



Wednesday, August 17, 2022

Work Session – 3:30pm

Executive Session – 4:30pm

Regular Session – 5:30pm

AGENDA

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

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87054433644>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 870 5443 3644**

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

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

1. WORK SESSION

1.1 100 Block Design Guidelines Review

The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.

2. CALL TO ORDER

3. EXECUTIVE SESSION: An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

- 3.1 Battle Mountain – Sawyer
- 3.2 Conference with water counsel regarding Eagle River augmentation requirements – Siltanen
- 3.3 Conference with water counsel regarding litigation in Case No. 20CW3136 – Siltanen
- 3.4 Eagle River Surface Diversion Acquisition – Peterson-Cremer
- 3.5 Mountain top easement acquisition - Sawyer

4. ROLL CALL & PLEDGE OF ALLEGIANCE

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

- 5.1 August 3, 2022 Meeting Minutes Pg 4
- 5.2 Letter to United States Postal Service Pg 18
- 5.3 Letter Supporting USFS Land Grant Application Pg 24

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

7. DECLARATION OF CONFLICTS OF INTEREST

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

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

10. COUNCIL COMMENTS & COMMITTEE REPORTS

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

- 11.1 Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines Pg 27
- 11.2 Ordinance 14 – Series 2022 An Emergency Ordinance Extending the Design Review Guidelines Moratorium – Sawyer Pg 125

11.3 Ordinance 12 – Series 2022 (Second Reading) an Ordinance modifying Article 19
regarding Political Sign codes – Harris Pg 129

11.4 Resolution 33 – Series 2022 A Resolution Approving the Regional Transit Authority
IGA - Metteer Pg 141

12. DISCUSSION / DIRECTION ITEMS

13. STAFF REPORTS

13.1 Town Manager Update Pg 227

14. FUTURE AGENDA ITEMS Pg 228

15. ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- September 7, 2022
- September 21, 2022
- October 5, 2022



**Wednesday, August 3,
2022 Executive Session –
4:30pm Regular Session
– 5:30pm**

OFFICIAL MINUTES

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

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/86355639014>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 863 5563 9014**

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

1. CALL TO ORDER

The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.

The meeting was called to order by Mayor Earle Bidez at 4:30pm for the Executive Session portion only.

2. **EXECUTIVE SESSION:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

- 2.1 Battle Mountain – Plaskov
- 2.2 Belden Place – Poppe

Motion by George B., second by Gusty K., to convene in Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators. Motion passed 6-0. Note: Mayor Pro Tem Terry Armistead was excused absent.

Those present in the Executive Session included: Mayor Earle Bidez and Town Council members George Brodin, Lynn Feiger, Gusty Kanakis, Tom Sullivan, and Kate S. (zoom). Note: Mayor Pro Tem Terry Armistead was excused absent.

Staff present: Town Manager Michelle Metter, Attorneys Michael Sawyer, Justin Plaskov (zoom), Rob Marsh (zoom), and Nick Poppe (zoom).

Direction given as a result of the Executive Session: No direction was given.

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

The meeting convened into Regular session at 5:45pm.

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

Staff present: Town Manager Michelle Metter, Attorney Michael Sawyer, Town Planners Scot Hunn and Madison Harris, and Town Clerk/Treasurer Jay Brunvand

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

- 4.1 July 20, 2022 Meeting Minutes
- 4.2 Shop N Hop #12 annual renewal of a Fermented Malt Beverage Liquor license; 401 Main St; Terry Marcum, Owner/President – Brunvand

Motion by Gusty K., second by Tom S., to approve the Consent Agenda of August 3, 2022 as presented. Motion passed 6-0. Note: Mayor Pro Tem Terry A. was excused absent.

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

Motion by George B., second by Tom S., to approve the Consent Agenda of August 3, 2022 as presented. Motion passed 6-0. Note: Mayor Pro Tem Terry A. was excused absent.

6. DECLARATION OF CONFLICTS OF INTEREST

Earle B. noted he has a conflict with item 11.1 and will recuse himself at that point in the meeting.

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

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

8.1 ECO Trail Update – Paul Gotthelf & Kevin Sharkey, Eagle County ECO Trails

Ms. Robin Thompson presented the update to include the local and county trail system. She noted the trail from Summit County to Aspen has only four connecting sections that are not complete, they are all in Eagle County. Completion of all four sections is scheduled to be completed by 2024. She stated support can come from financial contributions, letters of support, allow ECO Trail signs, and communicate with citizens through our newsletters.

George B. asked about the ballot question for transit funding, it was stated it may help their funding options based on the success of the November ballot question for the Regional Transit Authority.

8.2 Minturn Bike Park Update – Earnest Seager, VVMTA

Mr. Earnest Seager presented as the executive director of the VVMTA and updated on the Minturn Bike Park. He noted the success of the GO PRO games and the bike race held at the park and the shade pavilion that was erected this spring. His presentation included updated statistics of use and outlined 2023 projects and goals.

9. COUNCIL COMMENTS & COMMITTEE REPORTS

George B. gave a shout-out for the Night Out with the police, fire, etc. last night. He stated it was a lot of fun and was well attended.

George B./Gusty K. updated on the Water Tank construction

- The two wall form beds are built and ready to start pouring wall sections. The wall sections are about 14' wide by 40' tall.
- The horizontal pipes in the tank floor are in concrete ½ way up.

- The two biggest hurdles so far have been to get concrete and workers. The first is concrete; it was originally planned to come from the Minturn plant, but that hasn't worked out. The concrete is now coming from Casey Concrete and they are very busy. The second hurdle is hiring workers. DN Tanks usually brings 2 or 3 experienced people and hire some local people to keep the money and employment in the community. They have had to bring nearly the full work force from Texas to have enough people to do this tank. Schedule wise; the work is on track and with decent weather and good concrete supply; mid-October is a tentative operational date.

George B. stated the deer are plentiful and the mosquitos are ravenous on the site.

Kate S. noted the paving on 200 Block of Pine St.

10. DISCUSSION / DIRECTION ITEMS

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

11.1 Resolution 31 – Series 2022 Eagle River Distillery Conditional Use Permit – Harris/Hunn

Note: due to a conflict of interest, Earle B. recused himself from this item and exited the room. Council Member George B. assumed the chair of the meeting.

Scot H. presented for staff.

At their regular meeting of July 27, 2022, the Planning Commission reviewed the Conditional Use Permit (CUP) Application to allow for Light Manufacturing uses within Unit E1 of the Meadow Mountain Business Center located at 23698 Hwy 24 within the Grouse Creek Character Area Commercial Zone District. The Planning Commission voted 3-0 to recommend approval with no conditions to the Town Council for the CUP Application for 23698 Hwy 24 Unit E1. In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. Due to said testimony and questioning of the Application, the Planning Commission elected not to attach the original recommended condition in the staff report as it was deemed unnecessary. No members of the public spoke at the public hearing.

Mr. Spence Neubauer presented as the applicant and explained the distillation process. He outlined the layout of the proposed space noting how well his request fits in this location. He is looking at a very small tasting room and the balance would be the distillation area.

Public Hearing Opened
No Public Comment
Public Hearing closed

Motion by Gusty K., second by Tom S., to approve Resolution No. 31 - Series 2022 approving Conditional Use Application CU 03 - 2022 for Light Manufacturing uses within Unit E1 of the Meadow Mountain Business Center located at 23698 Hwy 24 as presented. Motion passed 5-0. Note: Mayor Pro Tem Terry A. was excused absent and Earle B. stood recused.

Note: Earle B. resumed his seat at the dais.

11.2 Resolution 32 – Series 2022 A Resolution Approving a Restrictive Covenant for the section of Shrine Pass Road crossing the Mountaintop Property – Metteer

Michelle M. presented for staff stating this item follows on Council’s action on July 6 to add the condition of approval of the Battle Mountain Barn located at 13400 Highway 24 relating to obligations under the 2018 Mountaintop Agreement to execute certain public access agreements. Since the meeting, staff has been working with the property owner on the language of these agreements. The Shrine Pass Restrictive Covenant has been agreed to form with the property owner and will be ready to execute upon approval and finalizing a legal description. This covenant will encumber the private property through which Forest Service Road # 709 Shrine Pass Road traverses, maintain year-round access to the public to use the road, and prohibit the owner from taking actions to close the road. The covenant also gives the Town the authority, but not the obligation, to maintain the road in the event it falls into disrepair. The language of this agreement was previously negotiated with Battle Mountain entities in 2017-2018.

The other agreement – a Peregrine Falcon Trail Easement – is still being discussed with the landowner. Staff and the landowner are working cooperatively to finalize this document and bring it before Council at the August 17 meeting.

Michael S. stated this is a coveted used, there are no conditions for management or maintenance of the road but will allow the town enforcement tools in the event access to the road is denied.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by George B., second by Tom S., to approve Resolution 32 – Series 2022, a Resolution approving a Declaration of Restrictive Covenant and Servitude regarding Shrine Pass Rd as presented. Motion passed 6-0. Note: Mayor Pro Tem Terry A. was excused absent.

11.3 Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris

Staff is requesting this be continue to a date certain. Because it has been posted, Council will need to open the public hearing prior to acting on the motion.

Earle B. commented on the work that brought us to this consideration. He demonstrated the current existing uses of the 100 block and the proposed changes being considered. It was noted that very little had changed in over 20 years; however, it has maintained its commercial uses. He further

outlined the rich history of Minturn, the desire to maintain that history and the Town's colorful past and its uniqueness.

Two citizens spoke at the public hearing where the Planning Commission discussed the proposed changes to allowable uses, development standards such as allowable building height and required setbacks, along with a major update to the design standards applicable to the Old Town 100 Block Commercial Zone District. Ultimately, the Planning Commission voted 5-0 to forward a recommendation of approval to the Town Council of Ordinance 11 - 2022, with seven conditions provided by Planning Commissioner Michael Boyd. Condition numbers 1 and 2 relate specifically to pages and sections from Planning Commission packet materials provided by Studio Seed:

1. The ordinance relates to the 100 Block, all areas, regardless of color shades shown page 4, Appendix B. The entire 100 Block, both A and B as shown in Exhibit A which is Appendix B insert Design Standards and Guidelines Pages 1-27 Excluding Pages 24 & 25 and Table 16-C page 7 of this ordinance including any other related conditions of this ordinance is to be updated from this motion for Council meeting packet.
2. Page 15 SD.4 parking: that tandem parking is not allowed. Wording should be removed from section.
3. That any changes from side setbacks are verified and done in accordance with our Fire Code and Eagle River Fire recommendations for access.
4. That the design preferred was 2.5 stories stepped back option B or D with bonus floor permitted.
5. That the overall height of 100 Block B including the bonus floor is 35' with a stepped back design measured to midpoint of pitched roof area or overall height on flat roof to top of parapet wall.
6. That cash-in-lieu for bonus floor residential is \$10,000 per spot up to 2 bedrooms per parcel. Limited and expensive because on-site parking is preferred. These non-designated spots are not exempt from any future parking meter fees or additional requirements. Residential units are still required to have parking on site. Parking is not required for commercial uses in this 100 Block.
7. Remove the conditional restriction for residential on upper floors in Sec. 16-6-70 and make it a use by right for both 100 Block A and B.

In reviewing the ordinance, the Planning Commission considered the applicability and the implementability of the new and/or updated sections of the Minturn Municipal Code, as well as testimony of staff, a consultant, and members of the public. During their discussion, the Planning Commission focused much attention on direction provided to staff and consultants during the May 18th joint work session when Cheney Bostick, Studio Seed, presented draft changes to Chapter 16, inclusive of proposed use table revisions, dimensional limitation revisions (adjusting setbacks, building height and building "stepback" standards) and introducing a completely revamped set of design guidelines and standards for the 100 Block Commercial Zone District. Specifically, the Planning Commission discussed proposed building height limitations and proposed building height calculation methods, with one Commissioner stating that the direction to staff was to cap maximum building height at 35 feet (measured to the midpoint of roofs) for new development and redevelopment projects. Ultimately, the Commission voted to approve the amendments and draft design guidelines, and recommended specific conditions aimed at clarifying standards for building height and preferred number of building stories, parking, allowable uses, and building setbacks.

One of the conditions that the Planning Commission implemented stated that there will be no parking required of commercial uses in the 100 Block. Staff believes the intent was to have no parking required for sales tax generating uses and not service businesses and offices and that is reflected in this amended ordinance.

Update from First Reading:

At their regular meeting of July 6, 2022 Council gave staff the direction to change the rear setback for 100 Block B from 0' to 5'; residential on upper floors should be a conditional use for all lots west of Hwy 24; buildings should not be any higher than 35'; and, strengthened language about not allowing garages to take over the entirety of the first floor, instead having minimum requirements for a retail space. While staff has addressed what they can in the ordinance, there are still some graphics and items of that nature that will need to be updated by Ms. Bostic at a future date.

Scot Hunn and Ms. Chaney Bostic, consultant, presented for staff. Ms. Bostic gave a presentation of the proposed zoning changes and noted some variables have changed but what has been allowed in the past has changed very little. One such example is residential use. Currently residential units are not allowed as a sole use in the area but they do exist and are grandfathered in.

Tom S. stated Williams St is a 15ft Right-of-way (ROW) it has encroachments in areas which channel it down to 11ft 2in. He expressed allowing residential on the 2nd and 3rd floor should be a conditional use to allow for individual review. His concern was that people accessing shops and residential from the south one-way ROW puts too much use on such a narrow ROW.

Discussion ensued on the Council regarding access using Williams, requiring only commercial on the ground floor, and all residential allowed only on upper floors and as a Conditional Use.

Discussion ensued on building height and the proposed allowances. Ms. Bostic noted the modified building height allowances was very popular in the charettes. Discussion ensued that few buildings seem to be able to front Williams St. which is actually more of an alley than a true street. Ms. Bostic discussed an option of reversing the one-way on both Williams and Eagle River and how that might better circulate traffic on to Main St. It was noted there are a lot of assumptions with CDOT and private land owners that would affect the final development options.

Public Hearing Opened

Ms. Lynn Teach, 253 Pine St, noted the traffic circulation and the concerns expressed were correct. Further, to reverse the one-way would affect the delivery trucks that would be required to exit that area on to a very busy Hwy 24 with tight turns and limited clear views.

Mr. Ron Levin, 172 Main, felt the council was unclear with the residential condition use and that it takes too much work to then ask for the conditional use. Lynn F. stated the Council has been very clear that commercial on the ground floor and residential allowed above the first floor.

Mr. Hawkeye Flaherty, 160 Main St, spoke of the letter included in the packet and attached as an exhibit to these minutes. He felt the down zoning of commercial property to residential throughout

town was not a solution. He stated the 100 block is not the commercial zone it is the historic downtown. He proposed any use on any floor as he felt it was the property owner's property right and the town should not be requiring use. He stated the height should be limited to existing, side setbacks should be five feet, front setback 10ft min, rear set back should be 20ft to allow for parking. This would provide buildings that fit with what currently exists. He stated we are a small town with an eclectic look and the proposed guidelines would allow an 8,000sf building on the small lots. He requested denial of the proposed Ordinance.

Note: Terry A. joined the meeting at 7:45pm via phone.

Mr. Tom Ricci, Minturn Country Club, sent an email which was entered into the record as follows:

City Council and Staff,

Just wanted to commend council and the staff for coming up with good, workable and reasonable guidelines for the 100 block. hopefully they won't get paired down and modified much at tonight's meeting. Hopefully this will spur something to be approved and built on the 100 block that could not only help to spur our economic base but maybe even be an amenity to town as well. The Block is zoned commercial, with the allure of upper floor residential, hopefully some affordable useful commercial space will be attained someday to make downtown more vibrant.

Public Hearing Closed

Ms. Bostic noted that the parking standards and how they have been revised in order to allow parking but not have only garages along Williams and Eagle River. This change will allow better use of the small lots making the development more desirable. Ms. Bostic reviewed various onsite parking concepts; it was noted some parking could be negotiated at submittal.

Discussion ensued regarding conditional use in order to allow flexibility on a project-by-project basis. Further discussion on the reduced parking requirements ensued. Gusty K. was not in favor of the parking changes as he felt it did not provide enough spaces for the uses. There is concern that the municipal lot is leased and that might not exist forever. Earle B. felt we need to look to the future to build up funds to purchase parking land. Lynn F. felt the future will include alternative modes of transportation; this would affect our future needs for parking.

Kate S. stated if we want to see meaning full change and development, we have to make changes in our current operations.

Earle B. encouraged the citizens to read the guidelines and note how they are similar and how they are different and how they expand the definitions and options in the new changes.

Tom S. stated on the lots that are less then 25ft or constrained lots. He noted that simply because they are constrained it is a huge mistake to allow zero setbacks. He felt that needed to be reviewed and addressed by staff before this is considered for approval. He stated that as presented this would incentivize tearing down existing character or historical structures to maximize the use on the

constrained lots.

