



AGENDA

MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center
302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday August 5, 2020

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

Join the online webinar: <https://us02web.zoom.us/j/84439456201>

Or Telephone: 1 651 372 8299

Webinar ID: 844 3945 6201

Regular Session – 5:30pm

**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.

Regular Session – 5:30pm

- 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 (5Min)**

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?

4. 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)

- July 15, 2020 Meeting Minutes Pg 4

5. Approval of Agenda

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

6. Special Presentations

- Council Comments/Committee Reports
 - Water Committee Update Pg 13

COUNCIL DISCUSSION/DIRECTION

7. Discussion/Direction: Presentation from the Snow Removal Ad Hoc Committee – Metteer/Kanakis/Eggleton (15Min) Pg 15

8. Discussion/Direction: Chapter 16 update – Hunn (60min) Pg 35

PUBLIC HEARINGS AND/OR ACTION ITEMS

9. Public Hearing/Action Item: Ordinance 09 – Series 2020 (Second Reading) An Ordinance approving policy for the operation of Food Trucks in Minturn – Petersen-Cremer (20min) Pg 39

COUNCIL INFORMATION / UPDATES

10. Staff Updates (5Min)

- Manager’s Report Pg 50
- Future Agenda Items Pg 51

MISCELLANEOUS ITEMS

11. Future Meeting Dates

- a) Council Meetings:
- August 19, 2020
 - September 2, 2020

- September 16, 2020

12. Other Dates:

13. Adjournment



OFFICIAL MINUTES

MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center
302 Pine Street
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Wednesday July 15, 2020

**Meeting to be held via Zoom Conferencing and call-in.
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<https://us02web.zoom.us/j/85189061380>

Or Telephone:

US: +1 301 715 8592 or +1 651 372 8299

Webinar ID: 851 8906 1380

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.

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John W. at 6:34pm 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 Richard Peterson-Cremer, Town Planner Madison Harris, and Town Treasurer/Town Clerk Jay Brunvand.

- Pledge of Allegiance

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

3. Approval of Consent Agenda

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

- July 1, 2020 Meeting Minutes
- COVID 19 Streamlined Testing Request Letter
- Resolution 23 – Series 2020 A Resolution approving an IGA with the Eagle County Housing Authority – Hunn

Motion by Terry A., second by George B., to approve the Consent Agenda of July 15, 2020 as presented. Motion passed 7-0.

4. Approval of Agenda

- Items to be Pulled or Added

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

- Declaration of Conflicts of Interest

5. Special Presentations

- Climate Action Committee presentation on Sustainable Building codes

Brian E. introduced Ms. Kim Schlaepfer, Climate Action Collaborative Project Manager, and the potential to consider sustainable building codes.

Ms. Schlaepfer reviewed a presentation of building codes and regulations to utilize sustainable building codes and thereby adopt the Climate Action Committee Task Force goals. The presentation outlined the goals and how adoption of the strategies by the municipalities will allow them to meet their goals by 2050.

John W. asked for an estimate of fees adopting these recommendations would cost for builders; Ms. Schlaepfer stated those fee proformas are available and she will forward them to the Town. Discussion ensued as to the building code adoption process and how these recommendations would fit with the adoption of the Sustainable Building Codes. It was discussed the goal is to encourage electricity over natural gas because the electrical grid can be maintained using wind, solar, and other renewable sources where natural gas cannot. Ms. Schlaepfer stated the recommendations are designed to lead one to a fully electric home with renewable opportunities.

John W. stated the next steps for the Town would be to review the recommendations in compliment with our existing building codes with the intent to determine the work required to move forward and the set goals to adopt based on those discussions.

- Council Comments/Committee Reports
 - Sales Tax Update – Eggleton

Brian E. reviewed the sales tax numbers. We are still running a budget surplus over our base year of 2018 and is encouraged that the cuts implemented thus far will keep us strong through the balance of the year. He noted he will be attending the Snow Removal Plan meeting tomorrow. This plan will build on last year to better keep our streets and sidewalks clear next winter.

- Water Report – Brodin

In spite of the good rain last night our area is dry with high fire danger. Everyone is encouraged to conserve water by watering before 9 in the morning or after 7 in the evening. This is smart use of water and will get the best results on lawns and plants. In addition to this, look at where the water is going. Watering the sidewalk and gutters serves no real purpose.

The Town had a 20.7% loss between produced and billed water for the month of June. If we look at this in gallons, we produced about 5 million gallons and metered 4 million gallons. 1 million gallons is on the missing list. There are a number of things to look at for this loss.

- 1.) Fire hydrants are sometimes used without a meter on them.
- 2.) There are broken meters in Town that do not read.
- 3.) There are meters in Town that are inaccurate
- 4.) The Leak detection equipment is here and will be installed next week. This will help to find system leaks and unmetered water usage.
- 5.) Water tank has leaks as well.

There are divers coming in August to repair leaks in our current water tank. Water meter replacement has begun. Broken meters are being replaced first, then a systematic replacement will begin after that. The meters and sending units are both being replaced. Public Works is constructing a security fence on Town Property around the Water Treatment Plant. The raw water line to the bike park is nearly complete and should be ready well before irrigation is needed there. The pump for the raw water is still being worked on.

Monitoring well 3 is still being sampled and tested. This is a potential additional source of water for our system. A final Water Plant Survey should be complete soon. This will identify specific

tank sites and we hope to get soil testing done this construction season. We are still working on permitting to extend well 4 to the clear well.

A brief history; wells 1 & 2 were installed in the early 1900's to help with pipes freezing. When the Gilman mine became a superfund site and the Consolidated Tailing Pond was constructed; wells 1 and 2 were replaced with wells 3 and 4 due to concern of contamination leaching into 1 and 2. Recent changes in State Health Department Standards require us to replumb well 4 into the clear well or mixing tank at the plant to increase contact time for the bleach to purify the water. We need a permit for this. The USFS has asked for a cultural survey to be completed in order to identify and preserve any existing artifacts that may be found. This ground has been dug up for well 1 and well 2 and well 4 and the main town pipeline, so I don't expect we'll find any artifacts, but you never know.

George B. attended a NWCCOG meeting, the annual dues will not increase for 2021. He noted the several area coal fed power plants closing in the next decade and how that will affect the economy of that area.

Gusty K. updated on the Railroad Committee which met today. They are looking at crossing safety, noise impact, rock mitigation on the tracks. They discussed the possibility of a county wide group to discuss the impacts of a potential reopening of the tracks.

Terry A. noted the company interested in opening the tracks is intending on shipping crude oil and how this relates to our sustainability discussion earlier. She noted the Little Beach Park concert for tomorrow night, July 16, has been canceled in an effort to be responsible community leaders. A decision on future concerts has not yet been made.

Earle B. commented on the careful phased in of opening in light of the Pandemic. He discussed some of the issues in neighboring states and the increase in COVID-19 cases. He stated if we wear masks, if we social distance, we will continue to see our community open. He encouraged proper behavior.

Eric G. commented the success of the Minturn Market and the compliance with the County and State requirements.

John W. reminded all to be Bear-Aware. Lock your trash and be safe. Tuesday 7/21 will be 6pm using the ZOOM meeting platform. He stated there are a lot of Maloit Park users and they continue to be in support of the Mosquito Control program the Town manages and encouraged this to remain in the 2021 budget. He noted the VVMB club and the work they are doing on the Minturn Bike Park.

COUNCIL DISCUSSION/DIRECTION

- 6. Discussion/Direction:** Leash Law review – Eagle County Animal Control – Petersen-Cremer

Mr. Nathan Lehnert, Eagle County Animal Control, began that Eagle County Animal Control oversees most, if not all, animal control within Eagle County. That being said, every jurisdiction has their own unique set of regulations which has created confusion for the one entity tasked with enforcement. Eagle County Animal Control is requesting revisions to animal control codes for the purpose of streamlining of these regulations across the multiple jurisdictions. For most, including Minturn, the most sweeping change would mean a leash law that moves away from voice control. During Mr. Lehnert's presentation he reviewed in detail the recommended changes. The recommended changes will be considered by the Town Council at an upcoming meeting and the public will have ample time to comment. This proposed document is available at the Town Offices.

Richard P-C outlined the current status that we have a good working relationship with the County and in the manner that they enforce. Mr. Lehnert noted violations will continue to be written into our municipal court. He noted there are very few actual written citations and the intent is to educate.

Terry A. asked Mr. Lehnert to expand on specific enforcement actions seen within the town. She asked about the threatening of wildlife or livestock and how Animal Control has the broad discretion in this area. She stated she has had some issues with this and wanted to know how discretion might be extended when livestock is the case as opposed to wildlife. Mr. Lehnert stated that if the victim does not want to file charges, often the officer will not. He stated the regulation says "may" not "shall" but noted that if there are multiple infractions by the same dog that will also be considered.

John W. asked if the Council felt this was a matter for an Ad Hoc committee? The county is looking at a timeline of year end 2020. Mr. Lehnert stated the immediate need is to get the new code language written and then allow time for the communities to review, detail concerns, and then community review and final comment.

