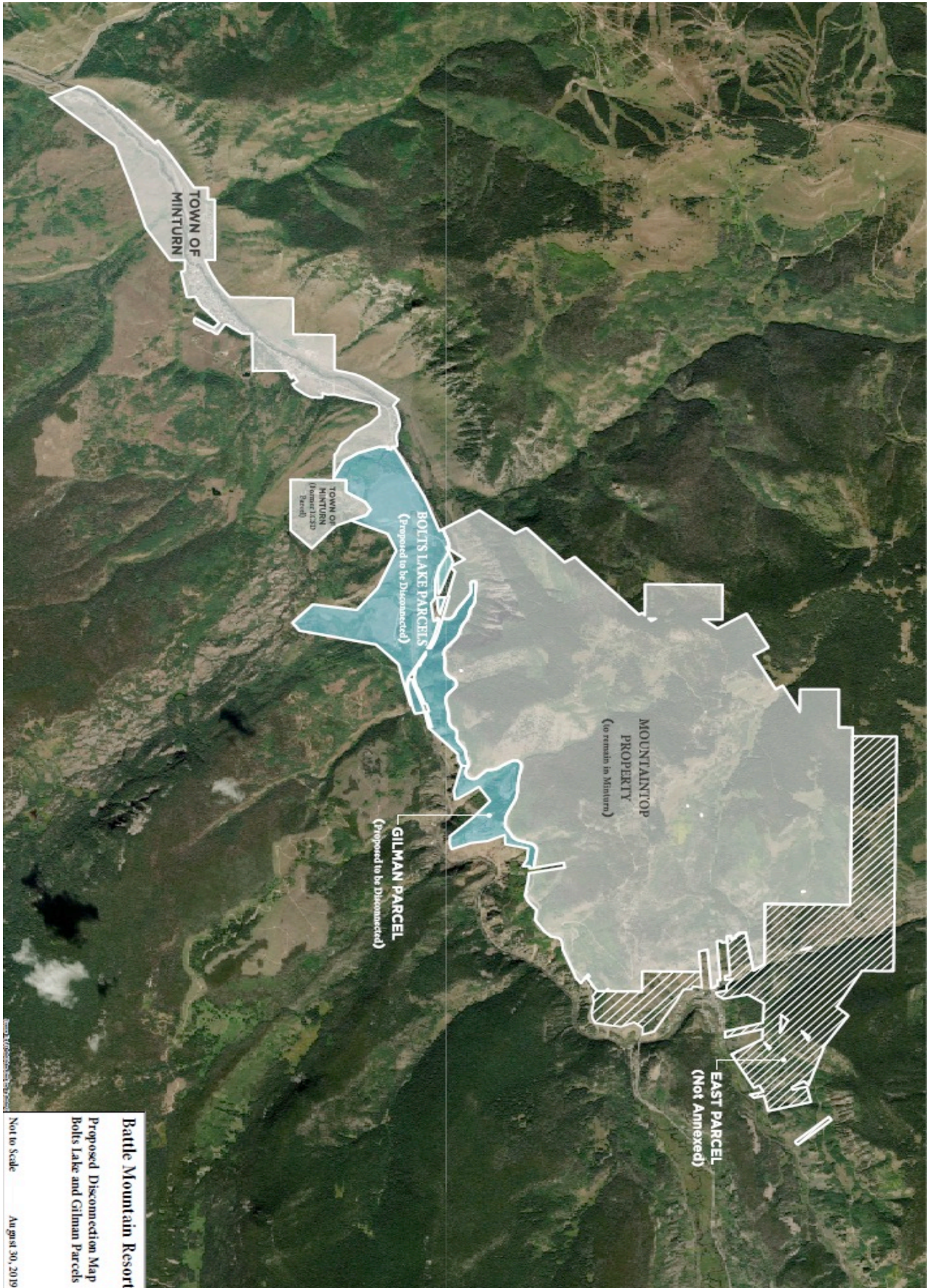
9. N 00°06'47" E a distance of 307.43 feet;
10. N 46°57'32" E a distance of 1044.73 feet;
11. N 42°03'38" E a distance of 889.41 feet;
12. N 35°31'47" W a distance of 675.33 feet;
13. S 54°00'31" W a distance of 975.90 feet;
14. N 08°51'48" W a distance of 394.02 feet;
15. N 14°09'10" E a distance of 1014.80 feet;
16. N 28°42'12" W a distance of 241.37 feet;
17. N 03°03'58" W a distance of 239.97 feet;

To corner No. 2 of the Coolidge Lode (MS #20293); thence along the 2-3 line of the said Coolidge Lode N 45°07'27" W a distance of 712.37 feet to Corner No. 3 of said Coolidge Lode also being Corner No. 2 of the Cave Lode (MS #20293); thence along the 3-4 line of said Coolidge Lode also being the 1-2 line of said Cave Lode N 77°36'39" E a distance of 363.34 feet to the Point of Beginning.