Michael S. stated concepts of how the constrained lots could be addressed such as merging lots. There are implications of building massing and other non-desirable outcomes. Tom S. noted his concern of the impact if the 5ft setbacks are removed. Discussion ensued that you cannot zone or condition a lot so to make it unbuildable and remove development rights.

Direction was given for staff to address the handful of single owned 25 ft lots to prevent one owner from allowed to build lot line to lot line by addressing setback options, staff will investigate the merge option of combining lots and building lot line to lot line. Further the max height should be limited to 35ft, ground level commercial by right, and conditional use for residential in the entire 100 block area of Williams, Main, and Eagle River streets.

Motion by George B., second by Tom S., to continue to August 17, 2022 Ordinance 11 - Series 2022 (Second Reading) an ordinance amending Chapter 16 of the Minturn Municipal Code to amend and replace certain land use, development, and design regulations and standards applicable to the Old Town 100 Block Commercial Zone District. Motion passed 7-0.

11.4 Ordinance 12 – Series 2022 (Second Reading) an Ordinance modifying Article 19 regarding Political Sign codes – Harris

At their regular meeting of June 22, 2022, the Planning Commission reviewed Ord. 12 - 2022. No citizens spoke at the public hearing where the Planning Commission discussed the proposed changes to Article 19. Ultimately, the Planning Commission voted 5-0 to forward a recommendation of approval to the Town Council of Ordinance 12 - 2022, with no conditions. The Town Council reviewed Ord. 12 - 2022 on first reading at their regular meeting of July 20, 2022. In reviewing the ordinance, the Planning Commission considered the applicability and the implementability of the new and/or updated sections of the Minturn Municipal Code, as well as testimony of the Assistant Town Attorney. The Town Council reviewed the ordinance and gave staff and the Town Attorney direction to come back at second reading with options for the regulation and/or allowance of off premise signs.

Madison H. noted the sections that have changed as per discussion on first reading.

Michael S. discussed the off-premise signs and how they work in similar towns. Michael S. stated the existing code allows off premise signage. Terry A. stated we don't want off premise signage for a business that is not in Minturn. Michael S. reiterated the legal interpretation that if you have to read the sign to determine its legality, your law is illegal. By setting a distance the sign could be from the business that would be legal.

Direction was to allow off premise signs within 250feet of the applicable business.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by George B., second by Gusty K., to continue to August 17, 2022 Ordinance 12 - Series 2022 (Second Reading) an ordinance amending Chapter 16, Article 19 of the Minturn Municipal Code updating political sign code regulations as presented. Motion passed 6-0. Note: Mayor Pro Tem Terry A. was excused absent.

11.5 Ordinance 13 – Series 2022 (Second Reading) an Ordinance modifying the Short-Term Rental code – Metteer

A local property and business owner brought forth the request to Council for consideration of exempting the 100-block from the two-year ownership requirement identified in the short-term rental ordinance. Council subsequently directed staff to bring forward a draft amendment for consideration. The Minturn Town Council has identified the need for more commercial sales tax revenue generating businesses in town. In addition, Minturn has a lodging shortage. This amendment has the ability to require commercial on the ground floor and lodging on the upper floors of newly purchased structures in the 100-block area, thereby meeting the needs of both the desired commercial and filling a gap in Minturn's lodging portfolio. This amendment will only affect the 100-block area of town. Parking requirements for short term rentals would still apply. Updates from first reading include the addition of a Where As clause identifying the commercial nature of the 100-block as approved in the MMC zoning chapter as well as language to the code itself requiring an actively licensed commercial sales tax revenue generating business on the ground floor level of the structure in question

Discussion ensued as to how this would work and if there should be an allowance for the short term rental (STR) to open and allow up to two years to open the commercial.

Public Hearing Opened

Mr. Hawkeye Flaherty, 160 Main St, encouraged maintaining the two-year condition on STRs on the 100 block and throughout town.

Ms. Lynn Teach, 253 Pine St, asked if the STR is opened and the commercial is postponed for up to two years, would the commercial sit empty. Discussion ensued that if a residential was purchased would that require the property to be commercial; no, if it remains residential and no commercial on ground floor it would remain residential.

Public Comment

Public Hearing Closed

Motion by George B., second by Gusty K., to deny Ordinance 13 – Series 2022 (Second Reading) an Ordinance modifying the Short-Term Rental code as presented. Motion failed 2-5. Note: Kate S., Terry A., Lynn F., Tom S., and Earle B. voted Nay.

Motion by Tom S., second by Kate S., to approve Ordinance 13 – Series 2022 (Second Reading) an Ordinance modifying the Short-Term Rental code as presented. Motion passed 5-2. Note: George B. and Gusty K. voted Nay.

12. STAFF REPORTS

12.1 Town Manager Update

Historic Preservation

The first Historic Preservation Commission meeting took place Tuesday, July 26, 2022. At this meeting Ken Halliday was appointed as the commission chair and Larry Stone was appointed as vice chair.

With the amount of work needing to get the commission up and running, the board agreed to meet twice in the months of August and September. After September the meetings will be scheduled for (only) the third Tuesday of the month. The following is the HPC meeting schedule moving forward:

Tuesday, August 9, 2022 at 5:30pm
Tuesday, August 23, 2022 at 5:30pm
Tuesday, September 13 at 5:30pm
Tuesday, September 27 at 5:30pm
Tuesday, October 18 at 5:30pm
Monthly, every third Tuesday of the month at 5:30pm

Additionally, the HPC requests Council consideration for an upcoming joint session (possibly late October) for discussing the values and vision surrounding historic preservation policy for the town of Minturn.

Memorial Bench Program

Three benches have been reserved thus far as part of Minturn's memorial bench program. Two will be located at Eagle River Park and a third will be at the Minturn Bike Park. The plaques and benches have been ordered and are awaiting arrival for installation.

Bear Aware

The Town of Minturn, through the hard work of Cindy Krieg, received \$20,000 in grant funds for the replacement of all town-owned public trash receptacles. The new bear-proof trash and recycling receptacles arrived this spring in damaged condition and had to be sent back to the manufacturer. The town is now awaiting the replacement receptacles so that the town can be in compliance with the bear-proof requirements of the Minturn municipal code.

Main Street Directory & Heritage Celebration

The directory has been finalized and ordered. There will be two directories total, one located in the 100-block of the downtown and one located at the Minturn bike park.

13. FUTURE AGENDA ITEMS

Michelle M. noted items on the next agenda

- Holland and Hart water presentation
- Downtown Colorado presentation

- Continue consideration of 100 block guidelines
- Continue consideration of sign code changes
- She noted the FY2023 budget would start to ramp up

14. ADJOURN

Motion by George B., second by Tom S., to adjourn the meeting at 9:58pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Council Meetings:

- August 17, 2022
- September 7, 2022
- September 21, 2022

**HAWKEYE FLAHERTY
PO BOX 876
MINTURN CO. 81645-0876
Date 08/03/2022**

**MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/03/2022**

Dear Council et al.

We are writing to express our opposition to Ordinance 11-Series 2022. The implementation of these proposed new regulations and design guidelines will have an irreparable and irreversible harm to our residential properties.

Contrary to a conceived notion that the 100 block is the commercial core of town, IT IS NOT. It is just another block along highway 24 along which several commercial properties and business are located. If you have a need to designate a commercial business district in town in reality it's everything along both sides of highway 24 stretching from the Grouse Creek Business Center to the entrance of Maloit Park. A great majority of the commercial properties and business are located here.

Why does this Ordinance just target the 100 block and not include all the commercial properties along Highway 24?

It is apparent to us that these design guideline changes and massive reduction in parking requirement are being done so the two previously submitted building application, which did not get passed P&Z, can now be built. Is that what this council is determined to do? If so this is not right for you to sacrifice our quality of life so developers can build buildings which do not fit or compliment the Historic Old Town character area we enjoy living in.

Again we ask council to show some regard and respect for the residential property owners and DENY Ordinance 11. Leave the current regulation in place so the residences here can continue to enjoy the quality of life we have in the 100 block.

MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/03/2022

Sincerely,



Hawkeye Flaherty

Hawkeye Flaherty


Jean Flaherty

Jean Flaherty

160 Main St


Frank Sanders

Frank G Sanders

142 Main St


Joyce Bellm

Joyce Bellm

192 Main St



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

August 17, 2022

United States Postal Service
Attn: Lisa Gamboa
Brenda Myers
Terrence P. Brennan
Western FSO
7500 E 53rd Pl, RM 1105
Denver, CO 80266-9918

Re: Minturn Post Office – Fire Alarm & Emergency Services Response

Dear Mrs. Gamboa et al,

This letter is to inform you of an emergency services incident that occurred in the Minturn Post Office building. This building houses the Minturn Town Hall, two residential properties, and the Minturn USPS Offices. On Saturday, August 6, 2022 a fire pull station was activated by a USPS contracted employee Joel Davis. Mr. Davis accidentally pulled the alarm while searching for the light switch in the loading dock area. Mr. Davis is the mail delivery driver contracted by Minturn Post Master Diane Bakken.

Following established protocol, Vail Dispatch sent fire responders to the Post Office but they were unable to gain access as the post master has never provided a key to the building. As a result, the Eagle County Sheriff's office (Minturn Contracted police services) was dispatched, the Town Clerk, and Post Master Diane Bakken were all contacted.

The Town Clerk contacted a second staff member who reported ERFPD was on scene and they had partially silenced the alarms. However, they were unable to access the secured area of the post office due to lack of a key. Further, upon contacting Ms. Bakken she refused to respond and refused the fire department entry to reset the alarm.

As a result of Ms. Bakken's inaction, the alarm continued to sound on several occasions over the weekend, the fire district was called out each time, day and night to silence the system. The tenants in the building were subject to immense hardship and even forced to leave the building, and the system was in Trouble Mode all weekend and continues to have issues as a result.

This incident is the responsibility of the USPS as lease holders of the property who denied access to the Town and emergency personnel through the Knox Box. Ms. Bakken should work with the emergency responders, not against, in an effort to keep town hall a safe building for public and

residential use.

In discussion with Vail Dispatch and with the Eagle River Fire Protection District it was verbally reported that Ms. Bakken was rude during their conversations, was obstructing emergency personnel in their duties, and presented woefully unacceptable behavior. Further, it is the town's understanding that this complaint is in a long list of complaints from citizens, the town, and visitors regarding Ms. Bakken.

It is determined by Town administration, and supported by myself and the Minturn Town Council that the unprofessional response by USPS Post Master Bakken put the town and the citizens in danger and we consider this of the utmost concern. The Town requires the following issues be immediately addressed by the USPS as they may be in violation of the lease contract and safety standards.

- 1) The town requires the USPS to immediately provide a key that accesses all accessible areas of the post office proper to include outside entry and any interior locked doors of which would conceivably be required in an emergency situation by emergency personnel. This access key(s) or codes will be provided for inclusion to the building Knox Box posted at 302 Pine St on the physical building. Such secure access shall be provided within ten (10) days not later than August 26, 2022 for inclusion ONLY in the building Knox Box.
- 2) The Town shall be provided an emergency procedure statement identifying required actions to be taken by USPS employees and contractors in the event of a building alarm to include evacuation and contact with event command personnel.

For your consideration, please find enclosed the event notes provided by Vail Dispatch and the Eagle River Fire Protection District.

Please contact our town manager, Michelle Metteer, in the event you have any questions at manager@minturn.org or 970-445-2418.

Sincerely,

Earle Bidez
Mayor

CC: Eagle County Sheriff, James Van Beek
Eagle County Fire Protection District Fire Chief, Karl Bauer
Vail Public Safety Communications Center, Mark Wentworth
Michael Sawyer, Town Attorney

Event Search

Event Date Event Time
 08/06/22 15:26:13

Event Number: ER22218012

<u>Agency</u>	<u>Type</u>	<u>Subtype</u>	<u>ESZ</u>	<u>Area</u>	<u>Group</u>
ERFPD	ALARM	ALFC	2105 013	5MIN	ERFPD

Location: 201 PINE ST , Apt: , Mun: MINT

Comments: : @MINTURN POST OFFICE
 Xstreets: TOLEDO AVE
 NORMAN AVE

Caller Name: DAVIS, JOEL
 Caller Addr:
 Caller Phone: (207)641-9514
 Call Source: PHONE

Remarks:

RP WAS THERE TO GET MAIL, ACCIDENTALLY PULLED THE FIRE ALARM
 ** LOI search completed at 08/06/22 15:26:13
 ** STATION ALERTED -- TONES
 ** Recommended unit E5 for requirement ENGINE_ALL (0.0 mi)
 TRI COUNTY ALARM CALLING IN 302 PINE ST - TOWN OF MINTURN
 ZONE 2 - PULL FOR MAIN LOBBY RENTAL BOXES 100
 CALL BACK 800-268-6870
 OPERATOR 123
 ** Case number ERIR2201704 has been assigned for ERFPD:ERFPD
 ** >>>> by: EAGLE RIVER FIRE PROTECTION on terminal: \$E5
 E5 TOWNHALL CMD
 RP JAY BRUNVAND, 970-390-2542
 JAY IS GOING TO CALL SOMEONE TO HEAD OVER AS HE CAN'T MAKE IT
 HIMSELF
**E5 - WE GOT AHOLD OF BAKKEN, DIANE 970-471-2980 WHO REFUSED TO
 RESPOND TO GIVE E5 ENTRY TO RESET THE ALARM**

Times:

<u>Add</u>	<u>Dispatch</u>	<u>Arrive</u>	<u>Close</u>	<u>Closing ID</u>	<u>C Terminal</u>	<u>Comments</u>
15:26:13	15:26:41	15:29:26	15:44:11	9805	\$E5	

Add Dispatch Arrive Close Closing ID C Terminal Comments

Case Number Event
 Number

ERIR2201 ER22218012
704

Units Car ID
E5 E5

disposition

ASSNCASE



**Eagle River Fire
Protection District**

Station: **5**
Shifts Or Platoon: **A Shift**

Location: TOWN OF MINTURN - TOWN HALL 302 PINE ST Minturn CO 81645	Incident Type: 700 - False alarm or false call, other
Lat/Long: N 39° 35' 10.44" W 106° 25' 49.86"	FDID: 03725 Incident #: 2022-2208980 Exposure ID: 67830018 Exposure #: 0 Incident Date: 08/07/2022 Dispatch Run #: ER22219003
Zone: 5-3 - Minturn Core Location Type: 1 - Street address	

Report Completed by:	Udoff , Andrew	ID: 0017	Date: 08/07/2022
Report Reviewed by:	Not Reviewed		
Report Printed by:	Woodworth, Mick	ID: 0019	Date: 8/8/2022 Time: 11:01

Structure Type:	Property Use: 150 - Public or government, other		
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/>	Cause of Ignition:	
Aid Given or Received:	None	Primary action taken:	86 - Investigate
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call:	1	Total # of personnel on call:	4

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

Narrative from dispatch:
ASSNCASE 20220807124053MD FIRE ALARM IS FLASHING AND BUZZING 20220807124053MD ** LOI search completed at 08/07/22 12:40:53 20220807124136MD ** Recommended unit E5 for requirement ENGINE_ALL (0.0 mi)

NARRATIVE (2)**Narrative Title:** Incident Narrative**Narrative Author:** Udoff, Andrew**Narrative Date:** 08/07/2022 13:29:44**Narrative Apparatus ID:** E5**Narrative:**

Fire Alarm False: Accidental Activation of Pull Station

301 Pine Street - Minturn (US Post Office)

Event # 22-2208970

E5

CO: Lt. Udoff

The Eagle River Fire District where dispatched to a report of the fire alarm system for the Minturn Post Office was sounding and the alarm panel was also sounding. This report came in from a tenant at the property. E5 responded from Minturn.

E5 arrived on scene of a large two-story commercial government building. Nothing showing, Investigation from the Alpha side, Lt. Udoff established Command, the alarm panel was still sounding and in indicating M1-6 Pull Station Post Office. There was nothing we could do to silence the alarm due to no access to the Post Office.

Alarm panel was left in alarm condition due to no reset of pull station. Knox box keys were used and returned. E5 was clear and available.

Follow Up Notes: Vail Dispatch was able to track down the person that was at the Post Office yesterday picking up the mail and who activated the pull station. His name is Joel Davis (207-641-9514) and he will be returning back to the Post Office in about two hours to open it up for us so we can reset the pull station and the alarm panel.