Earle B. was concerned that we have to consider this because a few make bad decisions with their animals. He felt community input was necessary and encouraged. Mr. Lehnert noted he would make himself available for the public process. Stating he is well aware this is a contentious issue and encouraged the need for community input.

Brian E. agreed the physical control is a big step. He asked of any consideration had been given to a special license to exempt dog owners/dogs from physical control? Animal Control has considered this and Mr. Lehnert outlined the concerns that would prohibit this situation such as how an animal will react differently when not in a controlled environment.

John W. opened the discussion for public comment.

Mr. Woody Woodruff, 344 Eagle St, raises hunting dogs. He felt there should be guidelines for problem animals but felt we need to ensure the ones that manage their dogs should not be turned into criminals stating problem dogs are caused by problem owners. He felt voice control has been working for a long time.

Terry A. encouraged Mr. Woodruff to be included as this conversation moves forward.

Discussion ensued as to the next steps in light of the county not having a final version. The Council in whole felt public participation was necessary and important.

Earle B. agreed that some dogs should be potentially exempt but distinguishing between the two is difficult. Mr. Lehnert was open to what something like that would look like. He further agreed this is a significant change and it deserves the proper time to consider the changes and their ramifications.

Brian E. expressed concern that irresponsible dog owners don't just move down the road. Because of that he saw benefit for a consistent and uniform county-wide regulations.

Eric G. supported continuing discussion on this issue.

Gusty K. stated he saw benefit with both sides where a dog can be controlled by voice and those that can't. To maintain voice control isn't the solution but full leash law is also not necessarily the answer.

Direction was to continue moving forward toward an actual agenda item in the near future as a final version of the proposal is completed.

7. Discussion/Direction: Council Agenda Process & Timeline - Metteer

Michelle M. outlined the consideration of discussing items in Work Session prior to an agenda item discussion. This proposal is to have a discussion item on the live agenda and allow public comment. Michelle M. stated Minturn continues to improve/increase transparency in governance and is proud of the many changes thus far. To continue improving transparency, and in an effort to provide the highest levels of public participation, staff is recommending changes to the bi-monthly Council meeting start times as well as adjustment of the agenda to promote discussion with the Council and public.

Council discussion was in general strong support and that it might streamline the agenda. The begin time of 5:30 might be too early. It was felt public comment could be flexed a little by allowing it at multiple times during the meeting to accommodate those not able to attend and comment at the beginning. It was additionally recommended that we supply times for agenda items to better accommodate the meeting and the citizens who might be interested in a specific topic.

Direction was to move forward with the proposal, add a second public input period, and add guiding times to the agenda items.

PUBLIC HEARINGS AND/OR ACTION ITEMS

- 8. Public Hearing/Action Item:** Ordinance No. 08 – Series 2020 (Second 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 – Petersen-Cremer

Richard P-C. updated on the Ordinance and stated there were no changes from First Reading.

Public Hearing opened.
No public commented.
Public Hearing closed.

Motion by Brian E., second by Eric G., to approve Ordinance No. 08 – Series 2020 (Second 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 as presented. Motion passed 7-0

- 9. Public Hearing/Action Item:** Ordinance 09 – Series 2020 (First Reading) An Ordinance approving policy for the operation of Food Trucks in Minturn – Petersen-Cremer

Richard P-C. outlined the Ordinance regulations and reasons behind its proposal. He noted this has been developed by Staff and was reviewed and commented on by the Planning Commission. He noted and reviewed a Red Lined version that answers citizen comments that were submitted.

Earle B. wanted to ensure it did not negatively affect our brick and mortar restaurants. They have a substantial investment in the community and that should be protected.

Gusty K. asked about parking and how that would be addressed. He felt it would take away required parking and not add. Michelle M. stated this would be addressed in the site plan portion of the application. Often the parking is very short term as it is walk up service not seated service.

Eric G. was in support and that it offered alternative options.

Brian E. had concerns that the towing vehicle might cause parking issues, asked about vendor license fees, had concerns with parking issues, adjacent property notification, appeal of a denial consideration to be MMC consistent, and revocation questions.

John W. was concerned with right of way blocking, asked about introducing liquor by a customer with the open container law, and asked why the hours of operation were an issue.

Public Hearing opened.

Ms. Lynn Teach, 253 Pine St, was concerned about parking, limiting hours based on where they were located, noise should be addressed, was concerned of the effect on brick and mortar establishments and were those existing establishments asked about the impacts, and cleanliness issues in light of COVID. Richard P-C noted CDC nor the state have any regulations for customers, lack of restrooms was a concern.

Ms. Lauren Bohannon, 474 Eagle St, asked about sinks and regulations for onboard cooking; Richard P-C stated this is regulated by the State/County Health Departments and trucks would be required to follow those regulations. She asked about parking on private property and could it be left overnight; yes, if the owner allowed and as approved by Staff.

Public Hearing closed.

Earle B. felt it necessary to consider zoning when the truck application is approved, would the owner of the truck be able to park on the Right of Way near their home. Michelle M. stated the truck would not be allowed to be stored on ROWs.

Terry A. wanted to be consistent on how on-street parking is addressed when the owner of the truck lives in town.

Earle B. wanted to ensure the brick and mortar restaurants were included in the discussion. The goal is to bring visitors in to town by providing an attraction for critical mass not to negatively impact existing establishments.

Motion by Terry A., second by Eric G., to approve Ordinance 09 – Series 2020 (First Reading) An Ordinance approving policy for the operation of Food Trucks in Minturn as amended by the red lined version. Motion passed 7-0

COUNCIL INFORMATION / UPDATES

10. Staff Updates

- Manager's Report

Looking to meet with ECSD regarding development plans in the Maloit Park area. The District has allocated water taps for their project. If they do not plan to develop in the next five or so years that allocation might be used by other development now.

We have been holding steady and consistent at about 20%. We would like to see this for a consistent year at 20% before we open more water taps.

We have a bear in town, please be bear aware. Lock your trash up. Information is available at the Town Hall and on the website detailing safe practices and currently adopted and enforced laws. Brian E. asked about a sticker for the trash cans to be bear aware? Michelle M. will look into that.

- Future Agenda Items

Terry A. stated there is someone at the shooting range now. She reminded the community that this discussion is in committee and will come forward in August.

Revised Strategic plan on 8/5

MISCELLANEOUS ITEMS

11. Future Meeting Dates

- a) Council Meetings:
- August 5, 2020
 - August 19, 2020
 - September 2, 2020

12. Other Dates:

13. Adjournment

Motion by Earle B., second by George B., to adjourn the meeting at 10:12pm.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Water Report 5 August 2020

The Town is moving forward steadily on handling current system needs, loss control and getting ready for major water system upgrades.

I.) Everyday items

The recent rains have been welcome source of moisture. Thanks everyone for being mindful of outdoor water use. Please continue to water lawns and shrubs before 9 am or after 7 at night.

II.) Current system operational update

Loss: We will have water loss data for July at the August 19 meeting.
Water Meter Replacement

Water meter replacement has begun with non or poor functioning meters being the first to be looked at. That being said, many of these meters have obviously been tampered with! Stealing water is a crime. There is a fine for tampering with meters. It has been stated in public comment by more than one citizen, "YOU CAN'T BLAME A GUY FOR TRYING." **Stealing water and tampering with water meters is a crime.** The leak detection equipment is installed and building data. This will help to locate system leaks as well as when water is running to a residence, but not showing on the meter. Anyone who thinks their meter is not working properly is encouraged to contact Jay at the Town and get on the meter replacement list. We expect to start locating and identifying system leaks by mid-August.

Raw Water Line

The raw water line to the bike park is complete, the pump is working, trees have been planted there and are being watered. Take a walk out Cemetery Road and check out the progress on the bike park.

Special Praise

The Public Works guys are always working hard, but deserve special recognition and praise for a couple of items; 1) Installation of the raw water line to the bike park and 2) the weed control on the road to the Water Plant. Tremendous job!!! There is not a Canadian Thistle insight.

That is a prolific invasive species of weed and no easy thing to control.
WELL DONE!!!

III.) Major Infrastructure update

Monitoring Well 3; GOOD NEWS!

Preliminary result from water testing has not shown any red flags on water quality from this source. We will have a more detailed report and interpretation at a future Council Meeting.

Well 4 pipeline to clearwell

The cultural survey has been conducted. No arrowheads or dinosaur bones were discovered in the preliminary findings. We expect a go ahead on this soon. Ryan Gordon from SGM is putting together the scope of work so we can look for a contractor to do this soon.

Water Tank Construction

Special Thanks to local equipment operator Kenny Chadwick

A road has been cut and small test area cleared out for soil testing to construct new water tanks adjacent to and just uphill from the existing water treatment plant. We are scheduling a drill rig to get soil samples to determine if this site is suitable. Soil analysis takes about two weeks after the samples are taken. Results by the end of August perhaps. If the soil test OK, some survey, engineering, and a larger tank farm area will need to be excavated. This work could be done in September and October in preparation for tank construction next summer. EVERYTHING hinges on the soil test coming back good.