Said parcel containing 100.159 acres more or less.

EXHIBIT B

Graphic Depiction of the Battle Mountain Property





To: Mayor and Council
From: Jay Brunvand
Date: May 20, 2020
Agenda Item: Resolution 19 – Series 2020

REQUEST:

Council is asked to approve Resolution 19 – Series 2020 a Resolution setting fees for private encroachments on Town Rights of Way or Town owned property.

INTRODUCTION:

As the town moves forward Staff has located instances where a citizen requests an encroachment agreement or adjacent property owners have extended on to Town Rights of Way or Town owned property. Chapter 11 of the Minturn Municipal Code (MMC) provides for the adoption of an encroachment agreement and this Resolution establishes fees for such. Historically we have a small handful of encroachments; however, recently Staff has received several unrelated requests for an encroachment agreement and Staff has identified other instances where an agreement may be necessary. The intent is to have the capacity to entertain such a request and to establish a reasonable fee that would memorialize the existing or future encroachment which would maintain the land as owned by the Town. The proposed fee is such to cover the reasonable expenses to manage each agreement. The current MMC Section 11, Article 3 discourages encroachments; however, the town is old and we have existing issues that have existed for decades and need avenue to be addressed. The fee is NOT intended to discourage such agreements although the MMC does allow for mitigation of encroachments when development on the encroaching adjacent properties occurs in the future.

ANALYSIS:

Setting fees for leases and encroachments has been handled similarly in the past. To determine the appropriate fee, I have reviewed the process for the UPRR lease to the Town for the Municipal Lot, the established value of the Lease Lot property, and other occurrences.

The Municipal lot is leased from UPRR by the Town for public parking. The cost for the lot is approximately \$10.20/sf annually and the rate is set by UPRR based on market value. This value is also used by the Town to establish parking fees for nonexclusive use of public parking for several commercial establishments that, due to lot size or historical building placement, do not have sufficient on-site parking as required by the MMC. The rents set for the Lease Lot are based on a property survey done by Staff several years ago for similarly used property in Eagle County. Again, vacant land leases along the I-70 corridor are few and the majority are owned by UPRR.

The average fee per square foot for the Municipal Lot, the Lease Lot, and the nonexclusive parking is between \$10.20 and \$22.32 annually based on contiguous space, location, and amenities. The Staff recommended fee of \$16.00/sf/annually represents a comparison of all the various fees and considers the Staff time necessary to administer each separate agreement. This fee will be included in the Minturn Fee Schedule and would be evaluated annually as part of the budget process.

COMMUNITY INPUT:

Staff has worked with existing and current public encroachments and have not received unreasonable comments. Further, Staff has discussed this issue with similarly sized municipalities in Eagle, Summit, and Grand Counties to review their processes. Staff has found that this is, as in Minturn, not a very common occurrence but it does exist. The manner in which it is handled from town to town varies significantly so to establish policy from those discussions is difficult.

BUDGET / STAFF IMPACT:

The annual leases for raw land and for nonexclusive parking in Minturn represents a budgeted revenue of approximately \$150,000 annually. The portion only for private encroachment is less than \$500 and pertains to a very small handful. Including existing and recent requests I count six.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 19 – Series 2020 a Resolution setting and approving encroachment fees for private encroachments on Town Rights of Way or Town owned property for the Town of Minturn, Colorado effective July 1, 2020

ATTACHMENTS: Resolution 19 – Series 2020

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 19 – SERIES 2020**

**A RESOLUTION SETTING AND APPROVING
ENCROACHMENT FEES FOR PRIVATE
ENCROACHMENTS ON TOWN RIGHTS OF WAY OR
TOWN OWNED PROPERTY FOR THE TOWN OF
MINTURN, COLORADO EFFECTIVE JULY 1, 2020.**

WHEREAS, The Town of Minturn reviews and approves such fees by Resolution or Ordinance annually and as necessary, and;

WHEREAS, The fee schedule is available for review during regular business hours at the Town Offices.