APPARATUS

Unit	E5
Type:	Engine
Use:	Suppression
Response Mode:	No Lights or Sirens
# of People	4
Alarm	08 /07/2022 12:40:02
Dispatched	08 /07/2022 12:41:36
Enroute	08 /07/2022 12:43:31
Arrived	08 /07/2022 12:44:24
Cancelled	-- /-- /-- -- :-- :--
Cleared Scene	08 /07/2022 13:03:00
In Quarters	-- /-- /-- -- :-- :--
In Service	08 /07/2022 13:03:00
Number Of People not on apparatus: 0	



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

August 17, 2022

Mr. Scott Fitzwilliams, Forest Supervisor
White River National Forest
900 Grand Avenue
Glenwood Springs, CO 81601

Dear Forest Supervisor Fitzwilliams:

On behalf of the **Town of Minturn**, Colorado, I write in support of the White River National Forest’s request for Fiscal Year 2024 funding through the Land and Water Conservation Fund for the U.S. Forest Service to acquire **160-acre Cataract Creek Property** from a willing seller within the national forest near the Camp Hale National Historic Site. Located in Central Colorado along the I-70 corridor between Vail and Avon, the Town of Minturn hosts the U.S. Forest Service Eagle-Holy Cross Ranger Station, on point for this project, and is a gateway community to the outdoor recreation opportunities Colorado is known for—hiking, biking, camping, backpacking, hunting, fishing, rock climbing, jeeping, snowshoeing, and skiing. The Camp Hale National Historic Site is an important part of our community’s history and we support this project that will further protect this historic and ecologically significant area while also boosting our local economy.

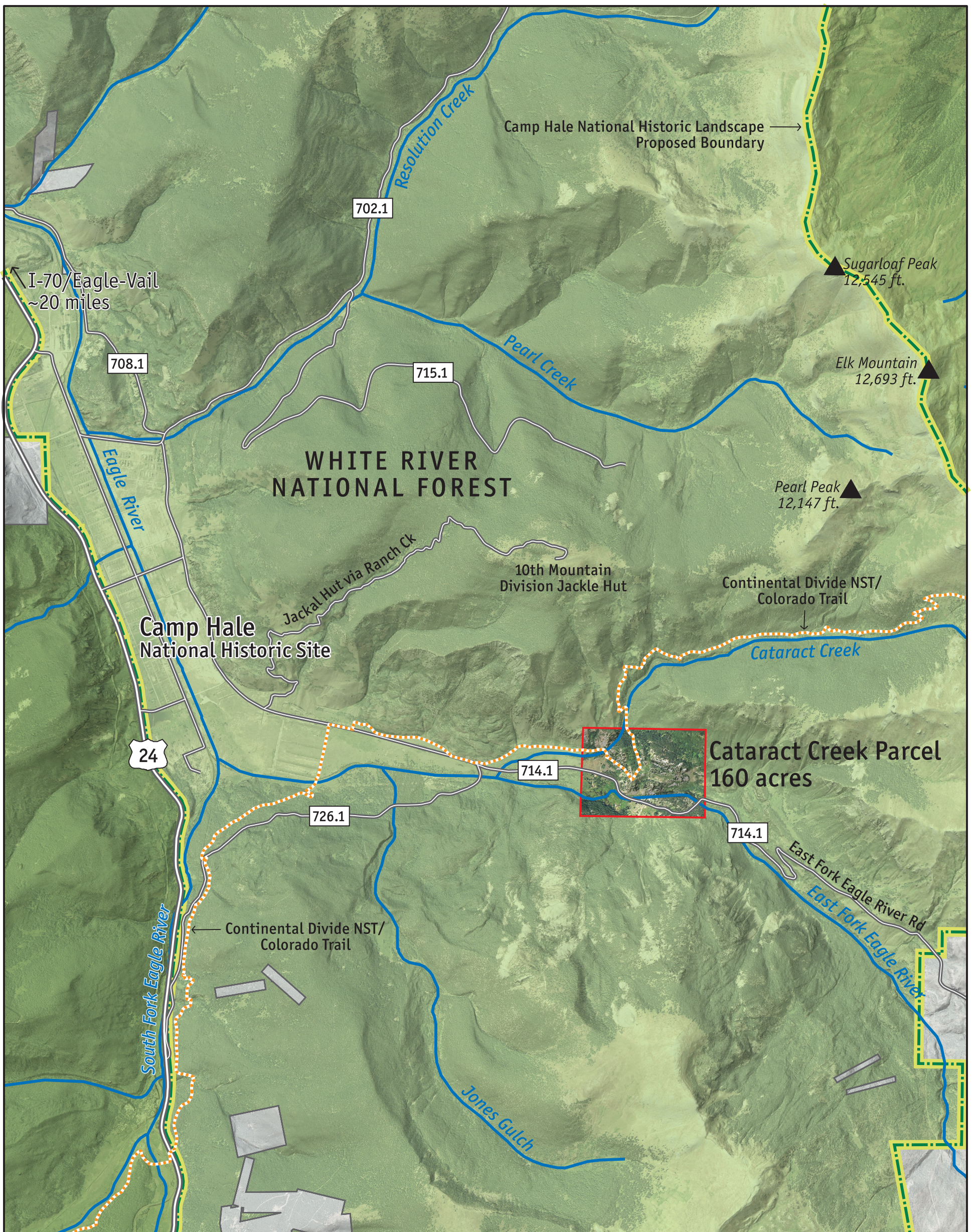
The property has high ecological significance, which benefits our community along the **Eagle River**. Cataract Creek and the East Fork of the Eagle River run through the property, then to the Eagle River that flows through our Town, flowing soon to the **Colorado River**. The project supports our Town’s strong recreation economy, which we rely on. The property is along the **Continental Divide National Scenic Trail** and the **Colorado Trail**, popular hiking trails with national and state significance. The property is a part of the “Colorado Trail Segment 8,” from Copper Mountain to Tennessee Pass, and the public have a chance to see a waterfall on Cataract Creek when they reach this property. USFS’ protection of this property also supports the **Camp Hale National Historic Site**, near this property, a place of national significance because of its World War II and ski industry history.

USFS’ protection of this strategic inholding within the White River National Forest is a priority for the Town of Minturn. It will ensure Colorado’s history, recreation and environment will be protected for current and future generations.

Sincerely

Earle Bidez,
Mayor

cc: Frank Beum, Regional Forester, Rocky Mountain Region, U.S. Forest Service
Leanne Veldhuis, District Ranger, Eagle-Holy Cross District Ranger, White River
National Forest, U.S. Forest Service
The Honorable Michael Bennet, U.S. Senator
The Honorable John Hickenlooper, U.S. Senator
The Honorable Joe Neguse, U.S. Representative









Vicinity Map

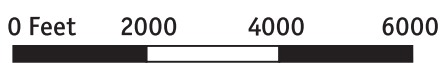


References
COMap ownership 2019;
USDA NAIP 2021 Aerial

Legend

-  Proposed Purchase; 160 acres
-  White River National Forest
-  Camp Hale National Historic Landscape Proposed Designation within White River National Forest
-  Private Land
-  Continental Divide National Scenic Trail (NST)/Colorado Trail
-  Creeks

Map Creation: 08/01/22
Map Revision Date:



**Camp Hale/
Continental Divide NST**

FY2024 LWCF Purchase

160 acres located in CO 06 T07N R79W Sec 19 & 30
Eagle County, Colorado

U.S. Forest Service Region 2
White River National Forest
2nd Congressional District

Copies of this map are available for public
inspection in the Office of the Regional
Forester, Region 2, Lakewood, CO.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.



To: Minturn Town Council
From: Michelle Metteer
Date: August 17, 2022
RE: 100 Block Design Guidelines

REQUEST: Consider adoption of the 100 Block Design Guidelines (if Council is able to work through the remaining issues).

INTRODUCTION:

Several years ago, it was identified that the Minturn Municipal Code and the 100 Block Design Guidelines were not adequate in providing guidance to both prospective developers, planning commission, the council or staff. Building designs were being presented with minimal character or curb appeal – not authentic to Minturn’s character. Additionally, parking requirements, building height, traffic flow and historic preservation were not appropriately addressed.

Cheney Bostik and the Minturn planning team started working on the update to the 100 Block Design Guidelines with a charrette in January of 2022 and design guideline work following in March of 2022. Public input has been gathered through additional volunteer charrette efforts from 2020 as well as multiple free public surveys.

Simultaneously, a historic preservation ordinance and commission have been established to protect and preserve Minturn’s heritage.

ANALYSIS:

The Minturn Town Council has addressed all but a few remaining items requiring decision points.

During the meeting on August 3rd, Council provided direction on the following:

- No residential allowed on ground level; all upper-floor residential is by conditional use permit only
- All structures in the 100 Block to be capped at 35’ building height
- Consider parking by negotiation

Additional updates made to the 100 Block Design Standards & Guidelines include:

- Update to page 4 map simplifying the images to show only Blocks A vs Blocks B
- Updated 100 Block Framework Map on page 7 to show the town does not own the identified pedestrian passages and small gathering spaces
- Page 10 – added Minturn Guiding Principals
- Page 12 – updated the “current lot layout map” to identify the original platting of 25’ wide lots with the current parcels overlaid
- Page 13 – Updated Eagle River Street dimension, text and graphic (no sidewalk)
- Page 15 – changed minimum setback for parking to 40’ off of Main Street
- Page 15 – Added depictions of parking layout options to better explain how projects could park and activate the rear

- Page 16 – Added a new parking option (PARKING IS ONE OF THE REMAING OPTIONS STILL REQUIRING DIRECTION TO STAFF). 20’ rear setback was recommended at the last Council meeting. The Woonerf design concept would utilize a 25’ rear setback for public and private parking on Williams and Eagle River Street. This concept will be discussed further during the work session.
- Page 20 – Updated the historic photo depiction to show the historic variety of building widths
- Page 22 – Added the final bullet under BD.2 to encourage activation where able
- Page 24 – Updated graphic to reflect 35’ max height for both Blocks A & B
- Page 26 – Updated photos more reflective of Minturn’s character

Minturn 100 Block Chapter 16 Updates:

- No constrained lots
- Table 16-A: changed to require 5’ side setbacks for all lots
- Table 16-6-70: All residential uses allowed on upper floors only (no ground floor) and by condition use only. Business and office services by conditional use only.
- Chapter 16; Article 16: Off Street Parking and Loading: Three options are being presented to the Council for consideration. These options will be discussed in depth during the work session and regular session. No tandem parking allowed
- Note: If Council decides to go with the newest parking option Table 16-A would need to be updated to reflect the 25’ rear setback requirement

Traffic Flow

Jeff Spanel, Minturn civil engineer, Inter-Mountain Engineering, submitted the conceptual traffic flow diagram to CDOT Region 3 Representatives and although we are yet to receive feedback, Jeff has indicated the following:

- A one-way heading north on Eagle River Street will most likely be denied due to the complex intersection at Eagle River Street & Main Street (next to Bellm Bridge)
- An additional vehicle access point (one way outlet) south of the Colorado Mattress building will most likely be denied given CDOT’s requirements to have a minimum distance between access points for safety purposes
- A one-way heading north on Williams Street with a right turn only onto Main Street has the possibility of being approved. This would require a “no delivery truck” policy on Williams Street and a “Delivery Drop-Off Zone” on Main Street would be utilized at the northernmost west side of the parallel parking on Main Street (next to the Minturn Country Club). Delivery drivers would then deliver their goods via a dolly (similar to every other mountain town delivery system) system.

Direction from Council is still required for the following items:

- Approve or modify recommended setbacks
- Determine a parking option
- Approve or deny turning Williams Street into a one-way heading north to a right turn only on Main Street including the Delivery Drop-Off Zone for delivery trucks
- Incentive Floor in the A Block – does Council want to keep the incentive requirements for Block A? This still allows a maximum of 35’ building height but requires a developer to provide the town incentives to obtain approval for the 35’.

COMMUNITY INPUT: Extensive charrette, walking tours, virtual meetings, surveys and public comment have been gathered throughout this process.

BUDGET / STAFF IMPACT: Unknown

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION: See above requests for direction.

ATTACHMENTS:

- Ordinance 11 - Series 2022
- 100 Block Design Standards and Guidelines
- 100 Block Final Code Updates
- Updated Parking Study

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 11 – SERIES 2022

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE TO AMEND AND REPLACE ZONING,
LAND USE, DEVELOPMENT, AND DESIGN REGULATIONS
AND STANDARDS APPLICABLE TO THE OLD TOWN 100
BLOCK COMMERCIAL ZONE DISTRICT

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 of Minturn 2021-2023 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “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,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning, Appendix B, Design Standards, such as “Sustain and Invest in the Things That Define Minturn as a Proud, Sturdy Mountain Town to ‘Keep Minturn Minturn,’” “Implement methods to recognize historic structures,” “Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use,” and

WHEREAS, the Town is experiencing development pressure in several zoning districts and neighborhoods, particularly in the “100 Block Commercial Zone District” (hereinafter the “100 Block”) and desires to address and update applicable zoning, land use, development and design regulations standards for the 100 Block; and

WHEREAS, in 2021, the Town commenced an update to the 2009 Community Plan (hereinafter “the Community Plan Update Project”); and

WHEREAS, a key objective of the Community Plan Update Project has been to review and update the Town’s zoning, land use, development and design regulations and standards, inclusive of certain chapters and sections of “Appendix B,” Town of Minturn Design Guidelines and Standards; and

WHEREAS, the Town has prioritized the updating of zoning, land use, development and design regulations and standards specific to the 100-Block;

WHEREAS, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, the Town Land Use Regulations, in accordance with the Town’s strategic plan and the Community Plan; and

WHEREAS, on June 22, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

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

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

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

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended 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.

ARTICLE 2 - Definitions, Illustrations and Lot Standards

* * *

Sec. 16-2-20. - Definitions.

Building height or height of building means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished or natural grade (whichever is more restrictive) and a point on the roof depending on the roof type. No portion of any structure shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

Height measurement points specified for the following types of roofs:

Flat roof: Height shall be measured to the highest point of the building, including parapet walls and rooftop appurtenances, but excluding architectural features and chimneys which may be permitted by Planning Director.

~~*Gable, hip, gambrel or shed roof:* Height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.~~

See also [Section 16-3-30](#).

Pitched roof means a gable, hip, gambrel or shed roof where height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet.
Mansard roof height shall be measured to the decline of the roof.

Half stories means habitable space that is located within the pitched roof portion of a structure or where the majority of the habitable space is below-grade. Habitable space within a half story shall have a minimum floor to ceiling height of 5 feet at the lowest point. See Sec. 16-2-65.

Incentive floor means an additional floor of development that is allowed only when additional requirements for the development are met. See Sec. 16-2-65.

Parking In lieu fee means a fee that is paid by a developer to the Town of Minturn in exchange for a reduced parking requirement. See Sec. 16-16-150.

Publicly accessible means a space such as a plaza or sidewalk on private property that is directly accessible from a public right-of-way and use by the general public is allowed.

* * *

Sec. 16-2-30. – Illustrations.

Illustration No. 16-6

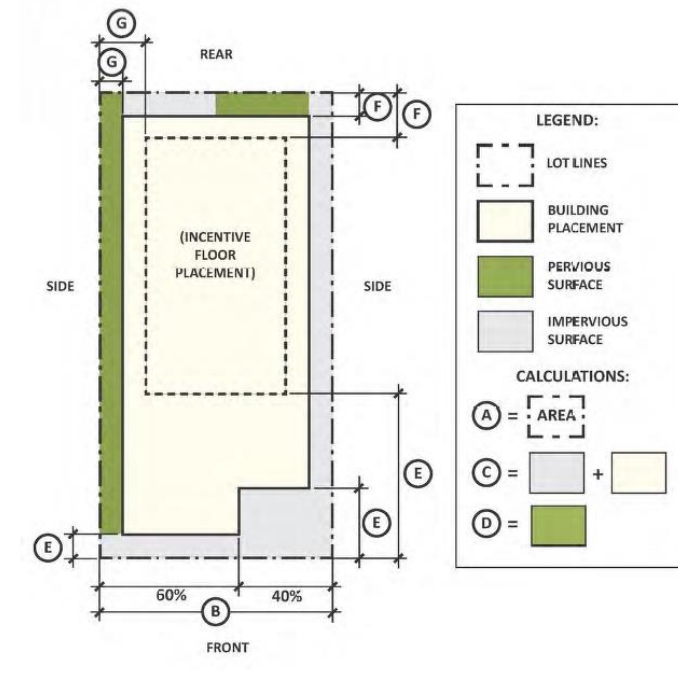
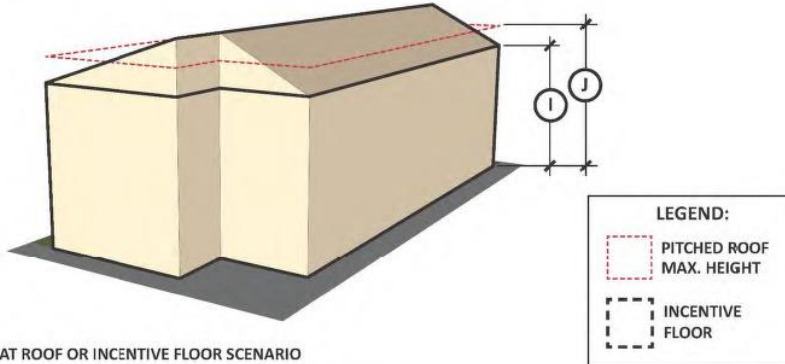
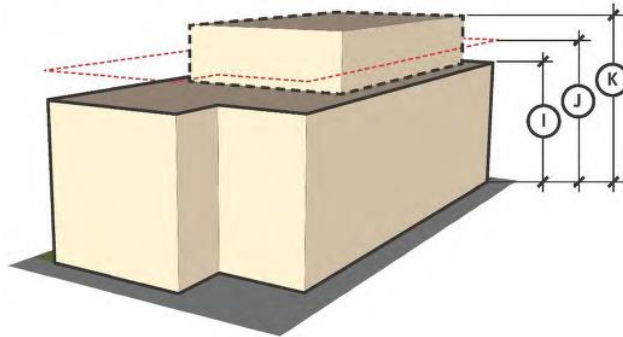


Illustration No. 16-7

PITCHED ROOF SCENARIO



FLAT ROOF OR INCENTIVE FLOOR SCENARIO



Sec. 16-2-40. – General lot requirements and dimensional standards.