To: Mayor and Council
From: Snow Removal Plan Ad Hoc Committee
Date: August 5, 2020
Agenda Item: Snow Storage Discussion

REQUEST:

The Ad Hoc Snow Removal Plan Committee is requesting Council come prepared to have a robust discussion and provide feedback on all aspects of the Town’s first-ever snow removal plan. Council is asked to not only review the original plan and pertinent sections of the MMC in preparation for this discussion but to also seek out feedback from business owners and residents.

INTRODUCTION:

The 2019/2020 Town of Minturn Snow Removal Plan was the first of its kind for this small community. This Plan was created to be a communication tool to residents and business owners on the details of snow removal operations within the Town of Minturn.

The Snow Removal Plan Ad Hoc Committee has gone a step farther and begun discussions relating to snow removal operations and where efficiencies can be found. The slide deck included with this memo is an outline of the discussions currently taking place on a weekly basis with the Ad Hoc Committee and the Minturn Public Works staff.

ANALYSIS:

Over 115 of the Town’s history, many aspects of “a funky mountain town” have combined to complicate snow removal operations. Some of the following specifically contribute, such as:

- On street parking
- Residents and businesses pushing snow into public right-of-way and street areas
- Inadequate budget for equipment and operations
- CDOT plowing hwy 24 (and the tsunami wave of snow and ice every several hours onto Main Street properties)
- Combination of business and residential (especially on the 100-block)
- Minimal town-owned property for snow storage areas
- Proximity to the Eagle River

COMMUNITY INPUT:

Critical – Council is asked to seek out community input prior to this discussion and encourage the community to join the zoom meeting.

This will be an ongoing discussion over the next several months and in addition to the public meetings the Ad Hoc Committee will be hosting their own version of a “snow removal Minturn Matters” sessions.

BUDGET / STAFF IMPACT:

Unknown

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Each Council member to provide specific feedback on all aspects of the Snow Removal Plan.

ATTACHMENTS:

- Ad Hoc Snow Removal Committee Discussion Notes
- 2019/2020 Town of Minturn Snow Removal Plan

Snow Removal Plan

Snow Storage Discussion

STRATEGIC PLAN MISSION STATEMENT

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

STRATEGIC PLAN VISION STATEMENT

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

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

- Practice fair, transparent and communicative local government
- Long-term stewardship of the natural beauty and health of Minturn’s environment
- Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “keep Minturn Minturn”
- Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn

True North Statement

Resolution No. 20 – Series 2020

“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

Minturn Municipal Code

Sec. 16-16-130. - Snow storage.

- Adequate space shall be provided for storage of snow removed from pedestrian and vehicular ways, parking and loading spaces on any property that contains commercial or industrial uses, multi-family units, single-family units, duplexes and a common outdoor parking area.
- (1)Minimum area. A designated area sufficient to store snow for the entire parking area shall be provided. A minimum of five percent (5%) of the total area of the required off-street parking and loading area, inclusive of driveways, shall be designated to serve as a snow storage area.
- (2)Storage in parking spaces prohibited. Snow shall not be stored within required parking spaces, except on an emergency basis for a period not to exceed forty-eight (48) hours.
- (3)Storage in yards and open spaces permitted. Snow may be stored in required yards and open space, including landscaped areas properly designed for snow storage. Snow stored in a required yard or open space shall not restrict access or circulation or to obstruct views of motorists.
- (4)Drainage. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.
- (Prior code 16-16-13; Ord. 01-2015 §2)

Snow Storage & Removal Goals

1. EFFICIENCY

1. Efficient snow plowing operations - Balance
2. Efficient utilization of public space (Muni lot enforcement?)

2. STORAGE

1. Preserve what we “have” (snow storage locations)
 1. Town-owned snow storage locations
 1. Create Map
 2. Reclaiming town-owned property for utilization at “full capacity”
 3. Private property use

3. ENFORCEMENT

1. Adequate snow storage for all new development
2. Existing residences
 1. Fair enforcement of snow storage code (understanding Minturn is “funky” and many properties have a unique situation)

4. RECOMMENDATIONS TO COUNCIL

1. How can the MMC work with all residents for a more efficient system?

Snow Storage Discussion Points

- Fair & Transparent Local Government
 - Fair application and enforcement of requirements for use of on-property snow storage for private property.
- Reality of a funky, proud and uniquely classic mountain town
- 100 Block clearing for businesses
- Parking Regulations Adjusted to facilitate plowing and enforcement
- Snow Storage Agreements and Improvements to timing of removal for accessibility by residents and emergency personnel
- How Public Works can implement more resources during extended storms to continue to achieve both plowing (clearing) operations AND snow removal (storage) operations.

Future Topics

1. Snow plowing (clearing) operations
 - a. parking hours/regulations to accommodate efficient snow removal
2. snow removal operations
 - a. Is it more efficient to touch the snow once than twice?
3. Equipment
 - a. Future Capital Improvement Plan needs
4. New Development Requirements
 - a. Consideration for how new development may impact the "informal/formal"
Town use of current open/available snow storage locations on private property
5. Manpower/staff capacity
 - a. contract labor to assist operations



**2019/2020
TOWN OF MINTURN
SNOW REMOVAL PLAN**

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A. Purpose

1. The Purpose of the Snow Removal plan is to communicate the process and level of service for snow removal in the Town of Minturn.
2. The goal of the Public Works department is to remove snow from our public roadways and dedicated sections of sidewalks as rapidly and efficiently as possible while keeping roads open and essential traffic moving.
3. The aim of snow removal operations is to return road surfaces to safe winter driving conditions as soon as feasible within the limitations of this policy, our limited resources and weather conditions. With proper use of storm forecasts, personnel, and equipment, the desired result can usually be attained. However, flexibility is always needed to adapt to the variety of circumstances and conditions during a snowstorm. The following policies and procedures serve as a practical guide for effective snow removal procedures in the Town of Minturn.

B. Plan Considerations: In developing the policies for how to best undertake winter maintenance activities the Town considers factors including, but not limited to the following:

1. Priority vs capacity (Effective allocation of resources based on priorities);
2. Public safety;
3. The amount of funds available for these operations;
4. The number and availability of personnel for these operations;
5. The desire to maintain a safe and efficient transportation system;
6. The ability to deliver emergency services;
7. Weather conditions including temperature and snowfall amounts; and
8. Protection of Town and personal property

C. Policy Statement

1. Objectives:
 - a. Provide safe travel conditions for school busses, emergency services, pedestrians and motorists;
 - b. Provide cost effective snow plowing and removal services; and
 - c. Assist Police, Fire and Emergency Medical Services in fulfilling their duties
2. Hinderances to plan implementation:
 - a. Parked or stalled private vehicles that restrict or prevent safe roadway movement and plowing;
 - b. Equipment rendered inadequate by the depths of the snow or drifts;
 - c. Crew breaks, and breaks required for re-fueling;
 - d. Residential snow deposited onto public roadways;
 - e. Equipment mechanical failures and needed repair; and

- f. Unforeseen emergencies.

D. Scope of Responsibility

1. The Town of Minturn Public Works Department is responsible for snow plowing and removal on municipal streets within the town limits;
2. HWY 24 within town limits is plowed by the Colorado Department of Transportation (CDOT). Snow removal on HWY 24 is the responsibility of the Town of Minturn;
3. The Town does not remove snow and ice from private streets, private parking lots or driveways; and
4. Cooperatively facilitate safe pedestrian travel along the HWY 24/Main St corridor by conducting snow removal operations from sidewalks during times of snowfall

E. Level of Service

1. Expectations - It is the expectation of our citizens that we will keep all town streets sufficiently passable during and following a winter weather incident (this does not mean dry, bare roads). To accomplish this, the Town will provide, to the extent reasonably possible, effective and efficient measures consistent with generally accepted standard practices to maintain and/or restore mobility. Due to the many variables associated with winter weather, each event is unique.
2. Factors – Factors that influence when and what measures we use include:
 - a. air and pavement temperatures;
 - b. wind speeds and directions;
 - c. precipitation rates and types;
 - d. time of onset;
 - e. storm event duration;
 - f. traffic activity; and
 - g. Availability of equipment, personnel and materials
3. Goal - Snow control measures are directed to achieving and maintaining relatively safe traffic movement on public streets within a reasonable time period. Therefore, efforts are first concentrated on the school bus routes and emergency services streets that carry most of the traffic. Other low-volume streets are included when resources are available.

F. Implementation

1. The policies and procedures outlined herein will be in effect when weather conditions could cause accumulations of frost, sleet, ice or snow on our maintained roadways, school bus and emergency services routes or municipal

lots and will be in effect during the normal winter season.