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

Section 1.

- a) Encroachment by private property in to Town Rights Of Way or on to Town onwed property shall require a written agreement settled upon by the property owner and the Town Manager as outlined in Chapter 11 Article 3 of the Minturn Municipal Code.
- b) Fees shall be set at \$16.00 per squar foot annually of encroachment and shall be billed to the property owner on an annual basis.

Section 2.

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 1st
DAY OF JULY, 2020**

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

Attest

Jay Brunvand, Town Clerk



To: Mayor and Council
From: Michelle Metteer
Date: January 15, 2020
Agenda Item: True North Statement

REQUEST:

Approve the Minturn Strategic Plan True North (Strategy) Statement:

“Leverage Minturn’s assets to benefit and maintain our funky, proud, uniquely classic mountain town where people grow roots through creating opportunities and community engagement.” *

*Keeping in mind that we are Minturn

INTRODUCTION:

True North refers to Minturn’s objective or “fixed point” in a spinning world.

ANALYSIS:

Minturn’s True North Statement will be added to the town’s Strategic Plan and will better define for all interested parties, the objective of the Town Council.

COMMUNITY INPUT:

Ongoing

BUDGET / STAFF IMPACT:

n/a

STRATEGIC PLAN ALIGNMENT:

Providing the public with a True North Statement is in line with Minturn’s Strategic Plan in the following ways:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Resolution

ATTACHMENTS:

- True North Resolution

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 20 – SERIES 2020**

**A RESOLUTION TO AMEND THE TOWN OF MINTURN
STRATEGIC PLAN FOR THE PERIOD 2018-2020 BY
ADDING THE MINTURN STRATEGIC PLAN TRUE
NORTH (STRATEGY) STATEMENT**

WHEREAS, The Minturn Town Council has reviewed and approved by Resolution No. 14 – Series 2018 the Town of Minturn 2018-2020 Strategic Plan; and,

WHEREAS, The Town Council encourages annual review and update of the Town of Minturn Strategic Plan on a bi-annual basis; and,

WHEREAS, In the recent Community Survey it was highly acclaimed that Minturn encourage and grow our small-town community as a top priority; and,

WHEREAS, The Town Council recognizes that a Strategy Statement is, by design, a tool that will guide the Council and Staff of Minturn in their daily actions and direction; and,

WHEREAS, The Town Council encourages encouraged honest comments and has set a goal of listening to the citizens and acting on their behalf to make Minturn a stellar community; and,

WHEREAS, The Town Council desires to include the Town’s Mission Statement to the Town of Minturn Strategic Plan.

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

1. The Minturn Town Council hereby Amends the Town of Minturn Strategic Plan for the period 2018-2020 as follows:

*Town of Minturn True North Strategy Statement: “Leverage Minturn’s assets to benefit and maintain our funky, proud, uniquely classic mountain town where people grow roots through creating opportunities and community engagement.” **

**Keeping in mind we are Minturn.*

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 1st
day of July, 2020**

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

COLLABORATION AGREEMENT

REGARDING DISBURSEMENT OF CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT FUNDS TO COUNTY AND LOCAL GOVERNMENTS

THIS COLLABORATION AGREEMENT (“Agreement”), is made this ___ day of ___, 2020, by and between COUNTY OF EAGLE, STATE OF COLORADO, a body politic and corporate (“County”) and the TOWNS OF AVON, BASALT, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL IN THE STATE OF COLORADO, together considered municipal corporations and political subdivisions of the State of Colorado, (“Local Governments”). The County and the Local Governments shall be referred to herein, individually, as a “Party” and, collectively, as the “Parties.”

RECITALS

A. On May 29, 2020, Colorado Department of Local Affairs (“DOLA”) will allocate up to \$275M to Counties and Local Governments across the state from the Coronavirus Relief Fund (“CVRF”), in an effort to reduce the financial impact of the COVID-19 pandemic.

B. The U.S. Congress mandated CVRF as part of the federal CARES Act under Title V. It allows local governments to receive reimbursements for necessary expenditures that were not accounted for in the most recent local government budget and that were incurred as of March 1st due to the COVID-19 public health emergency.

C. The purpose of this Agreement is to provide the structure for how the Parties become eligible and obtain access to funds authorized by Title V, Section 5001(d) of the CARES Act and specifically allows the County and Local Governments to request reimbursement for program payments that: 1) are necessary expenditures incurred due to the public health emergency with respect to the COVID-19 pandemic; 2) were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and 3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Eligible expenditure guidance is provided by the U.S. Treasury (attached as Exhibit A).