Table 16-A
Dimensional Standards

Character Area	Zones	<u>LOT REQUIREMENTS</u>				<u>SETBACKS</u>			Live Stream Setback (ft)
		<u>Min. Lot Area / Max. Lot Area</u> (sq. ft.)	<u>Min. Lot / Max. Lot Dimension</u> (feet)	<u>Maximum Building Lot Coverage</u> (%)	<u>Maximum Impervious Surface Area</u> (%)	<u>Minimum Setbacks (ft)</u> <u>^Incentive floor Setbacks (ft)</u>			
						Front	Rear	Side	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70	80	20	10	10	Eagle River=30 Grouse Creek=30

Old Town	Recreation & open space	To be determined as part of conditional review							30
	Residential	5,000	50	45	55	10	10	5	
	100 Block Commercial: A	2,500 / 7,500	25 / 75	80%	90%	10 <u>5 min.</u> <u>15 min.</u> <u>40% lot</u> <u>frontage</u> <u>20 max.</u> <u>^25</u>	10 <u>5</u> <u>^15</u>	5 <u>^10</u>	
	100 Block: B					<u>5</u>	10 <u>5</u>	5	

* * *

Sec. 16-2-50 – Specific lot requirements and dimensional standards

(m) For structures two (2) or three (3) stories in height, a maximum roof length of sixty (60) feet in one (1) direction is allowed. After sixty (60) feet, the roof height needs to be lowered by a minimum of nine (9) feet for a minimum run of twenty (20) feet in length or change directions a minimum of ninety (90) degrees for a minimum length of twenty (20) feet.

(~~n~~) Sheds.

- (1) To constitute a shed that does not require a building permit, the structure shall be no larger than one hundred twenty (120) square feet in ground floor area and no higher than twelve (12) feet. Sheds in excess of one hundred twenty (120) square feet of ground floor area or twelve (12) feet in height require a building permit.
- (2) Sheds must be located in the rear or side yards, but such structures may not encroach into the side yard setbacks. A shed may encroach in the rear yard setback so long as it is a minimum of five (5) feet from all lot lines.
- (3) Sheds in all character areas and zones require a limited use review permit approved by the Planning Director. The denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.
- (4) Sheds count toward the maximum impervious surface lot requirements.

(~~o~~) Greenhouses.

- (1) In all zones, a permanent greenhouse (which is not fully deconstructed and removed prior to winter) which exceeds one hundred twenty (120) square feet in the ground floor area or exceeds twelve (12) feet in height must receive a limited use review permit approved by the Planning Director and obtain a building permit. The denial of a limited

use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.

(2) Permanent greenhouses shall be counted toward maximum impervious lot coverage requirements.

(3) Non-permanent greenhouses (which are fully deconstructed and removed prior to winter every year) do not count toward maximum impervious lot coverage requirements.

(p0) Any residential structure constructed in a commercial zone district must comply with the applicable residential maximum building lot coverage limitation, the residential maximum impervious structure limitation, the residential building height limitation and residential set back requirements.

* * *

Sec. 16-2-60. – Building height limitations for all zone districts except 100 Block Commercial Zones.

* * *

Sec. 16-2-65. – 100 Block Commercial Zones building height limitations.

~~(a) In the 100 Block Commercial Zone, commercial buildings not fronting or adjacent to Highway 24 can have a maximum building height of thirty five (35) feet with a maximum angle of forty five (45) degree bulk plane from the street front setback or a maximum of twenty eight (28) feet for a flat roof.~~

~~(b) All buildings in the 100 Block Commercial Zone fronting or adjacent to Highway 24 located between Eagle Street and Williams Street can have a maximum building height of twenty eight (28) feet with a maximum angle of forty five (45) degree bulk plane from the street front setback or a maximum of twenty eight (28) feet for a flat roof.~~

~~(c) Slope of roof shall be a minimum of 4:12.~~

~~(d) Residential construction in the 100 Block Commercial Zone must follow residential building height limitations.~~

~~(See also Illustration No. 16-2 and Appendix B, Design Standards and Guidelines) The following Table 16-B contains the regulations for building height.~~

(a) New buildings in the 100 Block shall be allowed a maximum height as shown in Table 16-C.

(b) An incentive floor is allowed for 100 Block: A, following dimensional requirements listed in Tables 16-A and 16-C, and based on the provision of the following on-site improvements associated with the development:

i. An enhanced streetscape that provides a minimum of (1) street tree per 30 linear feet; (1) bench/seating area per 30 linear feet; and (1) bike rack accessible from a public right-of-way or passage; plus one of the following:

(1) A publicly accessible plaza or outdoor dining space (area shall be a minimum of 15% of total area of lot) that is visible from a public right-of-way.

(2) A publicly accessible passage (min. 4-foot wide pathway) is provided between Main Street and Williams Street or Main Street and Eagle River Street. A min. 8-foot side setback shall be required to accommodate this space. Public passages shall be a minimum of 150 feet apart, i.e. if one is already provided 100-feet away, this option shall not be used.

(3) An active use is provided along Williams or Eagle River Street.

Table 16-C

	<u>I</u>	<u>J</u>	<u>K</u>
	<u>100 Block Building Height Limitations</u>		
	<u>Max. height / stories (flat roof)</u>	<u>Max. height / stories (pitched roof)</u>	<u>Incentive floor max. height / stories (any roof)</u>
<u>100 Block: A</u>	<u>28' / 2 stories</u>	<u>32' / 2.5 stories</u>	<u>35' / 3 stories</u>
<u>100 Block: B</u>	<u>35' / 3 stories</u>	<u>35' / 3 stories</u>	<u>N/A</u>

* * *

Sec. 16-2-70. -- Specific front, side and rear yard setbacks requirements for 100 Block Commercial Zone.

- ~~(a) No parking spots allowed in the front or side setback on Highway 24 in the 100 Block Commercial Zone.~~
- ~~(b) No asphalt.~~
- ~~(c) Landscaping to include native trees, plants, tables, chairs, benches, decorative hardscape and planters for flowers.~~
- ~~(d) Pedestrian lights to be hung on building for pedestrian lighting. Meet dark sky requirements in Code Section 16-17-180, Exterior Illumination Standards.~~
- ~~(e) Must include irrigation.~~
- ~~(f) Must have exterior power outlets.~~
- ~~(g) All setbacks shall contain an area equal to five (5) percent of the total setback area for temporary snow storage (until snow can be removed off site).~~
- ~~(h) Ten (10) percent of each setback area must be landscaped area.~~
- ~~(i) Properties fronting Williams Street are encouraged to create an attractive, pedestrian friendly streetscape.~~

~~(j) Dumpsters, trash, and storage areas shall be properly screened.~~

~~(Ord. 5-2016 §2)~~

~~***~~

Sec. 16-2-80. -- Block and building site patterns and side yard setbacks for 100 Block Commercial Zone.

- ~~(a) Vacations of or building across originally platted lot lines shall not result in a building greater than seventy five (75) feet in width along Highway 24, Williams Street or Eagle Street.~~
- ~~(b) Building facades along Highway 24, Williams Street and Eagle Street shall not create the appearance of a single building that is wider than fifty (50) feet. Building facades must maintain the historic platted character of this area with building widths of twenty five (25) feet to fifty (50) feet.~~
- ~~(c) Maximum lot area (square feet): seven thousand five hundred (7,500).~~
- ~~(d) Minimum side yard setback is five (5) feet per twenty five (25) foot wide platted lot. For buildings fronting or adjacent to Highway 24 located between Eagle Street and Williams Street, the Planning Commission may require that the side yard setbacks be combined for the purpose of creating a ten (10) to fifteen (15) foot side yard corridor between two (2) buildings.~~
- ~~(e) Corner lots: ten (10) foot front yard setback facing Highway 24; five (5) foot setback on side facing any new or existing street connecting to Highway 24.~~

Historic Plat of 100 Block

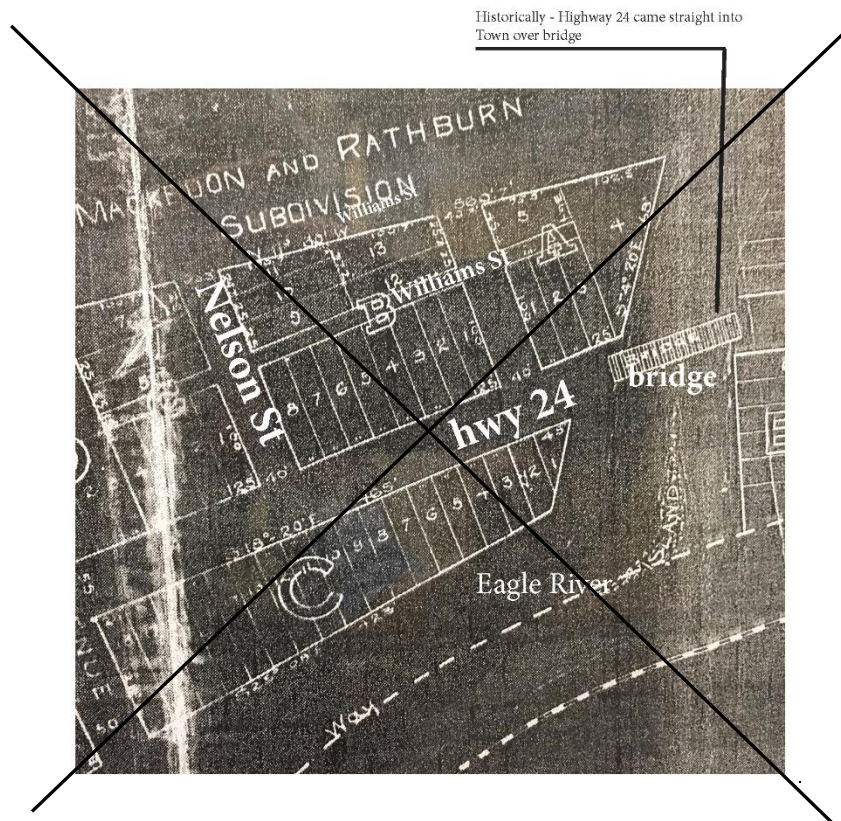
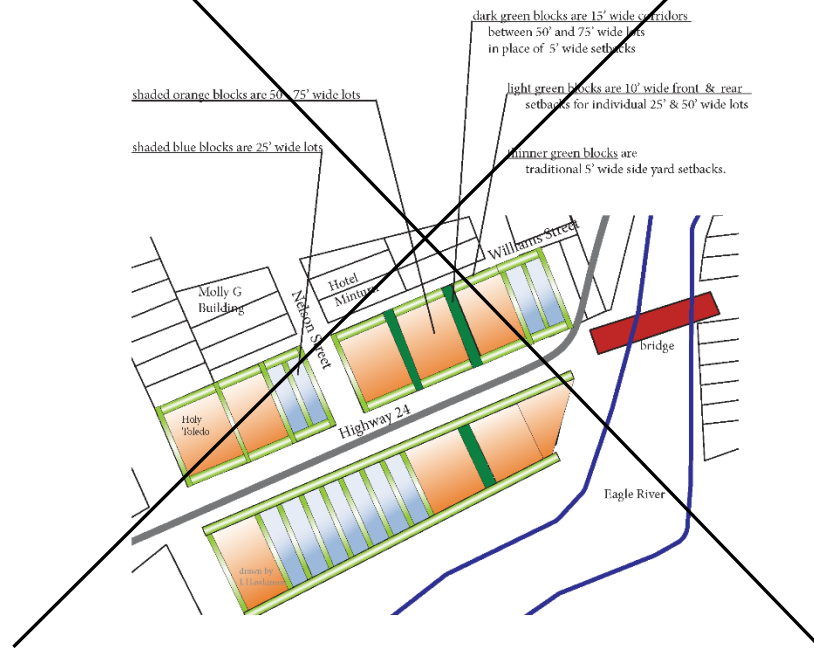


Diagram Example of:

100 Block Commercial Zones: Setbacks & Mass & Scale

Design to encourage:

- 15' wide corridors are encouraged for walkways to create a pedestrian friendly commercial 100 block
- corridors can be utilized for tables, landscaping - trees & flower pots, and market space
- encourage street fronts on buildings between William Street and Highway 24
- landscape for beautification - storm water management - shade
- 10' front & rear setbacks for landscaping, patios, flowers, trees, seating, snow storage
- reflect the historic & present cadence of original plat of downtown Minturn



* * *

ARTICLE 6 - Old Town Character Area

* * *

Sec. 16-6-35. - 100 Block Commercial Zones.

- The 100 Block Commercial Zones is characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.
- The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale. Street level space within the 100 Block Commercial Zones shall be dedicated to retail uses. Non-street level space within the 100 Block Commercial Zones may be used for compatible retail, office, and residential uses.
- The 100 Block Commercial Zones should function as a pedestrian shopping corridor. Buildings ~~should be~~ shall oriented toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage transparency, pedestrian engagement, and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street and along all streets in the 100 Block.

(d) The small town historic main street character will be maintained by keeping in scale of with the original plat of twenty-five (25) foot by one hundred (100) foot lots and one (1) to two (2) story building heights-frontages along Highway 24. Large monolithic buildings and "strip" retail areas are discouraged-not allowed. New development in the 100 Block shall follow the standards and guidelines provided in Appendix B which seeks to ensure new structures maintain compatibility with historic structures while bringing new uses to increase vitality.

* * *

Sec. 16-6-70. – Old Town Character Area use table.