2. Minturn snow removal operational hours are typically 6:00am to 5:00pm. Downtown sidewalks are recommended to be cleared by the business owner prior to 7:00am. The Public Works Supervisor will decide when to begin snow control operations. The criterion for that decision is:
 - a. Snow accumulation, or expected accumulation of 3 or more inches;
 - b. Icy conditions which affect travel; and
 - c. Time of snowfall in relationship to traffic volumes.
3. Snow and ice control operations are expensive and involve the use of limited personnel and equipment. During snow events, snow removal becomes a priority for school bus routes, emergency vehicles and primary roadways, and they are cleared first.

G. Personnel Responsibility: The snow control plan used by the Town of Minturn has been developed to establish a chain of command through which winter maintenance policies can be transformed into an effective and uniform set of actions. The actions taken by snow crews are the result of the general policies established by the administration, and procedures set forth in this plan, as approved by the Town Administrator.

1. Operators are responsible for:
 - a. Maintaining a positive work environment to enhance the teamwork concept;
 - b. Providing a timely, effective service for their designated routes;
 - c. Maintaining vehicles, plows and sanders in safe working order;
 - d. Serving as good-will ambassadors for the Town; and
 - e. Working cooperatively with residents and businesses for the benefit of public safety;
2. Supervisor is responsible for:
 - a. Maintaining a positive work environment to enhance the teamwork concept;
 - b. Coordinating vehicle, plow and sander maintenance and repair to ensure safe operations and adequate coverage;
 - c. Maintaining deicing inventories and other vital supplies;
 - d. Timely, courteous response to service complaints, requests and inquiries; and
 - e. Providing training opportunities for snowplow operators.
3. Management is responsible for:
 - a. Maintaining a positive work environment to enhance the teamwork concept;

- b. Providing adequate resources to ensure timely, effective service; and
- c. Creating training and feedback avenues for supervisors and operators; and utilizing various forums to create and maintain public awareness and support for snow removal activities.

H. Vehicle and Equipment Preparation: All vehicles and equipment utilized in the Snow Removal Plan are inspected for readiness and repairs in advance and as needed during the snow season by staff to ensure efficient operations for snow removal service.

I. Priorities: During snow/ice conditions, calls from the Police and Fire Departments regarding accidents, medical or other emergency situations requiring public works assistance are given top priority. Because of the high priority assigned to snow and ice control, almost all other street operations become secondary to snow removal activities. Streets will be plowed, and snow will be removed according to established priorities. Priorities are set based upon traffic volume, public safety, and access to emergency facilities and school bus routes. All streets in Minturn are prioritized as either primary or secondary routes for snow plowing and snow removal operations. The following summarizes the snow removal priorities:

1. **Primary Routes:** These streets are given first priority since they provide the interconnecting link from all corners of the Town. Also included are streets that provide access for emergency services such as fire stations and the Eagle County Sheriff's office at town hall. Priority 1 streets will be maintained for all snow events.

i. **Primary Routes (Appendix A):**

- a. Main Street 100 Block to 900 Block
- b. Cemetery Road from Public Works facility to Main St
- c. Mann Avenue from Main Street to Pine Street
- d. Pine Street from Meek Ave to Toledo Avenue
- e. Toledo Avenue from Pine Street to Main Street
- f. Bellm Bridge from Main Street to Minturn Saloon
- g. Railroad Ave from Bellm Bridge/Minturn Saloon to Taylor Avenue
- h. Taylor Avenue from Railroad Avenue to 4th Avenue.
- i. Minturn Road from Taylor Ave to 4th Ave.

2. **Secondary Routes:** All streets not designated as primary routes are considered secondary routes and will receive snow removal service upon completion of the primary routes. These roadways are minor arterial streets and are generally streets that connect the major arterial road to residential streets.

J. Delay of Snow Removal Services: At least one or more of the following situations may delay all or some of the services provided during snow events:

- 1. Vehicles parked and/or blocking the street eliminating access for plows;
- 2. Equipment breakdown;

3. Manpower shortage due to sickness, injury or vacation or length of the storm requiring personnel to be pulled off the streets for rest;
4. Operator breaks for rest, meals, refueling, or for loading deicing material; breaks required to install chains and/or new cutting edges on snowplow blades;
5. Residents placing snow from yards or driveways onto public streets;
6. Downed trees and branches and utility wires can block access to entire neighborhoods;
7. Frozen water mains divert snow fighting personnel to respond to the emergency;
8. Snow being placed on the street after we have plowed requires crews to return to these streets again, diverting attention from other needs;
9. Weather so severe – as to cause crews to be called in for their own protection; and
10. Unforeseen conditions and emergencies.

K. Sidewalks: Snow Removal Policies and Procedures, Minturn Municipal Code Requirements for property owners. This is to prevent the snow from turning into an icy hazard for pedestrians or forcing pedestrians to walk in the street.

1. Sec. 11-1-10. - Snow removal required.

It is unlawful for any owner or occupant of any lot, block or parcel of ground within the Town, or for any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk or pathway alongside such property longer than twenty-four (24) hours from the time of the last accretion of such snow or ice.

2. Sec. 11-1-20. - Applicability of provisions.

(a) The provisions of this Article shall be applicable to all sidewalks and public pathways within the Town.

(b) It is determined that the accumulation of snow and ice on the sidewalks and public pathways adjacent to the streets described in Subsection (a) above interferes with the free movement of pedestrian and vehicular traffic within the Town to a substantially greater degree than the accumulation of snow and ice on other sidewalks and public pathways within the Town.

3. Sec. 11-1-30. - Legal remedy.

If any person allows snow or ice to accumulate or remain upon any sidewalk or public pathways, as provided in this Article, the Town may cause such snow or ice to be removed and may assess the cost thereof as a lien against the adjoining property or may bring an action in county court against the owner of such property to recover the cost thereof.

L. Sidewalk Snow Removal – Recommendations to Residents:

1. Aim snow blowers into front yards away from sidewalks, the parking strip and the street. Ice and rocks, as well as powder snow are blown out many feet. This material can hit parked or passing cars, which can cause damage to those vehicles as well as possible accidents. Also, snow blown onto the street will freeze and become slick, which may easily cause accidents.
2. Snow left adjacent to your driveway by snowplows should be placed to either side of the driveway or the parking strip (if available), but, not into the street or gutter.
3. Remove snow from around fire hydrants near your home.

M. Sidewalks: Snow removal Town responsibilities

1. Sidewalks adjacent to Town property.
2. Due to the high volumes of pedestrian traffic along HWY 24, combined with the snow plowing operations of CDOT, the HWY 24/Main Street corridor is designated as a high priority for sidewalk snow removal.
 - i. Town sidewalk snow removal operations during times of snowfall will include HWY 24/Main Street in the same operational manner in which snow is removed from the street (Monday/Wednesday or Tuesday/Thursday).
3. For a complete showing of the Town’s responsibilities please review the Sidewalk Snow Removal Map (*Appendix B*)

N. After the Storm: After snowstorms the Town’s snow plowing efforts will focus on the continuation of critical Town services such as restoring utilities; and public safety emergency response capacities. Additionally, snow removal operations will be conducted in certain areas of the town if temperatures are expected to remain low or more snow is expected. Other areas include locations in which heavy shading prevents melting and areas where the storm drainage system is impeded. Crews will attempt to remove as much snow and ice as possible. In addition, begin the following procedures:

1. Additional sanding may be needed;
2. Cleaning of intersections as soon as possible;
3. Inspection of all equipment utilized during the storm;
4. Report needed equipment repairs;
5. Inventory stockpile of de-icing material; and
6. Have a post-meeting if necessary, with all employees to discuss possible improvements.

O. Property Damage

1. During the course of operations throughout any given winter, a certain amount of damage to Town and private property may be incurred by snow removal forces. The Public Works Department will repair damages as soon as the weather

permits.

2. Personnel are required to report all damages to their Supervisors. All property damage and accidents during snow removal operations will be handled in a manner that coincides with Town policy and Colorado State Statute.

P. Assistance to Motorists

1. Under no circumstances will a Town employee be allowed to use a Town owned vehicle to push, pull, or tow a stranded vehicle from a roadway or parking lot.
2. The employee should notify their Supervisor of any emergency situation encountered and the Supervisor will notify the appropriate agency.
3. Under no circumstances will a Town employee use a Town owned vehicle to perform snow removal operations on privately owned, commercial, or residential property.