D. Section 18(2) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq. and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit.

E. The COVID-19 pandemic has created a myriad of economic distress and unanticipated costs to individuals and families, to businesses, and to the state and local governments addressing the pandemic’s effects.

F. Pursuant to the terms of this Agreement, the Parties wish to be reimbursed individually for COVID-19 pandemic related costs incurred by the Parties.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

I. FUNDING ALLOCATION FORMULA. CARES Act funds are allocated based on the percentage of the population in a given state that resides in the jurisdiction requesting funding from the federal government. The County is allocating CARES Act funds based on prorated actual eligible costs incurred or expected to be incurred as provided by and agreed upon by all parties. The spreadsheet attached as Exhibit B, and incorporated herein, shows the amount of CARES Act funds available to the County and each Local Government pursuant to these prorated eligible costs incurred or expected to be incurred amounts.

II. PROCESS TO OPT-IN. The Parties that desire to participate shall complete a one-time opt-in web-based form, which will be submitted via DOLA's Grant Portal no later than July 7th, 2020. This form requires affirmations of spending, reporting, monitoring, and certain federal requirements of County and Local Government participants for the Coronavirus Relief Funds.

III. REIMBURSEMENT ELIGIBILITY AND ACCOUNTING. The County and Local Governments will separately apply for the funds allocated to them as set forth in Exhibit B. The Parties understand they will need to follow all reimbursement requirements as established by DOLA for those eligible CARES Act reimbursement funds for COVID-19 pandemic related costs as further set forth in guidance provided by the U.S. Treasury, attached as Exhibit A. Generally, CVFR payments may be used for program payments that: 1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; 2) Were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and 3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Nothing in this Agreement is a guarantee that reimbursement applications will be granted.

IV. RETURN OF UNSPENT DOLLARS TO COUNTY. To ensure that the maximum amount of CVRF dollars are expended for the benefit of Eagle County residents and businesses by the deadline of December 30, 2020, Towns agree to report to the County the total amount of funding requests they have submitted to DOLA by September 1, 2020. If Towns have not already requested from DOLA or submitted a plan to the County to showing they will utilize their entire allocation by the deadline, they will forfeit unspent dollars to the County who will utilize the remaining allocation for other eligible expenditures.

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IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

Eagle County

Attest:

Kathy Chandler-Henry, Chair

Town of Avon

Attest:

Sarah Smith Hymes, Mayor

Town of Basalt

Attest:

Bill Kane, Mayor

Town of Eagle

Attest:

Scott Turnipseed, Mayor

Town of Gypsum

Attest:

Steve Carver, Mayor

Town of Minturn

Attest:

John Widerman, Mayor

Town of Red Cliff

Attest:

Duke Gerber, Mayor

Town of Vail

Attest:

Dave Chapin, Mayor

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

Exhibit B: Funding Allocation

Organization	Estimated Costs	Amount Allocated
Eagle County Government	\$ 2,410,000	\$ 2,276,595
Town of Avon	\$ 596,877	\$ 563,837
Town of Basalt	\$ 235,503	\$ 222,467
Town of Eagle	\$ 105,000	\$ 99,188
Town of Gypsum	\$ 36,712	\$ -
Town of Minturn	\$ 46,600	\$ 44,020
Town of Red Cliff	\$ 46,614	\$ 44,034
Town of Vail	\$ 1,534,370	\$ 1,449,435
Total Estimate/Incurred Costs	\$ 5,011,676	\$ 4,699,577

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

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

REGULAR TOWN COUNCIL MEETINGS
July 1, 2020
<u>Public Hearing/Action Item</u> : Ordinance 08 – Series 2019 (Second Reading) An Ordinance approving Disconnection of Real Property from the Town of Minturn – Battle Mountain Bolts Lake Property – Sawyer
Public Hearing/Action Item: Resolution ___ - Series 2020 A Resolution approving encroachment fees
Public Hearing/Action Item: Resolution ___ - Series 2020 A Resolution approving the Minturn Strategy Statement
Public Hearing/Action Item: Resolution ___ - Series 2020 A Resolution supporting the CARES Act reimbursement
July 15, 2020
Discussion/Direction – Leash Law review – Eagle County Animal Control
Special Presentation – Climate Action Committee presentation on Sustainable Building
Discussion/Direction – Support of M. Cacioppo’s concern with High Five program line-up
August 5, 2020