Use	All Residential Zones	Commercial Zones	100 Block Commercial Zone: <u>A</u>	<u>100 Block: B</u>	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R – Use by right C – Conditional use L – Limited use N – Not allowed										
Accessory apartments (street level)	L	C	N	<u>N</u>	L	N	-	-	-	-
Accessory apartments (second floor or above)	L	C	<u>C*</u>	<u>C*</u>	L	N	-	-	-	-
Accessory dwellings (street level)	L	C	N	<u>N</u>	L	N	-	-	-	-
Accessory dwellings (second floor or above)	L	C	<u>C*</u>	<u>C*</u>	L	N	-	-	-	-
Automotive detail shops	N	C	N	<u>N</u>	C	N	-	-	-	-
Automotive parts sales	N	C	N	<u>N</u>	C	N	-	-	-	-
Bakeries and confectioneries	N	R	R	<u>R</u>	R	N	-	-	-	-
Banks and financial institutions	N	R	N	<u>N</u>	R	N	-	-	-	-

Barbershops	N	R	R	<u>R</u>	R	N	-	-	-	-
Beauty Shops	N	R	R	<u>R</u>	R	N	-	-	-	-
Business and office services	N	R	<u>NC</u>	<u>C</u>	R	N	-	-	-	-
Car washes	N	N	N	<u>N</u>	C	N	-	-	-	-
Cocktail lounges, taverns	N	R	R	<u>R</u>	C	N	-	-	-	-
Club (street level)	N	N	N	<u>N</u>	N	N	-	-	-	-
Club (second floor or above)	N	C	N	<u>N</u>	C	N	-	-	-	-
Commercial accommodations	N	R	R	<u>R</u>	C	N	-	-	-	-
Convenience stores	N	C	N	<u>N</u>	C	N	-	-	-	-
Delicatessens and specialty food stores	N	R	R	<u>R</u>	C	N	-	-	-	-
Drive-thru/up establishments	N	C	N	<u>N</u>	N	N	-	-	-	-
Drugstores and pharmacies	N	R	R	<u>R</u>	R	N	-	-	-	-
Dry cleaners	N	R	N	<u>N</u>	N	N	-	-	-	-
Duplexes (street level)	N	C	N	<u>N</u>	C	N	-	-	-	-
Duplexes (second floor or above)	N	C	<u>C*</u>	<u>C*</u>	C	N	-	-	-	-
Garden landscaping supply and seed stores	N	R	N	<u>N</u>	R	N	-	-	-	-
Gas stations	N	N	N	<u>N</u>	C	N	-	-	-	-
Grocery stores	N	R	C	<u>C</u>	C	N	-	-	-	-

Health/medical offices (street level)	N	C	N	<u>N</u>	C	N	-	-	-	-
Health/medical offices (second floor or above)	N	R	R	<u>R</u>	C	N	-	-	-	-
Institutional uses (street level)	N	N	N	<u>N</u>	N	N	-	-	-	-
Institutional uses (second floor or above)	N	C	N	<u>N</u>	C	N	-	-	-	-
Laundries	N	C	N	<u>N</u>	C	N	-	-	-	-
Laundromats	N	R	N	<u>N</u>	C	N	-	-	-	-
Liquor stores	N	R	R	<u>R</u>	C	N	-	-	-	-
Manufacturing, light	N	C	C	<u>C</u>	N	N	-	-	-	-
Multi-family dwellings (street level)	N	C	N	<u>N</u>	C	N	-	-	-	-
Multi-family dwellings (second floor or above)	N	C	<u>C*</u>	<u>C*</u>	C	N	-	-	-	-
Pawn shops	N	R	C	<u>C</u>	C	N	-	-	-	-
Photographic studios	N	R	C	<u>C</u>	R	N	-	-	-	-
Professional activities (street level)	N	R	N	<u>N</u>	C	N	-	-	-	-
Professional activities (second floor or above)	N	R	R	<u>R</u>	R	N	-	-	-	-
Professional offices, business offices	N	C	N	<u>N</u>	R	N	-	-	-	-

and studios (street level)										
Professional offices, business offices and studios (second floor or above)	N	R	R	<u>R</u>	R	N	-	-	-	-
Radio and television stores and repair shops	N	R	R	<u>R</u>	R	N	-	-	-	-
Restaurant	N	R	R	<u>R</u>	C	N	-	-	-	-
Single-family residential dwellings	R	C	N	<u>N</u>	R	N	-	-	-	-
Retail stores including: Apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy	N	R	R	<u>R</u>	R	N	-	-	-	-

stores; variety stores; yardage and dry goods stores										
Small appliance repair shops, excluding furniture repair	N	R	C	<u>C</u>	R	N	-	-	-	-
Tailors and dressmakers (street level)	N	R	N	<u>N</u>	R	N	-	-	-	-
Tailors and dressmakers (second level floor or above)	N	R	R	<u>R</u>	R	N	-	-	-	-
Theaters	N	R	N	<u>N</u>	C	N	-	-	-	-
Theaters, meeting rooms and convention centers (<u>street level</u>)	N	N	N	<u>N</u>	N	N	-	-	-	-
Theaters, meeting rooms and convention centers (second floor or above)	N	C	N	<u>N</u>	C	N	-	-	-	-
Travel and ticket agencies	N	R	N	<u>N</u>	R	N	-	-	-	-

* All residential uses in the 100 Block shall be conditional based on their ability to provide sufficient access to parking (if applicable) which may require additional setbacks along Williams and Eagle River Streets due to these streets being extremely narrow. Refer to Appendix B 100 Block Design Standards and Guidelines for additional guidance.

* * *

ARTICLE 16 - Off-street parking and loading

* * *

Sec. 16-16-150. – 100 Block Incentive-Based Parking Program. (OPTION 1 – FEE IN LIEU + REDUCED SITE PARKING)

In order to incentivize sales-tax producing uses and the reuse of existing structures, new development in the 100 Block Zones may opt to reduce parking standards by providing the following:

- (a) Development shall calculate the total number of spaces required by the code for the proposed program by using Table 16-10, 16-11, and 16-12. The resulting number of spaces = A.
- (b) Development shall calculate the total number of spaces required for the proposed program using Table 16-14. The resulting number of spaces = B.

Table 16-14

<u>Use</u>	<u>Parking Standard</u>
<u>Sales-tax generating use (commercial, retail, restaurant, etc.)</u>	<u>0</u>
<u>Any use inside an existing structure (adaptive reuse/historic preservation)</u>	<u>0</u>
<u>Office and non-sales-tax generating commercial use</u>	<u>1 space per 500 sq. ft.</u>
<u>Light industrial</u>	<u>1 space per 1,000 sq. ft.</u>
<u>Residential (up to 2-bedroom max.)</u>	<u>1 space per unit</u>
<u>Lodging, hotel/motel, bed and breakfast</u>	<u>0.5 space per rentable room</u>

- (c) Conduct the following calculation:
 - (i) A (minus) B (minus) allowable on-street/off-site spaces (Sec. 16-16-60) = # of spaces required for in lieu fee. The resulting number of spaces = C.
- (d) Developer shall pay in lieu fee to the Town of Minturn at a rate of C (times) \$10,000.
- (e) Developer would be exempt from in lieu fee if the following is true:
 - (i) Development meets parking requirements from Tables 16-10, 16-11, and 16-12; and
 - (ii) Development allows the additional parking (C) on-site to be used for public or shared parking for other uses in the 100 Block.
- (f) Tandem parking shall not be allowed.

Sec. 16-16-150. – 100 Block Incentive-Based Parking Program. (OPTION 2 – FEE IN LIEU + RESIDENTIAL PARKING AS-IS)

In order to incentivize sales-tax producing uses and the reuse of existing structures, new development in the 100 Block Zones may opt to reduce parking standards by providing the following:

- (g) Development shall calculate the total number of spaces required by the code for the proposed program by using Table 16-10, 16-11, and 16-12. The resulting number of spaces = A.
- (h) Development shall calculate the total number of spaces required for the proposed program using Table 16-14. The resulting number of spaces = B.

Table 16-14

<u>Use</u>	<u>Parking Standard</u>
<u>Sales-tax generating use (commercial, retail, restaurant, etc.)</u>	<u>0</u>
<u>Any use inside an existing structure (adaptive reuse/historic preservation)</u>	<u>0</u>
<u>Office and non-sales-tax generating commercial use</u>	<u>1 space per 500 sq. ft.</u>
<u>Light industrial</u>	<u>1 space per 1,000 sq. ft.</u>
<u>Residential</u>	<u>Use Table 16-10</u>
<u>Lodging, hotel/motel, bed and breakfast</u>	<u>0.5 space per rentable room</u>

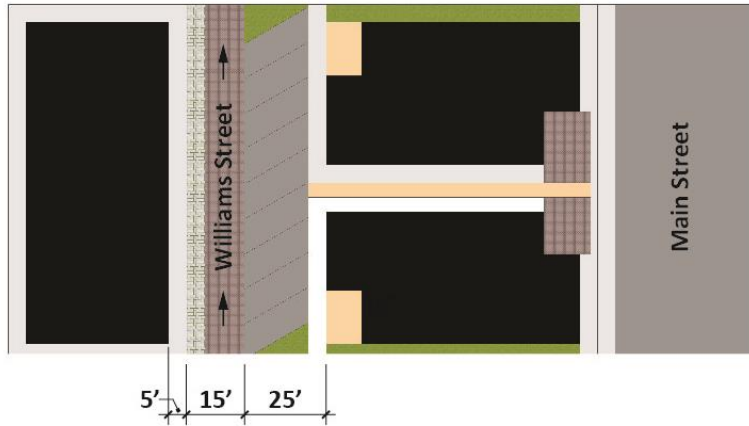
- (i) Conduct the following calculation:
 - (i) A (minus) B (minus) allowable on-street/off-site spaces (Sec. 16-16-60) = # of spaces required for in lieu fee. The resulting number of spaces = C.
- (j) Developer shall pay in lieu fee to the Town of Minturn at a rate of C (times) \$10,000.
- (k) Developer would be exempt from in lieu fee if the following is true:
 - (i) Development meets parking requirements from Tables 16-10, 16-11, and 16-12; and
 - (ii) Development allows the additional parking (C) on-site to be used for public or shared parking for other uses in the 100 Block.
- (l) Tandem parking shall not be allowed.

Sec. 16-16-150. – 100 Block Incentive-Based Parking Program. (OPTION 3 – SHARED STREET PARKING CONCEPT)

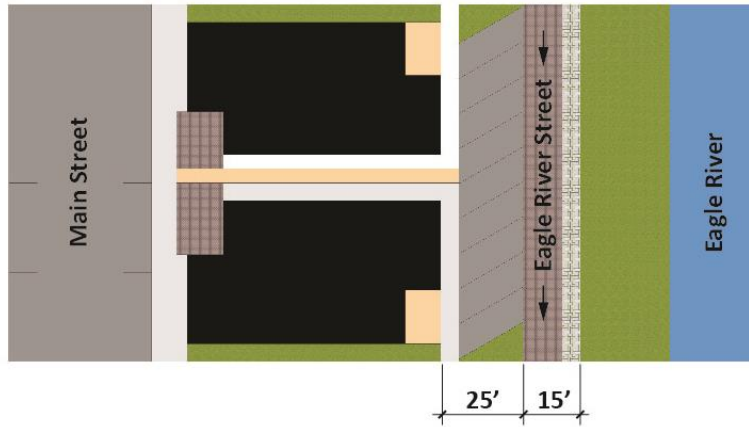
In order to incentivize sales-tax producing uses, the reuse of existing structures, activation of ground floor spaces, and a unique urban design concept of shared streets, parking requirements for any new uses on the 100 Block shall be exempt, except for the following:

- (a) 100-Block A properties shall provide 30-degree angled parking for the width of their lot along Williams and Eagle River Drives. From the 15-foot wide public right-of-way, a setback of 25-feet shall be provided and within the 25-feet the developer shall provide a 17' deep bay of 30-degree angled parking stalls that are 8.5-feet wide minimum. Refer to Diagram.

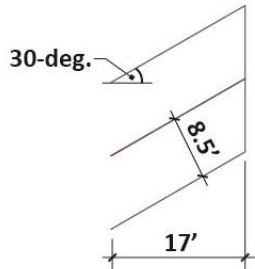
Williams Street Condition



Eagle River Street Condition



Parking Stall Dimensions



APPENDIX B - Design Standards and Guidelines

Chapter I, Section B - Goals, and Objectives, and Guiding Principles

In order to preserve and enhance the built environment, and to further the character of the community, Minturn has adopted design standards and guidelines for development. The Minturn Community Plan contains the community's vision for the future, a future that is grounded in the

character of the past. This character is based on a respect for both the history and environment of the region, a respect that is evident in the existing architectural styles and layout of the Town. The preservation and enhancement of landforms, vegetation, and wildlife habitat are consistent with these objectives.

These standards and guidelines are to be used as a supplement to the Town of Minturn Zoning Code. Review of compliance with these design standards and guidelines will occur for all new development, as well as major restoration and/or renovation of existing structures or developments within the Town boundaries.

New projects should be designed with the following guiding principles in mind:

1. Minturn is Rich with History – all designs should respect and reflect our rich history and help keep our stories alive for future generations.
2. Minturn is Close to Nature – every building in Minturn is steps from nature – we respect and appreciate our environment in all aspects of design.
3. Minturn is Colorful – Minturn is not dull – look around and you will see colorful buildings, roofs, people, and landscapes. New designs should reflect our diversity by implementing a colorful, not dull, palette.
4. Minturn is Authentic – we have never tried to be like other communities – we are uniquely and proudly the one and only “Minturn.” New designs should contribute to our meaning and authenticity.

* * *

Chapter III - Character Areas


* * *

Section 4 - 100 Block ~~Commercial~~ Zones

[This section replaced and amended in its entirety with Exhibit A – see exhibit ‘A’ attached hereto]


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 6th DAY OF JULY 2022. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 3rd DAY OF AUGUST 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mayor

ATTEST:

By: 

Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 17th DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A



100 BLOCK

Design Standards and Guidelines

APPENDIX B INSERT



August 2022 - FINAL DRAFT

CONTENTS

This document is organized into three chapters, as described below.

1 100 Block Framework

This chapter provides a framework for the 100 Block, presenting a quick history, key elements and principles for all new development. It provides guidance for how a project should respond to its surroundings and accent 100 Block assets to work toward becoming a cohesive, historic commercial core.

2 Site Design

This chapter provides specific design standards and guidelines as they relate to an individual site. These include the design and treatment of setbacks and other open space on a site as well as parking, screening, landscaping, and lighting.

3 Building Design

This chapter provides specific design standards and guidelines as they relate to an individual building. These include the appropriate scaling of a building and architectural elements, activation of edges, materiality, and roof design.

STRUCTURE OF DOCUMENT

The standards and guidelines herein are structured so that they can be easily followed and referenced. They are written as follows:

XX.1 THIS IS A TOPIC OR PRINCIPLE.

A. This is a standard (rule).

» *This is a guideline (advice) or supplementary information.*

A **topic or principle** explains what the standards and guidelines are about. A **standard** is a rule that shall be met if it applies to a particular site. Standards provide clear expectations for all projects to follow. A **guideline** is advice for a project - it is intended to give ideas for how a standard may be applied.

PURPOSE

This document replaces the former 100 Block Character Area from **Appendix B** of the Minturn Municipal Code. It seeks to provide guidance to property owners, developers, elected officials, and commissioners so that the community's vision for the 100 Block can be realized over-time.

This document will be **used by the Planning Commission**, which serves as the design review body for the town, to review individual projects that are proposed in the 100 Block. All projects must also follow **Appendix B: General Design Standards, Chapter 16** sections of the municipal code that relate to the 100 Block were also updated at the same time so that dimensional standards and other zoning regulations match the standards and guidelines.

PROCESS

The standards and guidelines were developed using input from the community. Two community **design charrettes** were held (October 2020 and February 2022), as well as **multiple meetings** with stakeholders, the Planning Commission, and Town Council. The community agreed on many aspects of the vision. There was disagreement on the appropriate scale of buildings and whether or not the area (or individual buildings) should be designated historic. Ultimately, this document and the code update seeks to **find a balance** between opposing views while **implementing the desired vision** to create a 100 Block that is allowed to evolve while requiring that new projects contribute to a **sustainable and vibrant future**.

- ▼ APPENDIX B - MINTURN DESIGN STANDARDS AND GUIDELINES
 - I. INTRODUCTION
 - II. GENERAL DESIGN STANDARDS
 - ▼ III. - CHARACTER AREAS
 - 1. - GROUSE CREEK CHARACTER AREA
 - 2. - OLD TOWN CHARACTER AREA
 - 3. - SOUTH TOWN CHARACTER AREA
 - 4. - 100 BLOCK COMMERCIAL ZONE

↓
Design Guidelines
100 Block Commercial Zone



'History meets Present'

This document replaces the former Design Guidelines for the 100 Block Commercial Zone with cover page shown above. Principles from the former guidelines were carried over, as applicable.