Q. Appendices

1. Snow plowing priority map (Appendix A)
2. Sidewalk snow removal map (Appendix B)

Appendix A Minturn Snowplowing Priority Map

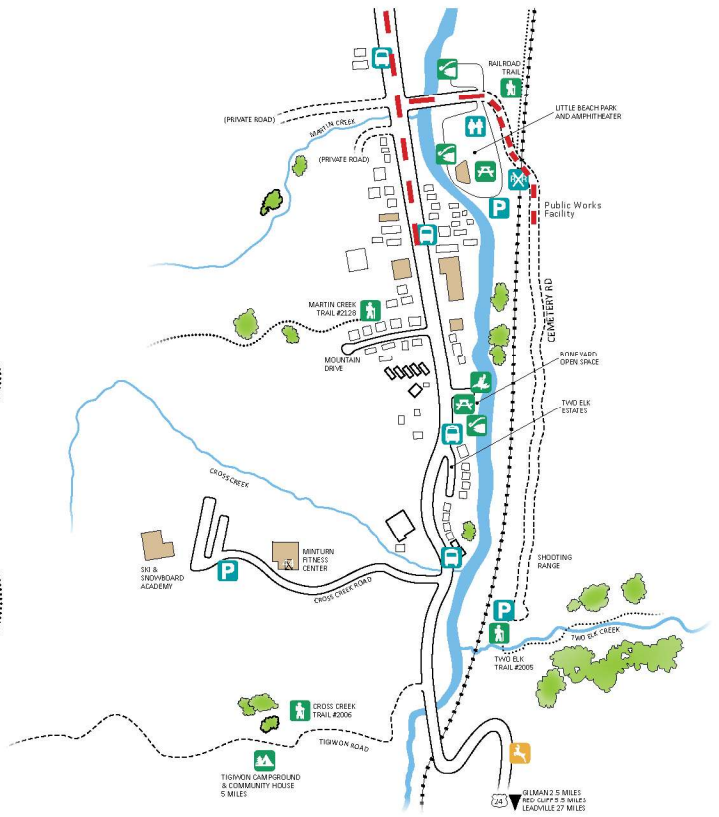
Snow Removal Legend

Primary Snowplowing Route

Primary Snowplowing Streets Include:

- Main Street 100 Block to 900 Block
- Cemetery Road from Public Works facility to Main
- Mann Avenue from Main Street to Pine Street
- Pine Street from Meek Ave to Toledo Avenue
- Toledo Avenue from Pine Street to Main Street
- Bellm Bridge from Main Street to Minturn Saloon
- Railroad Ave from Minturn Saloon to Taylor Ave
- Taylor Avenue from Railroad Avenue to 4th Ave
- Minturn Road from Taylor Ave to 4th Ave

Minturn Snowplowing Priorities Cemetery Rd South



MINTURN Elevation 7896 ft.

Creek

River

Road

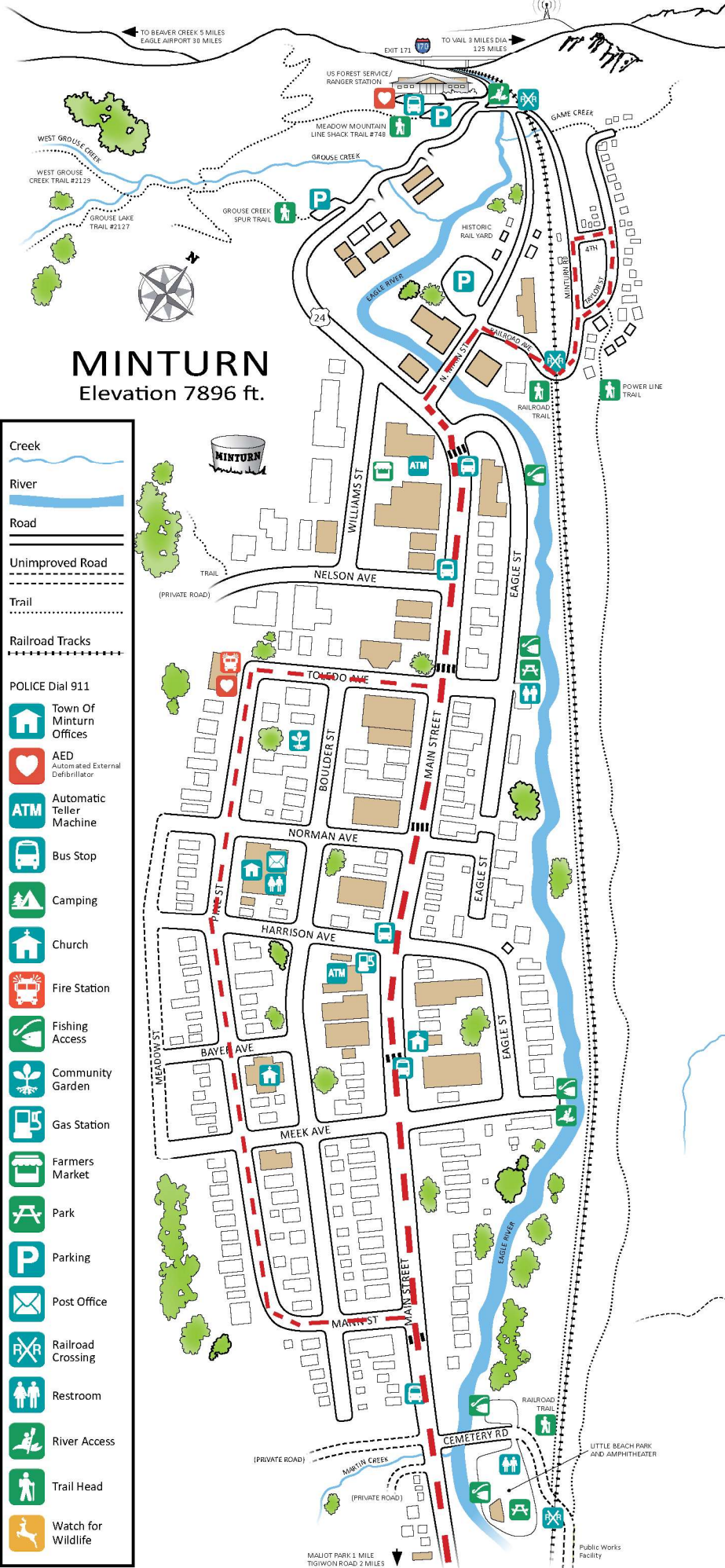
Unimproved Road

Trail

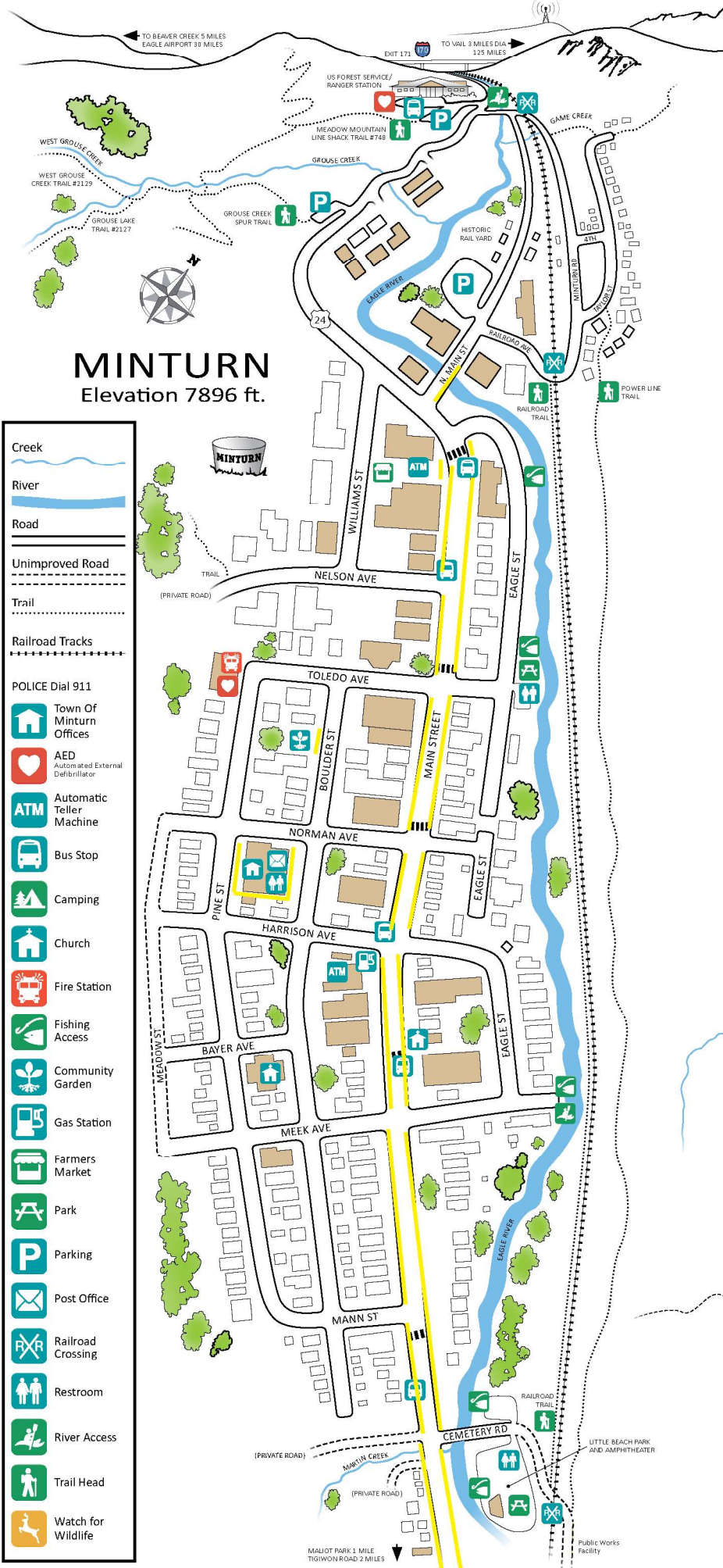
Railroad Tracks

POLICE Dial 911

- Town Of Minturn Offices
- AED Automated External Defibrillator
- Automatic Teller Machine
- Bus Stop
- Camping
- Church
- Fire Station
- Fishing Access
- Community Garden
- Gas Station
- Farmers Market
- Park
- Parking
- Post Office
- Railroad Crossing
- Restroom
- River Access
- Trail Head
- Watch for Wildlife



Appendix B Minturn Sidewalk Snow Removal Map



Sidewalk Snow Removal Legend

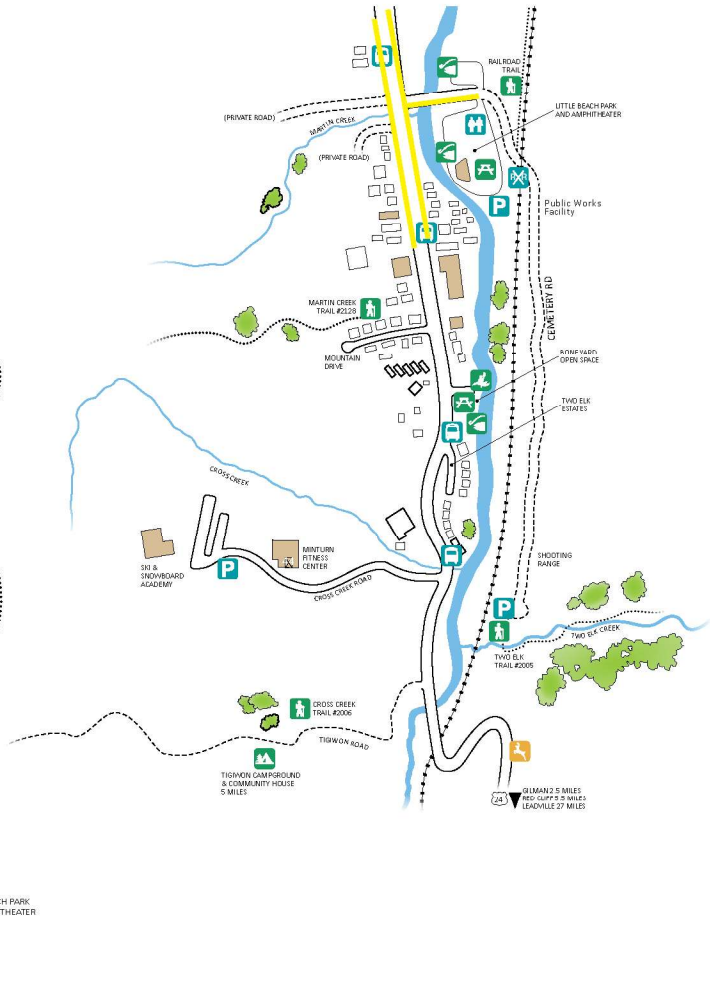
— Sidewalk Snow removal

Snow removal Town responsibilities

1. Sidewalks adjacent to Town property.
2. Due to the high volumes of pedestrian traffic along HWY 24, combined with the snow plowing operations of CDOT, the HWY 24/Main Street corridor is designated as a high priority for sidewalk snow removal.

i. Town sidewalk snow removal operations during times of snowfall will include HWY 24/Main Street in the same operational manner in which snow is removed from the street (Monday/Wednesday or Tuesday/Thursday).

Minturn Sidewalk Snow Removal Cemetery Rd South





To: Mayor and Council

From: Scot Hunn, Planning Director

Date: July 30, 2020

Agenda Item: Chapter 16 – Potential Amendments to Lot Coverage Standards and Treatment of Pre-existing Nonconforming Situations

REQUEST:

Discuss current Chapter 16 provisions and restrictions affecting property owners’ ability to renovate or improve pre-existing nonconforming structures, lots and situations. Staff requests feedback and policy direction regarding potential amendments to the Code aimed at loosening, slightly, certain development standards in certain residential zone districts, as well as amendments that could provide the Town more flexibility in granting variances for certain projects that meet other Town policy goals in residential zone districts while demonstrating that adjacent properties are not adversely impacted by a variation to standards.

INTRODUCTION:

As the Town staff works to complete the review and update of Chapter 16 – *Zoning*, an examination of each zone district in the Town – looking at minimum lot size, setbacks, building height restrictions, lot and impervious materials coverage limits – has been informative in the sense that the staff and Planning Commission have clarified that, for the most part, existing code requirements are working as intended and likely do not need to be amended at this time.

However, one issue that has presented a challenge during recent Design Review Board hearings concerns proposals involving additions to existing homes or the development of new structures (Accessory Dwelling Units) when the existing lot coverage by buildings (the footprint of a building or structure on a lot) exceeds the maximum allowed in residential zone districts. Of particular concern to staff is maximum lot coverage within the Old Town Mixed-Use and Residential Zone Districts.

Lot coverage is defined as:

“...the portion of a lot that is covered by buildings, including all interior space including garages, and all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Buildings are measured at the outside exterior wall.”

The calculation method also counts portions of second and third level decks or balconies. Essentially, this is a measure of the amount of a parcel that otherwise can’t be used for yard space, snow storage, or infiltration of water. Typically, like most zoning regulations such as setbacks and building height limitations, lot coverage restrictions are used in codes to ensure that properties in a zone district or neighborhood:

- Share similar qualities
- Have ample light, air and access (around structures) for emergency responders

- Provide a minimum amount of landscaping (trees, shrubs and yards) as a matter of property enjoyment and aesthetics
- Provide a minimum amount of area on the lot for other uses (parking, snow storage)
- Preserve a minimum area for water infiltration and proper stormwater drainage

The recent issues experienced at DRB meetings concern several projects wherein property owners proposed minor additions of habitable space, the construction of new or renovated garage structures, and/or the development of an accessory dwelling unit (ADU) – something that is otherwise encouraged by the Town in order to achieve strategic plan goals aimed at keeping locals living in Minturn, maintaining character, and encouraging property owners to maintain and invest in their properties.

In each of these cases, property owners were not able to move forward without a variance due to pre-existing, nonconforming situations (a structure that violates current setbacks), and/or because their project would result in a nonconforming situation (i.e., exceeding lot coverage). Typically, these projects would be between 1-4% over the allowable lot coverage limit. In some of these cases, property owners were able to demonstrate that adding to an existing building will not compromise parking areas, snow storage or required landscaping.

Currently, in all residential zone districts the maximum allowable lot coverage by buildings is 40%. In the Old Town Mixed-Use Zone District, lot coverage can range from 40% to 45% if commercial uses are included on the main or ground level (presumably as an inducement to create sales tax generating uses along Main Street).

During the Chapter 16 update process, staff and the Planning Commission have discussed raising the allowable lot coverage limit from 40% to 45% in at least one residential zone district. At the time, while staff suggested that allowing additional coverage may induce property owners to make investments and improvements in their properties, the Planning Commission also had concerns with allowing additional building coverage in light of small lot sizes in some instances, and the effect that increased building coverage – however slight – may negatively impact parking and snow storage.

ANALYSIS:

During the review and updating of Chapter 16, staff has presented calculations for each zone district showing average lot sizes, average lot coverage by buildings, and average setbacks – essentially an existing conditions analysis for the Planning Commission to consider when making recommendations on any proposed changes to standards or restrictions. As mentioned previously, staff does not anticipate that the updated Chapter 16 will include substantive revisions to most standards such as minimum setbacks, building height or impervious coverage limits in each of the zone districts.

However, due to the more recent issues related to lot coverage in Old Town area specifically, staff has completed additional analysis of existing conditions by calculating existing lot sizes and lot coverage for every residential property in town. The table below summarizes staff’s additional findings (for Old Town Residential Zone District):

- In the Old Town Residential Zone District, average lot coverage is approximately 35% across 93 lots of varying sizes.
- Of those 93 lots, 12 lots are sub-standard (less than required 5,000 sq. ft.)

- Approximately twenty-nine lots (31%) are over 40% lot coverage (therefore pre-existing, nonconforming)
- An additional fifteen lots (another 16% of the 93 lots in the zone district) are between 35%-39% lot cover
- Combining those lots with at least 35% lot coverage with those over 40%, that's 44 lots, or roughly 47% of the total lots in the Old Town Residential Zone District that are near, at, or over the allowable lot coverage total.

One way to interpret these findings is that, overall, the average lot coverage in the Old Town Residential Zone District is still under the 40% limit and that a majority of property owners will or should have the opportunity to add modest amounts of square footage to existing buildings without the need for variances.