MINTURN 100 BLOCK
Design Workshop | February 15, 2022



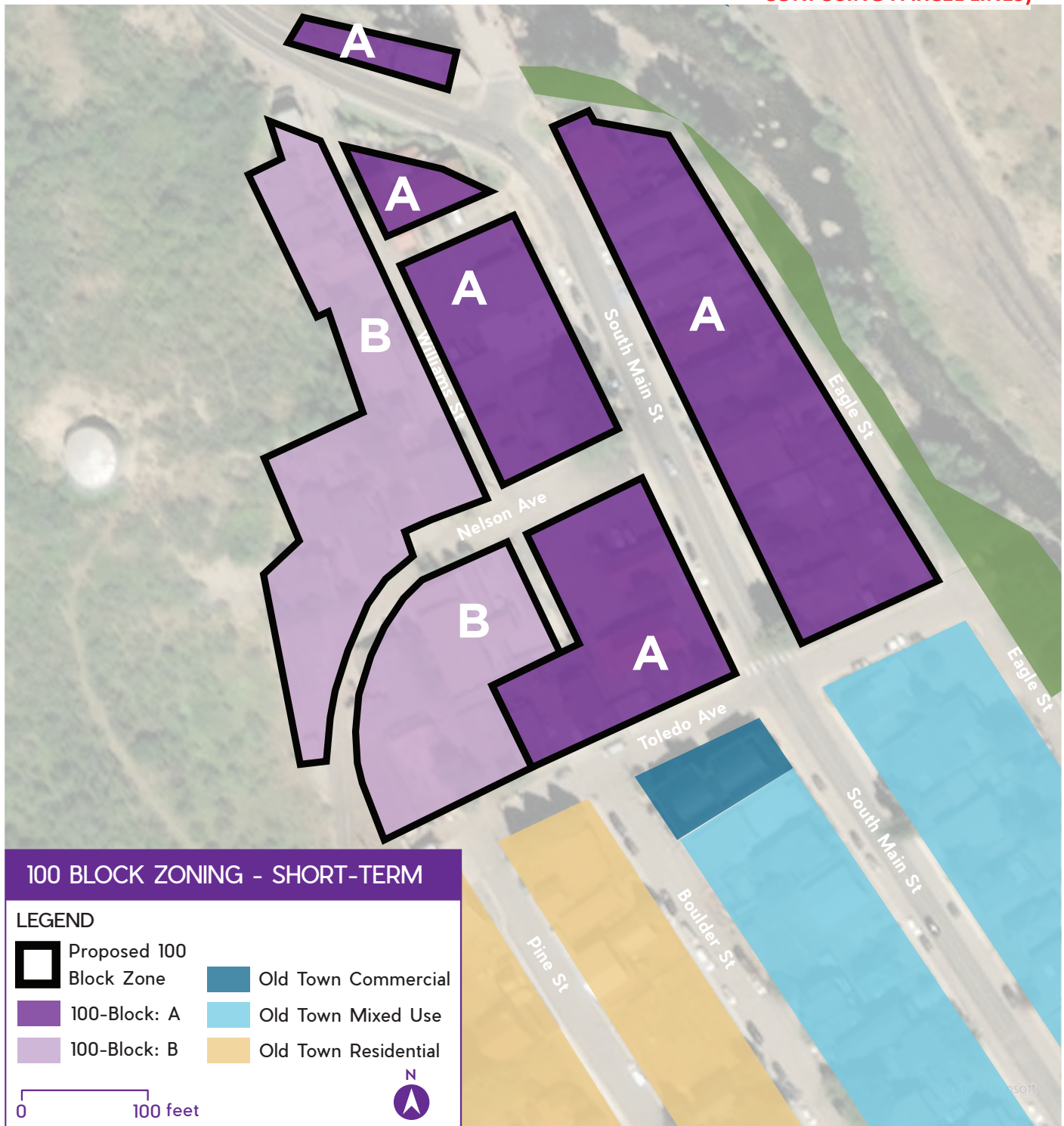
A Public Design Workshop was held on February 15, 2022 to discuss key elements of new development including: building height and frontage, site design and public realm, and parking. There were approximately 40 attendees.

APPLICABILITY

The design standards and guidelines herein apply to all properties outlined in heavy black line below. The new 100 Block Zone includes A and B subareas, which the standards and guidelines may reference if differences apply.

100 Block: A is essentially all properties that face Main Street and **100 Block: B** is all properties that face Williams Street and Nelson Avenue going up the hill.

SIMPLIFIED MAP (TOOK OUT CONFUSING PARCEL LINES)





100 BLOCK FRAMEWORK

1

The 100 Block is the **gateway to Minturn** and the heart of town. It is the **historic center and commercial core**, although over-time commercial uses have extended past the 100 Block along Main Street. The 100 Block should remain the commercial core into the future, where there is ample opportunity for small, local businesses to thrive as well as more opportunity for people to live and visit. It is important to the community that the historic assets be saved and the history and authenticity of Minturn be celebrated. **Main Street** will remain the primary thoroughfare, although public and private improvements will help activate and improve the experience. **Williams Street and Eagle River Street** will become quaint public spaces where pedestrians and cars share the space and active uses breathe new life to these areas. Space between buildings will be used for **pedestrian passages, small gathering spaces and outdoor dining areas**. **Views** of the water tower, Eagle River, and hillsides will be preserved and celebrated.

QUICK HISTORY

Minturn was established in the late 1800s as a railroad town and incorporated in 1904. It originated on **mining, farming, and railroad** industries and jobs. It has maintained a feeling of a **quaint mountain village** amongst great change in Eagle County and surrounding areas with Vail and Beaver Creek resorts developing in the late 1960s to 1980s. Though tourism has picked up in recent years, Minturn remains a **local's place**.

Today, Minturn is still primarily a **working class town** with nearly 40 percent of employment in construction and related trades. Minturn has remained a local, authentic place over the years. It is entirely made up of **small, local businesses**, started from people that have invested their personal time and money to help Minturn prosper. It faces challenges related to growth and affordability as land values have escalated at high rates in recent years, as they have all over Colorado.



A two-story building with wood siding, sidewalks, and covered arcade includes a storefront and area where people can gather as they watch a carriage being pulled from a ditch on Main Street.



The two-and-a-half-story Eagle River Hotel includes a simple architectural form with a gabled roof and dormer. A porch on the front defines the entrance.



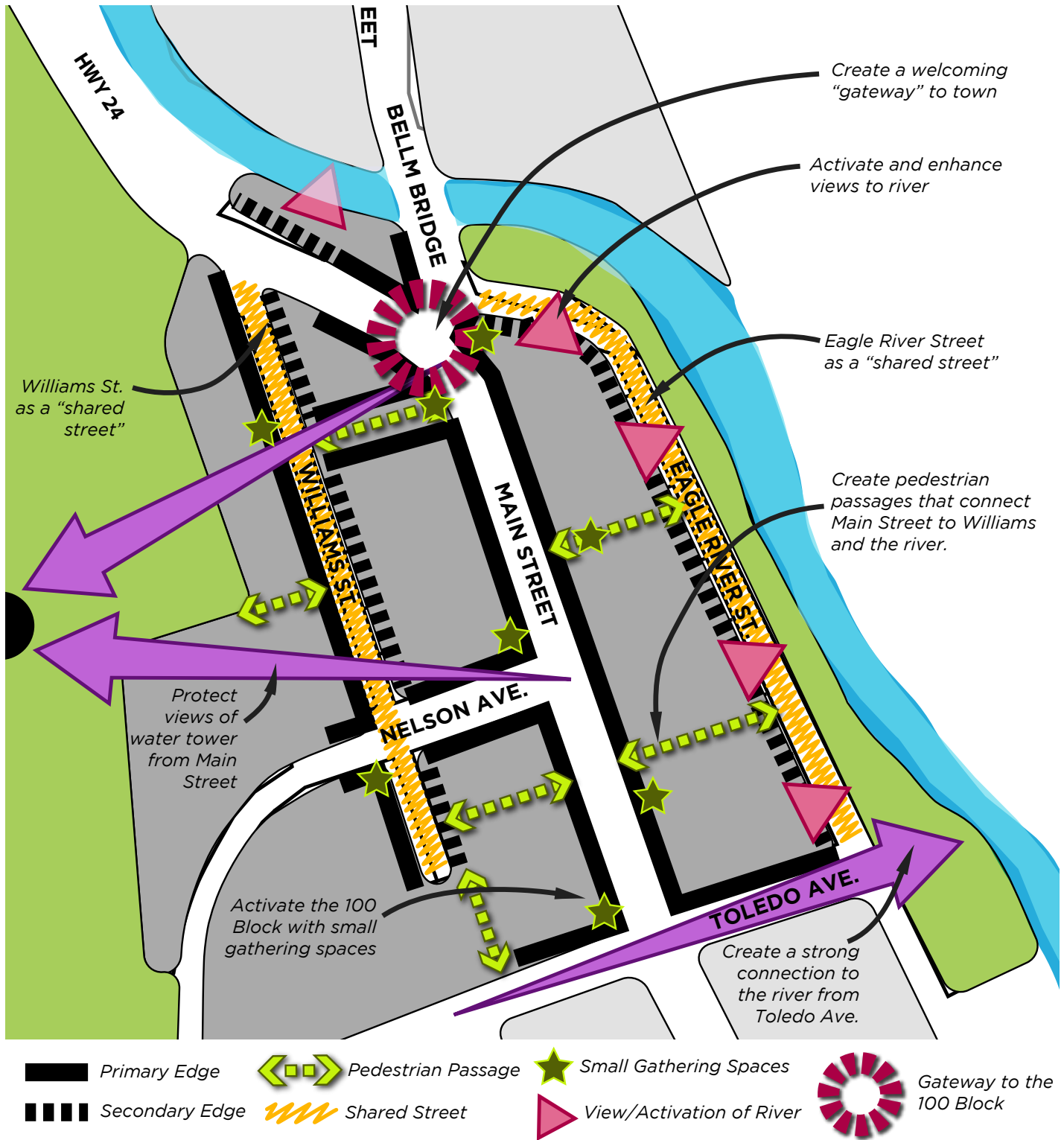
The Williams Cafe and Bar (now Magustos) is a wood and stucco structure that includes an arcade and storefront.



Main Street circa mid-1900s includes 2-story buildings at the sidewalk edge (zero setback) with narrow sidewalks.

100 BLOCK FRAMEWORK

This framework diagram explains key elements for the 100 Block that all projects should follow. Design principles that relate to the 100 Block Framework are provided on the following page.



100 Block Framework Diagram

***Note that pedestrian passages and small gathering spaces would be built on private property but be designed to be publicly accessible.**

FRAMEWORK PRINCIPLES

The following principles describe elements that will help implement the vision for the 100 Block. Each project should meet the following by providing a response to each principle in a project narrative

FP.1 CONTRIBUTE TO AN AUTHENTIC PLACE.

Minturn is known for being **authentic**. It's authenticity has been built over time, where layers of history are reflected in its people, places, and architecture. **What makes 100 Block authentic?**

- **It doesn't have a prescribed style of architecture** - each building seems to have it's own personality.
- **It has a rich history, but also has been built over time**, where buildings from different eras coexist and some have been added onto or modified to respond to new demands and uses.
- **It is made up of local businesses** - they are something you can only find in Minturn.
- **It is not another tourist mountain town** - though people love to visit, Minturn was not built *around* tourism. Design for locals first.

Each new project in Minturn's 100 Block should consider these aspects that make up its authenticity and contribute to it in similar ways, through unique architecture, a nod to history, and as a local's place first and foremost.



Minturn's local businesses is one thing that contributes to its authenticity (and awesomeness.)

FP.2 DESIGN AT A HUMAN SCALE.

The 100 Block is **quaint**. Though new buildings may be larger than traditional buildings, their **scale should be compatible** to their surroundings. Monolithic buildings are not allowed.

Designing at a human scale means designing a building that is **comfortable** for someone to stand by and be in. It is made with materials that are small and modular - that can be carried by a person. They include details that add interest and delight to the human experience. They are designed to be experienced by pedestrians rather than cars.

Design new projects in the 100 Block with these elements in mind where each individual project contributes to a scale that is compatible and comfortable.



Designing at a human scale means designing a building that is comfortable for someone to stand by and be in.



Human scale design is designed to be experienced by pedestrians rather than cars.

FP.3 ACTIVATE EDGES.

The vision of the 100 Block is to continue to be the commercial core and activity center of Minturn with active storefronts and sales tax-generating uses throughout. To create this desired activity, include **active uses**, e.g. businesses that are open the majority of the day and create activity on the street from people coming and going. This includes but is not limited to: coffee shops, cafes, restaurants/bars, retail stores, and ice cream/candy shops.

Primary edges (Main Street, Williams Street, and side streets) shall require active uses on the ground floor.

Secondary edges (east side of Williams and west side of Eagle River Street) should encourage active uses, but may also require access to parking or other back of house uses. Activation of these edges may include enhanced screening, landscaping, or public art - however, if possible, secondary entrances and active uses are also encouraged.



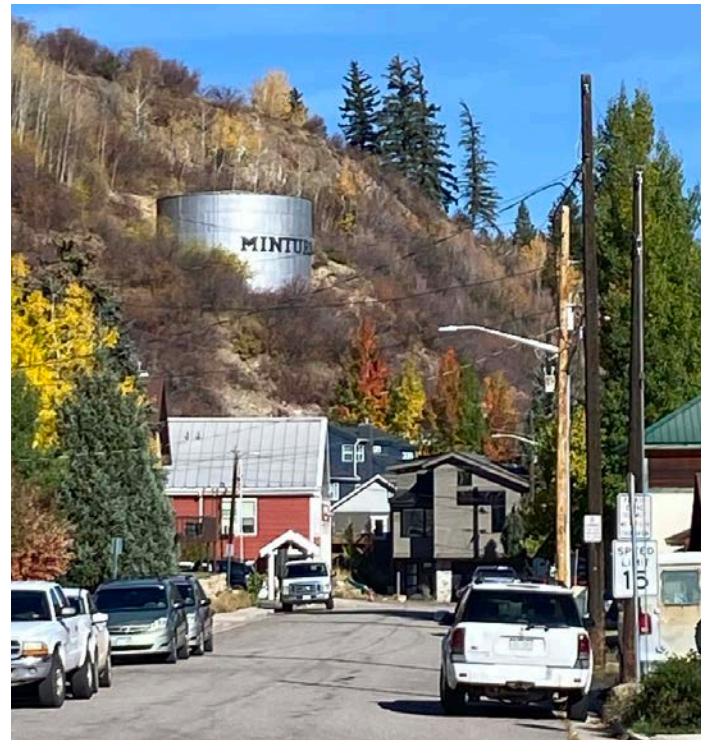
Active storefronts and tax-generating uses that engage the streets and sidewalks are desired.

FP.4 CELEBRATE AND ENHANCE IMPORTANT VIEWS

The **water tower** is iconic to Minturn. Views to the water tower from key intersections should be celebrated. A project at these locations should consider someone taking a picture - where the water tower is visible and part of the composition.

Views of the **Eagle River** are also important. Minturn would like to elevate the river as a key asset, so improving access and views to the river is a key component to achieving the vision.

Secondary uses to Main Street could be placed along Eagle River Street to activate it or **upper floor roof decks** could overlook the river. **Eagle River Street** should be a unique, quaint experience that encourages pedestrians to enjoy time walking along or resting at the edge of the river.



Views to the water tower from key intersections should be maintained.

NEW - APPLIES TO ALL DEVELOPMENT, BUT REINFORCED HERE AS WELL.

MINTURN GUIDING PRINCIPLES

In addition to the Framework Principles for the 100 Block, new projects should also follow Minturn's Guiding Principles:

***Minturn is Rich with History** – all designs should respect and reflect our rich history and help keep our stories alive for future generations.*

***Minturn is Close to Nature** – every building in Minturn is steps from nature – we respect and appreciate our environment in all aspects of design.*

***Minturn is Colorful** – Minturn is not dull – look around and you will see colorful buildings, roofs, people, and landscapes. New designs should reflect our diversity by implementing a colorful, not dull, palette.*

***Minturn is Authentic** – we have never tried to be like other communities – we are uniquely and proudly the one and only “Minturn.” New designs should contribute to our meaning and authenticity.*

FP.5 CREATE A WELCOMING PLACE.

The 100 Block is the “gateway” to Minturn and should appear **welcoming**. Activities should orient to Main Street, the public realm should be **well-designed and maintained** year-round, and the experience of navigating to destinations (businesses, parks, parking, etc.) should be very clear.

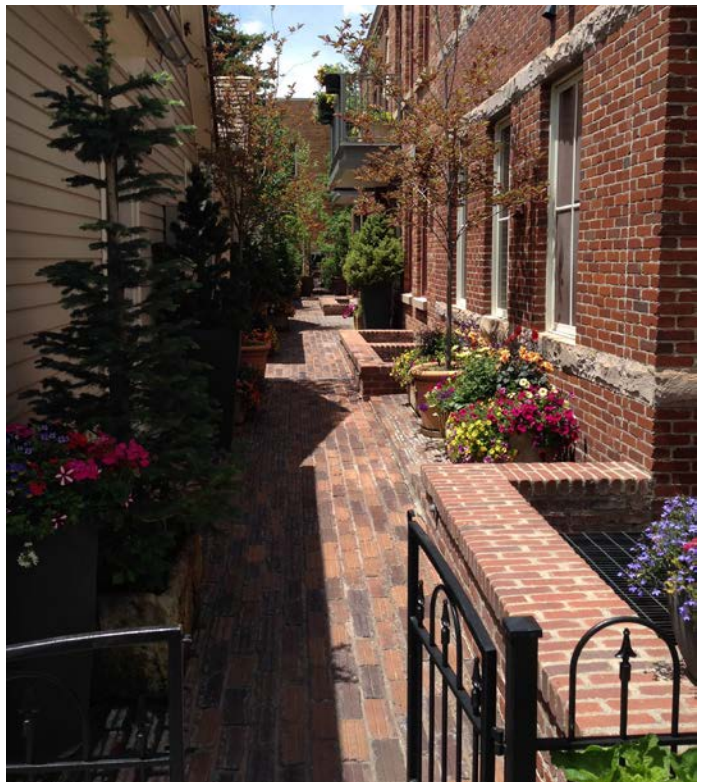
Projects located near the “gateway,” shall contribute to **provoking a sense of arrival** and an iconic and unique sense of “Minturn.” The public realm should be coordinated and consistent in design. And architecture should be unique to Minturn and of highest quality and attention to detail.