Another way to view the findings is that nearly ½ of 93 total properties in the zone district are very close to the limit of 40%, or are over the limit, with little incentive or opportunity to propose projects without pursuing a variance for lot coverage. These are projects that may involve bringing portions of older buildings up to current building code standards; could improve the functionality, livability, and energy efficiency of older homes; or, are clearly intended to add off-street parking (a garage or carport, for instance) or potential community housing in the form of accessory dwelling units.

Staff suggests that while maintaining a maximum building lot coverage is important, there are other ways to ensure adequate open space, snow storage or a minimum landscape area. For instance, some codes do not limit lot coverage by buildings, but do require a *minimum* amount of "landscape area" and/or snow storage areas on individual lots or multi-family projects, leaving the balance of the property for development as long as setbacks are maintained and building height limitations are met.

Last, understanding the overall importance of adhering to dimensional limitations (lot coverage, setbacks, building height), the ability to further other policy goals and strategic priorities of the Town may outweigh concerns over minor increases in one particular dimensional limitation, provided that other limitations or requirements (adequate parking, drainage and snow storage) are met.

COMMUNITY INPUT:

Staff is seeking feedback and direction from the Town Council at a regularly scheduled and noticed public hearing as part of the Chapter 16 Update Project. Additional, properly noticed public hearings will be held at future dates with the Planning Commission to discuss and consider proposed revisions to Chapter 16. Following public hearings before the Planning Commission to consider any amendments to Chapter 16, public hearings will be scheduled before the Town Council. Staff anticipates these hearings to occur in the fall 2020.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Town Council's actions with regard to amendments to Chapter 16, particularly when focused on ensuring that code provisions support a realistic, fair and consistent treatment of proposals aimed at reinvestment in existing properties (leveraging Minturn's assets, some of which are funky old homes) aligns with the following key strategies and the Town's True North vision statement adopted July 1, 2020:

“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.”

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:

Staff requests direction on these key issues/questions:

1. Should staff pursue code changes to adjust lot coverage standards in residential zone district(s);
2. Should staff pursue code changes providing more flexibility to staff and the Planning Commission when reviewing projects involving pre-existing, nonconforming structures, lots or situations; and
3. Should staff pursue code changes aimed at adding more consideration for variance requests that, if approved, lead to the provision of “public benefits” such as deed restricted community housing.

ATTACHMENTS:

None



To: Mayor and Council
From: Richard Peterson-Cremer (via Michelle Metteer)
Date: August 5, 2020
Agenda Item: Ordinance 09 – Series 2020

REQUEST:

Approve Ordinance 09 – Series 2020; An Ordinance allowing food trucks to operate within the town of Minturn.

INTRODUCTION:

This will be second reading of the Food Truck Ordinance. Redlines have been added to the first version of the Ordinance to show changes made between readings.

ANALYSIS:

During first reading Council had several questions needing review prior to second reading. Please see questions and corresponding answers below:

Question: Can food truck vendors be required to compost?

Answer: The current composting program in town is through Vail Honeywagon. Any food vendor wanting to utilize the community compost site would need to register as a member of the composting program through Vail Honeywagon.

Question: Can the town require notification to neighbors?

Answer: Food truck vendors would apply through a licensing mechanism, not a land use application. There is (currently) no mechanism for neighbors to object to a license – similar to a business license. Food truck operations will not be permitted in residential areas which was specifically added in the redline Ordinance for second reading.

Question: Can food trucks be stored in residential zones?

Answer: Storage of personal items such as trailers, is not prohibited in residential zones. A food truck owner would be allowed to store the truck/trailer/cart on their personal property.

COMMUNITY INPUT:

Input was received at first reading and additional steps were taken to notify the Minturn business community of this Ordinance prior to second reading. Staff did receive one response from the notification which has been included with this memo.

BUDGET / STAFF IMPACT:

N/A

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance 09 – Series 2020

ATTACHMENTS:

- Minturn Business owner feedback
- Redline Ordinance 09 – Series 2020

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 09 – SERIES 2020**

**AN ORDINANCE BY THE TOWN OF MINTURN
COLORADO FOR THE LICENSURE AND REGULATION
OF OUTDOOR FOOD VENDORS.**

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

WHEREAS, Chapter 6 of the Minturn Municipal Code (the “Code”) provides for licensing and regulation of various occupations and businesses; and

WHEREAS, the businesses of food trucks and food carts (together “Outdoor Food Vendors”) are increasing in popularity and provide food options for special events, during bust tourist times, and at work sites; and

WHEREAS, the Colorado Department of Public Health and Environment has developed regulations under which Outdoor Food Vendors may operate; and

WHEREAS, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Town Code to provide for the licensure and regulation of Outdoor Food Vendors, as set forth in Exhibit A.

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

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

SECTION 2. A new Article 8, Chapter 6 of the Minturn Municipal Code is hereby added as set forth in Exhibit A. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 15th 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 5TH DAY OF AUGUST, 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 5TH DAY OF AUGUST, 2020.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

REDLINE FOR AUGUST 5 2020 COUNCIL SECOND READING

ARTICLE 8 – Outdoor Food Vendor License

Sec. 6-8-10. - Definitions.

For purposes of this Article, the following definitions shall apply:

~~*Commissary* means a retail food establishment that is approved as such under the laws and regulations of the State and County that govern retail food establishments.~~

Food cart means a structure with at least two (2) operational wheels, that is mobile and is used for vending food and that is no more than twenty-four (24) square feet in size and seven (7) feet in height, excluding umbrellas and other similar devices.

~~*Food trailer* means a licensed unpowered vehicle that is used for vending food and is towed behind a licensed motor vehicle no greater than eight (8) feet in width by thirty (30) feet long, inclusive of tow vehicle.~~

Food truck means a licensed motor vehicle no greater than eight (8) feet wide by ~~twenty~~ thirty (230) feet long that is mobile that ~~operates from a commissary and~~ is used for vending food.

~~*Outdoor food vendor* means a vendor who sells food or drink from a food cart, or food truck, or food trailer.~~

Vendor means a person engaged in the sale of goods from a non-permanent location.

Sec. 6-8-20. - License required.

It is unlawful for an outdoor food vendor to do business in the Town without a business license and an outdoor food vending license as provided herein, or to otherwise engage in activity in noncompliance with the provisions of this Chapter.

Sec. 6-8-30. - Outdoor food vending license requirements.

All outdoor food vending activities shall occur from a food cart, ~~or~~ food truck, or food trailer unless otherwise specified in this Section. Outdoor vending activities shall be subject to the following licensing requirements:

- (a) Each applicant for a license shall obtain all required health, sales tax or other required permits or licenses from all applicable government departments. The vendor shall publicly display all such permits including, without limitation, a Town business license.
- (b) License applications shall be made on the form provided by the Town Manager for the license sought, and shall contain all the information required by the form, including any required attachments or exhibits. The Town Manager may reject incomplete applications.
- (c) ~~Site plan approval by the Planning Department is required for applicants proposing to operate on private property. Site plans shall be drawn to scale and may be~~

accompanied by available surveys of the private property, photographs, and aerial mapping available from Eagle County GIS.

- (c) ~~The holder of a license which authorizes the~~ licensee with permission to ~~go operate~~ upon public property shall indemnify and hold harmless the Town, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the licensed use, and shall maintain, during the period of the license, comprehensive general public liability and property damage insurance, naming the Town, its officers, employees and agents as insureds; providing that the insurance is primary insurance, and no other insurance maintained by the Town will be called upon to contribute a loss covered by the Town; and providing for thirty (30) days' notice of cancellation or material change to the Town.
- (d) A license issued under the provisions of this Section may be transferred or assigned as part of the sale of the assets of the business to which the license has been issued, but for no other reason unless approved by the Town Manager in writing. Such license shall remain subject to all rules and regulations regarding licenses.
- (d) A license is valid for a one-year period, beginning ~~January–April~~ 1 and ending ~~December–March~~ 31 of the following year. A license is renewable unless the license is revoked. A licensee who wishes to continue operating after the expiration of the license shall follow the application procedures required of a new applicant.
- (e) No more than a single vending license may be held by any person or by any one (1) entity or association.

Sec. 6-8-40. – Outdoor food vendor regulations.

Outdoor food vendors shall be subject to each of the following regulations:

- (a) Outdoor food vendors may only sell food and non-alcoholic beverages.
- (b) Outdoor food vendors may operate between 7:00 a.m. and 11:00 p.m. for no more than four (4) total hours per day at any one location.
- (c) An outdoor food vendor is responsible for maintaining the area within and in proximity to the cart or truck, display apparatus or permitted vending location area in a neat, clean and hazard-free condition, including, without limitation, the disposal of all trash and the storage of all carts, trucks and display apparatus off public rights-of-way when not in operation. Vendors shall provide for the disposal of trash by customers. No liquid wastes shall be discharged from the food truck onto the ground (with the exception of clean ice melt)
- (d) Outdoor food vendors may only operate at locations on public property designated by the Town Manager. Such locations may be changed at the discretion of the Town Manager. No seating or tables may be set up on public property.
- (e) Outdoor food vendors are permitted at Town-sponsored and managed activities within designated locations.
- (f) An outdoor food vendor operating on public property or private property may be required to move at the request of Town officials for health, sanitation and safety reasons or for failure to comply with the requirements of this Code.