Throughout the 100 Block, each individual project should create **welcoming and inviting places**. This can be achieved by creating interactive places such as: small plazas, pocket parks, outdoor dining and retail, and public passages. These design elements tell people that they are welcome to navigate through the 100 Block with ease and delight.

Note that locations of passages and gathering spaces on the diagram are not exact, but indicate the general amount of these elements needed to create a successful network.



Interactive public art creates welcoming and inviting places, such as murals, statues, benches, and more.



Create welcoming and inviting places, such as this public passage with flowers and landscaping and windows overlooking the space.



SITE DESIGN

2

Site design refers to the arrangement and placement of buildings as well as other site features on a particular lot - such as landscape/hardscape, parking, trash, and snow. The goal is to improve the overall experience and appeal of the 100 Block by having well-organized and inviting spaces as well as clear rules to maintain them.

SITE DESIGN: DEFINING FEATURES

The original plat of 25-foot wide **lots** (right; above) and current ownership **parcels** (right; bottom) highlight how some historic lot patterns exist, but many of the original 25-foot lots were combined to create a larger parcel. The following are defining site features to consider in new designs:

25' LOT PATTERN

The original plat includes a series of lots that orient to Main Street with a 25-foot wide frontage. This allowed for multiple businesses to have visibility and access to customers and created a cadence along the street that changed properties (and therefore buildings) every 25-feet.

LINEAR NORTH-SOUTH ARRANGEMENT ALONG MAIN STREET

Due to surrounding topography, the arrangement of the 100 Block has remained linear in nature where the focus has always been on Main Street, and other roads are mainly used for access.

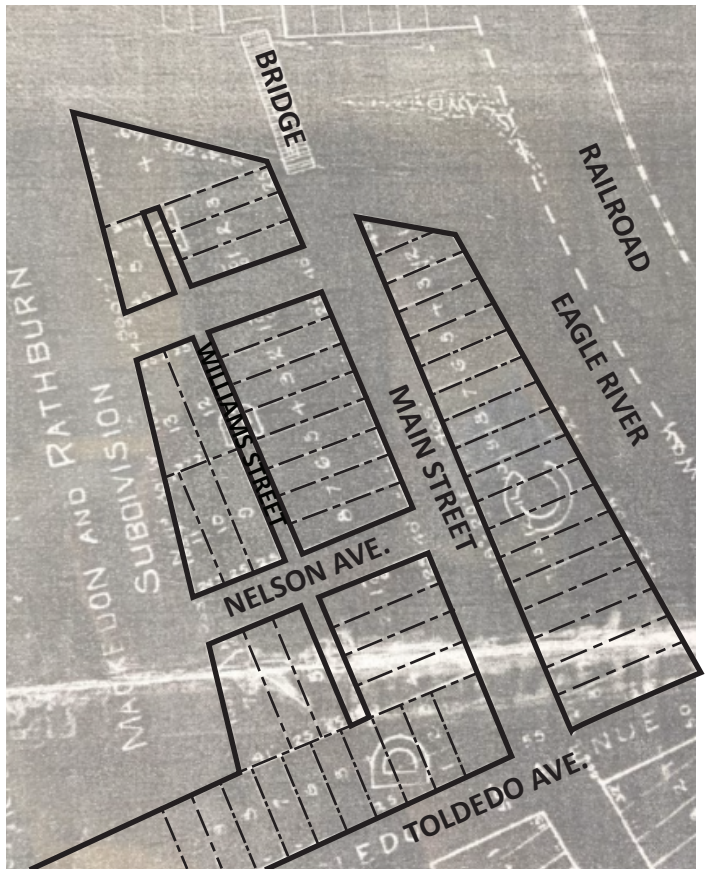
EAGLE RIVER AND RAILROAD

The river and railroad are consistent site features of the 100 Block that appear to be in their original alignment and location. Toledo Avenue has always terminated at the river's edge and the Bellm Bridge location is identical. Both elements contribute to the rich history of Minturn.

WATER TOWER

The Minturn water tower is situated above the 100 Block on the hillside to the west. This site feature is iconic to Minturn, as it has the "Minturn" name and can be seen from just about anywhere in the 100 Block due to its position high on the hillside.

NEW MAP AND DESCRIPTION TO EXPLAIN DIFFERENCE BETWEEN LOTS AND PARCELS



Above: historic platting of the 100 Block
Below: current lot layout of the 100 Block



SITE DESIGN: STANDARDS AND GUIDELINES

SD.1 STREET DESIGN

A. **Main Street and Toledo and Nelson Avenues** shall include a minimum **5-foot** public sidewalk adjacent to the curb. This space shall remain free and clear of objects at all times.

B. **Main Street and Toledo and Nelson Avenues** shall include a **5-foot** front setback adjacent to the sidewalk. The first **2-feet** of the setback shall contribute to widening the sidewalk to create a 7-foot clear walking path.

» *The additional 3-feet of setback may be used for objects such as: sandwich boards, planters, benches, sales racks or other outdoor display of goods, landscaping, cafe seating, etc.*

C. **Main Street** requires that **40%** of a property's frontage include a minimum **15-foot** setback. This area shall be accessible from a public sidewalk.

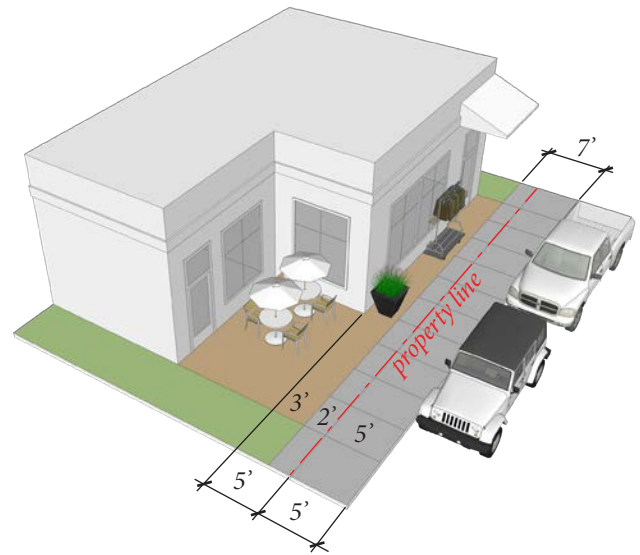
» *Design these spaces to be welcome and inviting. Consider ambient lighting, cafe seating, or other ways to activate the space.*

D. **Williams Street** shall include a **15-foot** clear public right-of-way (shared between vehicles and pedestrians) plus a minimum **5-foot** setback on either side for a total dimension of **25 feet** from building face to building face.

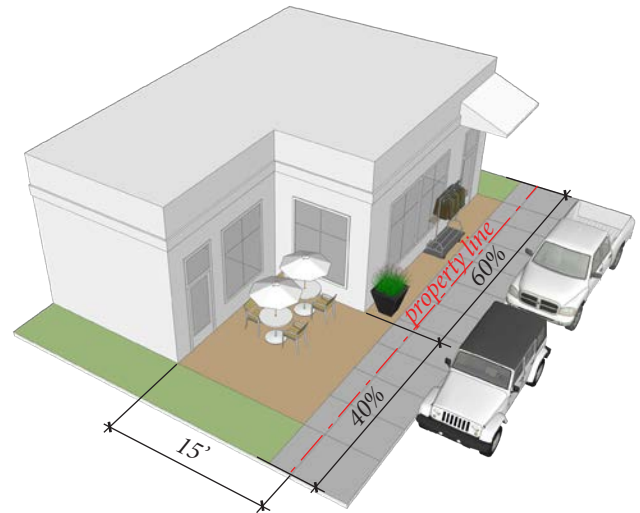
» *Consider changing the material of the setback area to differentiate it from the right-of-way.*

E. **Eagle River Street** shall include a **15-foot** clear public right-of-way (shared between vehicles and pedestrians) plus a minimum **5-foot** setback on the west side.

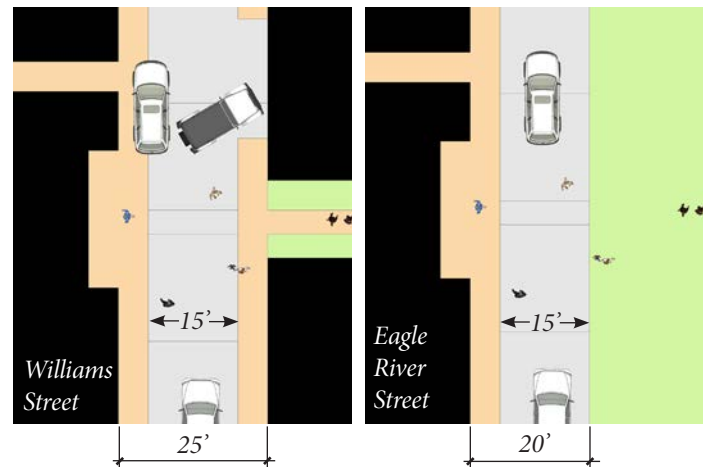
» *Consider changing the material of the setback area to differentiate it from the right-of-way.*



Main Street and Toledo and Nelson Avenues shall maintain a 5-foot sidewalk adjacent to the curb and dedicate an additional 2-feet of setback to the sidewalk to create a 7-foot wide sidewalk.



Along Main Street, 40% of a property's frontage shall be setback a minimum of 15-feet from the property line.



Williams and Eagle River Streets shall include a 15-foot clear public right-of-way (shared between vehicles and pedestrians) with a minimum setback of 5-feet.

**UPDATED EAGLE RIVER STREET DIMENSION,
TEXT, AND GRAPHIC (NO SIDEWALK)**

SD.2 ORIENTATION

- A. **Primary orientation**, meaning the “front(s)” of a building where the primary use(s) and entrance(s) are located shall be placed so that they face a primary edge (refer to Framework Diagram on page 9).
- B. **Secondary orientation** shall include entrances to secondary uses and upper floors and shall face secondary edges (refer to Framework Diagram on page 9).
- C. Where a public or semi-public space (plaza, park, sidewalk, street, etc.) is adjacent to a building, orient the building to **interact with and overlook** the outdoor space (i.e. include entrances and/or windows at eye-level.)
- D. Orient a building’s massing and design a site to **maximize sun exposure and minimize shading** on adjacent properties.
 - » *Defined setbacks in Chapter 16 are designed to maximize sun exposure, but to the extent that a project can modify a design to create more sun access, it is desired.*
 - » *Utilize architectural features and/or landscaping to assist with seasonal sun control. For example, in the winter when the sun is lower it is important to allow sun deep into the building whereas in the summer when the sun is high, it is important to offer shading, such as through overhangs, awnings, deciduous trees, or other shading device.*



Where a public or semi-public space is adjacent to a building, orient the building to interact with and overlook the outdoor space.

SD.3 PUBLICLY ACCESSIBLE AND PRIVATE OPEN SPACE

- A. Required **publicly accessible open spaces** shall be **visible from and designed to activate** the adjacent right-of-way. If a new development is **adjacent to a low-scale traditional building**, the open space shall be placed toward that side of the property.
 - » *Design these spaces to generate activity. Add elements like: places to sit, public art, dining area, lighting, and signage.*
 - » *If an enclosure is required for a dining space that serves alcohol, design the enclosure to be as open and transparent as possible.*
 - » *Consider the use of special paving to accent this space and differentiate it from the public sidewalk.*
 - » *Locate these spaces to maximize sun exposure.*
- B. A **publicly accessible passage** through a site shall include a minimum **4-foot** wide sidewalk. A minimum **8-foot** setback shall be required for the entire space. Provide **full cut-off light fixtures** to light the pathway.
 - » *The entire space may be paved so long as the site’s pervious surface requirement has been met elsewhere.*
 - » *Pavers or other material may be approved by the design review commission.*
- C. **Private open space**, such as a patio, balcony, or roof terrace shall be a minimum of **5-foot** deep and **6-foot** wide.

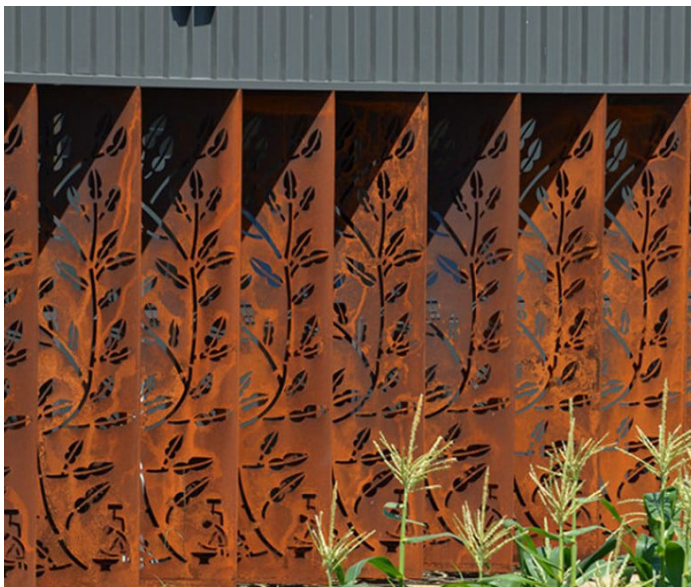


Locate open spaces to maximize sun exposure and design them to be activated.

CHANGED SETBACK FOR PARKING TO 40- FEET TO ADDRESS SKINNY RETAIL FEAR.

SD.4 PARKING

- A. Parking **shall not be accessed from Main Street** and shall be set back a minimum of **40 feet** from Main Street. Parking shall be accessed from Nelson, Toledo, Williams, or Eagle River Street.
- B. If surface parking is located adjacent to a public street or publicly accessible open space, the side facing the public space **shall be screened** from public view a minimum of **36"** from the ground.
 - » *Use or combine the following methods: Landscaping, site walls, decorative fencing, public art, or other method that meets the intent of screening*
- C. **90-degree or angled parking** on Williams and/or Eagle River Streets shall be allowed, only if deemed appropriate by the Design Review Board.
 - » *Consider the amount of space available and use(s) of parking.*
- D. **Combine access** to two adjacent parking lots, wherever feasible to reduce the amount of driveways needed and to maximize parking counts.
- E. Design the **entrance** to any type of structured parking - podium, underground, or structured - to be clearly labeled with signage. If the structure includes a portion of public parking, a public parking sign shall be used and public spaces shall be clearly marked.
- F. **Integrate the design** of any type of structured parking into the architecture of the building. It shall not appear to be a separate structure or lack design detail because it is parking.



Screen public-facing parking from view by using landscaping, site walls, decorative fencing, public art, or other method.

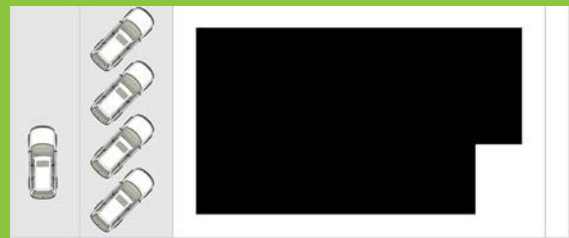
ADDED THIS TO BETTER EXPLAIN HOW PROJECTS COULD PARK AND ACTIVATE REAR.

CREATIVE PARKING SOLUTIONS

Depending on the amount of parking required for a project, consider parking solutions that allow for Williams and Eagle River Streets to be activated, while still accommodating parking. See some options below.



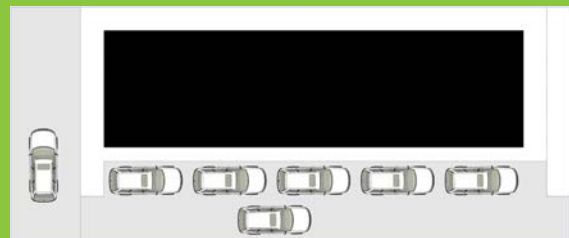
90-Degree Parking - This would require an increased rear setback and may require additional space to ensure cars backing out have enough space.



Angled Parking - Same as 90-degree, but requires less back up space.



Parallel Parking - Doesn't yield as much, but creates a more a commercial street feeling.



Side Parking Aisle - This would require vehicles to exit onto Main and should not be allowed everywhere, but could be a creative solution, if needed.

WILLIAMS OR EAGLE RIVER SIDE

MAIN STREET SIDE

ADDED THIS TO BETTER EXPLAIN VISION FOR WILLIAMS AND EAGLE RIVER.

“WOONERF” DESIGN

A “woonerf” is a Dutch term for a shared street. Invented in the Netherlands, but widely picked up and practiced throughout the world, this type of street is a narrow street that is shared between automobiles, pedestrians, and bicyclists. Typical design elements of a woonerf include:

- **Very narrow space (15-25 feet)** - typically only wide enough for cars to go one-way.
- **Slow speed design** - the space is designed to slow cars down by squeezing the space that a car can drive in. Typically a different material is used (often pavers) and bollards are used to direct cars and provide space for building entrances.
- **Activated** - uses front onto the street and provide activation.