- (g) An outdoor food vendor operating on private property must have written permission from the property owner to vend on the property and may not be the sole use occurring on the lot. No more than a single food cart or truck may operate on any individual private lot. except with written permission of the Town Manager during special events.
- (h) Outdoor food vendors may not attract attention by noise-making devices, voice calls, flags, banners, balloons or other such devices.
- (i) Food carts and food trucks shall be parked only on paved and graveled surfaces, unless otherwise approved by the Town Staff. In the case of an active construction site where a paved surface may be unavailable or unbuilt, a vendor shall park on an approved material that minimizes the tracking of dirt into the street and complies with the approved stormwater management plan.
- (j) All lighting must be indirect and downcast so as not to direct glare off-site. No lighting shall be permitted that causes safety hazards by projecting glare onto public rights-of-way or travel corridors; or, that adversely or unreasonably impacts neighboring property owners' enjoyment of private property or business owners' ability to conduct business.
- (k) Signage must be permanently affixed to or painted on food carts and food trucks and may not project out from the cart or truck. One portable A-frame or pedestal style sign up to six (6) square feet per side, is allowed per vendor with a sign permit. Sandwich board signs less than six (6) square feet are permitted without a sign permit. Signage may not block or obstruct public streets, alley or sidewalk areas, obstruct sight distance triangle; impede parking lot circulation; or unreasonably reduce the area required for parking for any other use on the lot. Advertising is limited to the product sold, the name of the business and a price list.
- (l) No seating or tables may be set up upon or in the vicinity of a food cart or food truck operating on public property.
- (m) No food cart, ~~or~~ food truck, or food trailer may ~~not~~ be stored on public property or rights-of-way when not in operation.
- (n) No outdoor food vendor may operate in a residential zone, as identified in Chapter 16 of this Code, as may be amended.
- (o) All outdoor food vendors shall follow all applicable Colorado Department of Public Health and Environment Retail Food Establishment Rules and Regulations.

Sec. 6-8-40. – Single event permit.

Outdoor food vendors wishing to operate on a specific date may apply for a “Single Event Permit” on an application form provided by the Town. Such permit grants the same privileges as a license issued under this Article, but only for the date specified on the permit. Permittees shall conform with all foregoing regulations and are not subject to any lesser standard than a licensee under this Article. A person or business shall not be issued more than three single event permits in a single period from April 1 through March 31 of the following year.

Sec. 6-8-50. - Denial of licenses.

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- (a) The Town Manager may deny an application for a license under this Section upon determination that:
 - (1) The applicant has failed to supply any of the information required on the application;
 - (2) The applicant has failed to obtain required insurance;
 - (3) The applicant has failed to pay the required license fee; or
 - (4) The applicant has not obtained all licenses or permits required under the laws of any applicable governing body.
- (b) If the Town Manager denies a license application under this Section, the Town Manager shall notify the applicant in writing stating the specific grounds for the denial. ~~The applicant may thereafter appeal the denial of the application to the Town Manager under the procedures otherwise set forth in this Code.~~

Sec. 6-8-70. - Revocation of licenses.

- (a) In addition to any other provisions of this Code or other ordinances of the Town, the Town Manager may suspend or revoke a license issued under this Article if:
 - (1) The licensee fails to meet the qualifications required of an applicant;
 - (2) The licensee violates any provision of this Code or other ordinance of the Town governing the activities permitted by the license;
 - (3) The licensee obtained the license by fraud or misrepresentation; or
 - (4) The licensee is convicted of an offense and would create a danger to the public health, safety and welfare if the licensee were to engage in such conduct after the license was issued.
- (b) If the Town Manager finds one (1) of the grounds in Subsection (a) above or any other ground for suspension or revocation in this Code, the Town Manager shall determine whether to revoke the license for the remainder of its term or suspend it for any shorter period according to the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied, if at all.
- ~~(c) Before the hearing required by Subsection (d) below, the Town Manager may suspend a license for up to thirty (30) days, if the Town Manager determines that the suspension is in the interest of public health, safety and welfare. The Town Manager may include in the temporary suspension reasonable orders or conditions with which the licensee shall comply to protect any work in progress and the public health and safety. Any breach of such conditions or orders is an independent ground for suspension or revocation of the license.~~
- ~~(d) Except for such emergency suspension authorized by Subsection (c) above, no such suspension or revocation is final until the licensee has been given the opportunity for a hearing to contest the suspension or revocation under the hearing procedures otherwise set forth in this Code.~~
- ~~(e) If, after a hearing, the suspension or revocation is upheld, the Town Manager may include reasonable orders or conditions with which the person whose license has been suspended or~~

~~revoked shall comply to protect any work in progress and the public health, safety and welfare.~~

- (cf) No person whose license is revoked under this Section may receive a refund of any part of the license fee paid for the license.
- (dg) No person who has had a license suspended or revoked under this Section is entitled to obtain the same or any similar license under this Chapter during the period of suspension or revocation, either in the person's own name or as a principal in another business that applies for a license.
- (eh) Nothing in this Section shall be deemed to prohibit the Town Manager from imposing other penalties authorized by this Code or other ordinance of the Town, including filing a complaint in the Municipal Court for a violation of this Code or other ordinance of the Town.

Sec. 6-8-80. – Appeal of Administrative Decisions

Any person aggrieved by the decision of the Town Administrator in the course of the administration or enforcement of this Article may make an appeal to the Town Council. Such appeal shall be made within ten (10) days of the decision from which the appeal is made by filing with the Town Clerk a written notice of appeal specifying the grounds therefor. The Town Council shall conduct a hearing of the appeal within thirty (30) days of receiving written notice. The decision of the Town Council shall be final.

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From: Eileen Lindbuchler <massage@healingrootsvail.com>
Sent: Thursday, July 23, 2020 10:09 AM
To: Minturn Events <events@minturn.org>
Subject: Re: Consideration of Food Trucks

I LOVE This!
Minturn is the perfect community for it!
I've been dreaming about this idea since last summer!!!!

On Thu, Jul 23, 2020 at 10:00 AM Town of Minturn <info@minturn.org> wrote:



Hello Minturn Businesses,

Many of you may already be aware that a first reading of a Food Truck Ordinance was approved at the July 15th Town Council Meeting. A second reading / hearing is scheduled for the August 5th Town Council Meeting.

Click [HERE](#) to view the ordinance. The August 5th Town Council agenda and packet will be available on Friday, July 31st. You may also view the meeting packet from the July 15th Town Council meeting [HERE](#).

If you are not able to attend the August 5th meeting, but would like to offer public comment, you may submit comments or questions in advance, to Jay Brunvand (treasurer@minturn.org).

Sincerely,

Town of Minturn

Town of Minturn

Minturn, Colorado 81645

See what's happening on our social sites



Town of Minturn | [302 Pine Street](#), Minturn, CO 81645 www.minturn.org

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With Gratitude
Eileen Marie



To: Mayor and Council
From: Michelle Metteer, Town Manager
Date: August 5, 2020
Agenda Item: Manger's Report

Electric Vehicle Charging Grant

After much work by Cindy Kreig, Minturn has been awarded a grant for a two-sided electric vehicle charging station at the town hall. Construction is expected to take place in the 2020 fiscal year and with the elimination of many Minturn events due to COVID, matching dollars will come out of the Economic Development budget.

Trash Cans

The number of garbage can violations has come down significantly in the last several weeks. Thanks to everyone for stepping up the bear safety and keeping those lids locked or enclosed.

Certificate of Financial Need

Staff is working to complete the paperwork required through the Colorado Department of Public Health and Environment for the application to receive a Certificate of Financial need. Once Minturn obtains this certificate, the grant process for design and construction of water infrastructure can begin.

Archaeological Survey

The USFS requested an archaeological survey for the updating/renewal of the Town's 299 permit of the well 4 pipeline. This survey was submitted on July 31, 2020 and the town is awaiting approval to move forward with design and construction of the well 4 pipeline to the clear well.

Water Conservation

The Town of Minturn is taking steps to better manage its outdoor water use. Town parks and facilities will be adopting (at minimum) an every-other day watering plan to reduce outdoor water consumption.

Alcohol Sales

As a reminder, by executive order of the governor of Colorado, no alcohol sales are permitted after 10:00 pm. This includes restaurants/bars, liquor stores, grocery, gas station and any other business which includes alcohol sales.

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



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

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

REGULAR TOWN COUNCIL MEETINGS
August 5, 2020
Work Session addressing a presentation from the Snow Removal Ad Hoc Committee - Metteer
<u>Public Hearing/Action Item:</u> Ordinance 09 – Series 2020 (First Reading) An Ordinance approving policy for the operation of Food Trucks in Minturn – Sawyer
August 19, 2020
September 2, 2020
September 16, 2020
October 7, 2020
October 21, 2020