This type of street character is desired for **Williams and Eagle River Streets** instead of widening them to be like any other street.



SD.5 SCREENING AND SNOW STORAGE

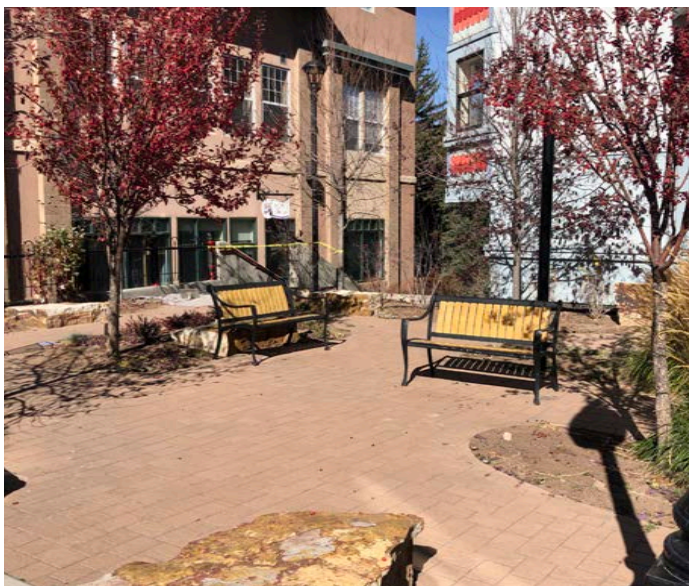
- A. A **designated area** for trash containers and snow storage shall be provided on a site plan.
 - » *These may be located in separate locations.*
- B. Refuse storage, general storage, loading and mechanical shall be **screened** when visible from a public right-of-way. Screening methods shall be incorporated as part of the landscape and architectural design - using **high-quality materials** that align with the design concept. Any permanent structure shall **meet the setbacks** within Chapter 16.
 - » *Coordination amongst adjacent property owners to share refuse containers and storage facilities is encouraged.*
- C. **Fences** in the front of a lot shall not exceed **3-feet** for opaque and **4-feet** for transparent. Fences in the rear shall not exceed **6-feet**. All refuse storage, no matter where the location shall be **6-feet** tall if detached from the primary structure.
 - » *Incorporating a permanent space within a covered or fully enclosed garage as part of the primary structure is encouraged.*
- D. **Snow shall be cleared** from public sidewalks by **8am** following a storm event and consistently maintained during typical business hours of 8am to 6pm.
 - » *Consider snow maintenance when designing the site plan for a project. Provide common areas where snow can be placed, ideally pervious locations to allow snow melt to be transferred underground.*



All refuse storage shall be 6-feet tall if detached from the primary structure and designed with high-quality materials.

SD.6 LANDSCAPE AND HARDSCAPE

- A. **Trees** placed within a setback facing Main Street shall be treated as “street trees” and be placed in a **tree grate** level with paving so that pedestrian space is maximized. These trees shall be **deciduous**.
- B. **Tree species** shall be proven as successful trees in Colorado high mountain climates with ample soil volume for deep root growth. Fruit bearing trees are not permitted.
- » *Seasonal coloring of leaves is desired.*
- C. Landscape plans shall incorporate **drought-tolerant, low maintenance** plants and be coordinated with low impact development (LID) standards in the code.
- » *Plants that need little to no irrigation are desired.*
 - » *Annuals in planters that require more water may be used in prominent locations such as along Main Street.*
 - » *Avoid using planters that may become used as or mistaken for trash containers.*
- D. **Hardscape** (pavers, gravel, mulch, decking) shall be selected so that it blends with the architecture and surrounding context.
- » *Consider materials that were historically used in Minturn such as wood and stone.*
 - » *Consider maintenance and availability of materials when replacement is necessary.*



Hardscape shall be selected so that it blends in with the architecture and surrounding context. Seasonal coloring of leaves is desired.

SD.7 LIGHTING

- A. **Minimize light spill** onto adjacent properties and toward the sky.
- » *Use a fixture that provides even lighting for a plaza, courtyard or patio area.*
 - » *Shield site lighting to minimize off-site glare.*
 - » *Orient fixtures to the ground.*
- B. Lighting shall be provided for all **publicly accessible open spaces** (plazas, pocket parks, passages) and facing **public streets**.
- » *Small-scale fixtures with down-lighting or light bollards may be used to illuminate a pathway.*
 - » *Overhead lights should be pedestrian-scaled (approximately 12-15 feet).*
 - » *Lighting may be affixed to a building and directed toward public spaces as well.*
 - » *All lighting fixture designs should be of a style that is compatible with the architecture and site design.*
 - » *Overhead “twinkle” lights should be allowed.*



Lighting shall be provided for all publicly accessible open spaces.

SITE DESIGN: INSPIRATION



A private passage preserves a public view!



A semi-public courtyard space is accessible and visible from a public sidewalk.



A main street is activated with cafe seating that is comfortable to sit in with landscaping and shade.



Flowers in the summer add vibrancy and let people know a place is cared for.



Recycled bicycles attached to a stair railing adjacent to a public space provides interest and whimsy and celebrates the cycling lifestyle.



BUILDING DESIGN

3

Building design refers to the size, forms, and scale of a building as well as materiality and color, roof form, and architectural details. This chapter does not intend to dictate a particular “style” of architecture. Rather, it is intended to maintain a similar scale and form so that the historic character and charm of the 100 Block remains while allowing progress and change to occur over-time. Each new building should add to Minturn’s uniqueness. Creativity is encouraged though limited boundaries are necessary.

BUILDING DESIGN: DEFINING FEATURES

As shown in the Site Design chapter, the 100 Block was originally platted with 25-foot wide lots. However, buildings developed in various widths, some following the 25-foot pattern and others were larger - some even smaller - in width. This contributes to the eclectic nature of the 100 Block. Buildings were typically 1-2 stories with pitched roofs (some were one story with a pitched roof that had a faux facade to appear as a large, flat-roof structure.) They were built with simple forms and local materials. Ornate architecture was not common.

STAGGERED SETBACKS

There has always been a staggered appearance to Main Street, as some buildings were built right up to the street and others were set back. Other lots were used for open space, or not developed leaving “holes” in the streetscape.



A historic photo of Main Street shows the staggered setbacks of buildings along the street - some are at the sidewalk edge and others are set back further. Dimensions are estimations of approximate building widths to show the “pattern quilt.”

SIMPLE FORMS

Traditional buildings of Minturn were simple boxes of one to two stories and pitched roofs. Additive features like roof dormers and awnings, or bay windows and porches on residential structures, added more detail. Some included faux facades that looked like a two-story, flat roof structure from Main Street, but had a pitched roof behind. Some, like the Eagle River Hotel, was taller and had a flat roof, but that was not the norm.

NATURAL MATERIALS

Traditional building materials were primarily wood siding, although some stone masonry, brick and stucco were used as well. Roofs were primarily metal or asphalt shingled.

A PATTERN QUILT

Some original buildings remain, but have been updated and others have been demolished and replaced. Regardless, what is left today is a “pattern quilt” with unique “squares” that make up the eclectic spirit that people love and cherish.

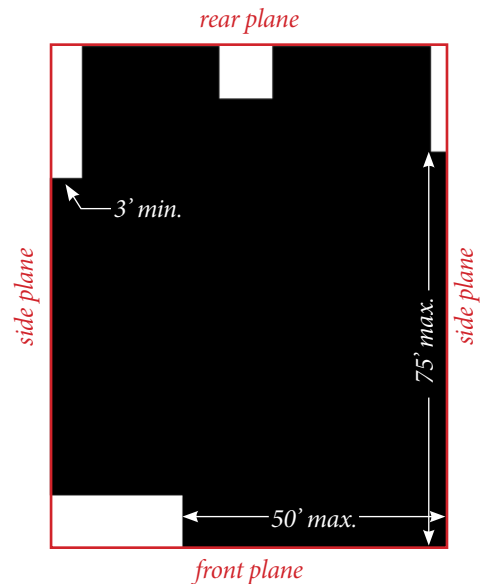


Artist rendering (credit: Beth Levine) of architectural styles in Minturn.

BUILDING DESIGN: STANDARDS AND GUIDELINES

BD.1 BUILDING FORM AND MASSING

- A. The **maximum length** of any wall on the same plane along the front and rear shall be **50-feet** and along the sides shall be **75-feet**. After this dimension, the building wall must shift on a horizontal plane a minimum of **3-feet**.
- B. **Main Street facades** shall be articulated every **25-feet** to reflect the historic platting of Main Street. Methods of articulation may include:
- » *A material change, plane change/wall offset, exposed structural detailing, or other architectural detail that provides a shadow line and breaks up the facade to maintain a cadence and scale of 25-foot intervals along Main Street.*
 - » *A change in height.*
- C. New structures shall **maintain a scale and compatibility** with nearby traditional buildings.
- » *Use similar building heights and/or datum lines (e.g. porch height, window sill/plate height, eave or ridge line, etc.) of adjacent structures.*
 - » *Align windows and use similar scale windows, where feasible.*
- D. Avoid forms that appear monolithic in comparison to the surroundings. **Break down the scale** of a building when adjacent to smaller structure(s). Consider the following:
- » *Transition a building height to be lower when adjacent to a one-story structure.*
 - » *Add elements like patios/porches, balconies, pergolas, awnings, etc.*
 - » *Use a lower floor-to-floor height or half-stories to maintain desired square footage without appearing monolithic.*
 - » *Also refer to BD.2 Street Level Design*
- E. **Express historic industries** of Mintun in the building form and massing: mining, railroad, farming.



Front and rear planes shall have a maximum wall dimension of 50-feet and side planes shall have a maximum of 75-feet. A 3-foot minimum offset is required to differentiate planes.



New structures shall maintain a scale and compatibility with nearby traditional structures.



Break down the scale of a building when adjacent to smaller structure(s).

BD.2 STREET LEVEL DESIGN

- A. The street level of a building **facing Main Street** shall include a minimum of **70%** transparency.
- B. **One entrance per 25 feet** is required along **Main Street**.
- C. Design each street level (ground floor of a building facing a public street) to **be active and engaging** and provide visual interest for pedestrians. A **storefront** shall be required along **Main Street**.
 - » *Reflect historic patterns and proportions for new storefront designs.*
 - » *If the use is not compatible with a storefront, an alternative may be approved by the Design Review Board.*
 - » *Alternative options for street-level design include: windows, doors, display windows, landscaping, wall art/mural.*
 - » *Activation is desired along Williams and Eagle River Streets.*

ADDED LAST BULLET - VISION INTENT IS TO ACTIVATE SECONDARY EDGES AS WELL, TO THE EXTENT FEASIBLE.



The street level of a building facing Main Street shall include a minimum of 70% transparency, have an entrance every 25-feet and be designed to provide visual interest.

BD.3 MATERIALS AND COLOR

- A. **Primary materials** shall be selected based upon historic use and compatibility with Minturn’s historic industries and built environment.
 - » *Natural materials such as wood and stone are preferred primary materials. Contemporary interpretations of wood, such as concrete board may be appropriate.*
 - » *Brick is not a commonly found material in the 100 Block but may be applicable as a primary material due to its durability.*
 - » *Cementitious three-coat stucco may be used as a primary material, except facing Main Street.*
- A. **Secondary materials** shall add color and visual interest.
 - » *Consider use of metal or concrete boards or panels, stone veneer, stucco, or other contemporary material.*
- B. Extruded aluminum or vinyl siding and EIFS (exterior insulating finishing system) or other synthetic stucco shall **not be allowed**.
- C. **Color** is welcome in the 100 Block. Color selection shall take into consideration the context.
- D. Utilize materials that are **modules** - such as panels, siding, and masonry - to add human scale to a building.
- E. A **change of material** shall not be allowed on the same plane of a wall surface.
- F. Avoid using too many materials in a single design where a building appears too “busy.”



Utilize materials that are modules to add human scale to a building. Color is welcome in the 100 Block.

BD.4 ROOFS

- A. Design **roofs** to **minimize the overall scale** of a building, be **compatible** with traditional forms, and **maximize sun access** to adjoining properties.
- B. **Pitched roofs** (gabled, hipped, and shed) are most common and preferred. **Alternative roof forms** such as mansard, gambrel, domed, curved, etc. are not allowed.
 - » *Utilize pitched roofs for additional indoor space, when feasible.*
 - » *Flat roofs and faux flat roofs are also present in traditional forms and should be permitted.*
- C. Roof shapes shall be made of **simple form(s) with additive features**. Do not over-complicate a roof form with too many forms.
- D. Be cognizant of where **snow** will shed. Do not place a public gathering space in a direct line of steep pitch. Place appropriate snow controls to avoid roof avalanches.
- E. Use **materials** commonly found in Minturn - metal (shingle or standing seam), shingle (asphalt or slate), or other material approved by the design review board.
 - » *Consider the color of a roof, especially when visible from a public street. Alternative colors (i.e. not black or gray) are welcome, so long as they are compatible with their surroundings.*
- F. In general, buildings and roof design should appear to **step up the hillside** when viewed from far away.



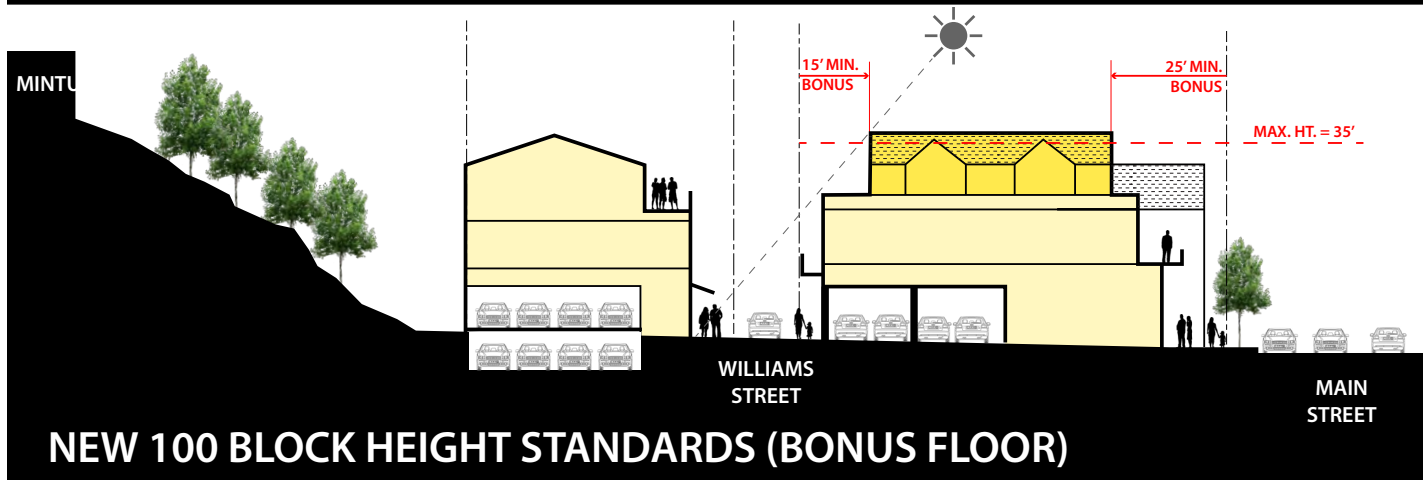
Pitched roofs are most common and preferred. Roof shapes should be made of simple forms with additive features.

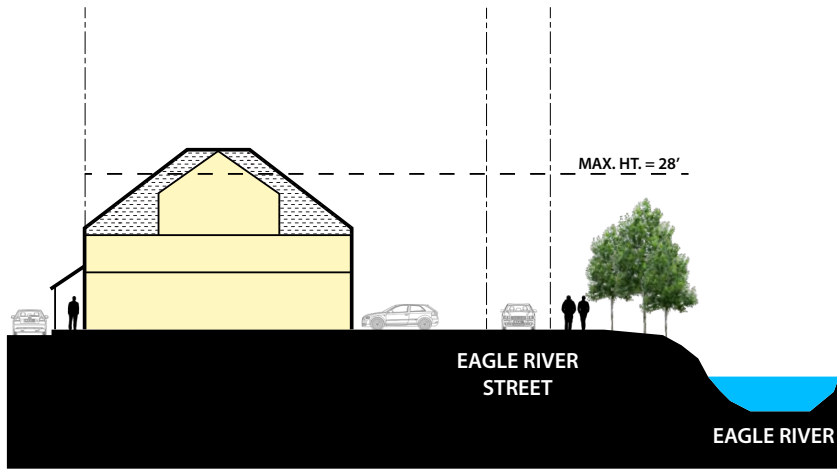


Buildings appear to step up a hillside.

BUILDING DESIGN: BUILDING HEIGHT STANDARDS

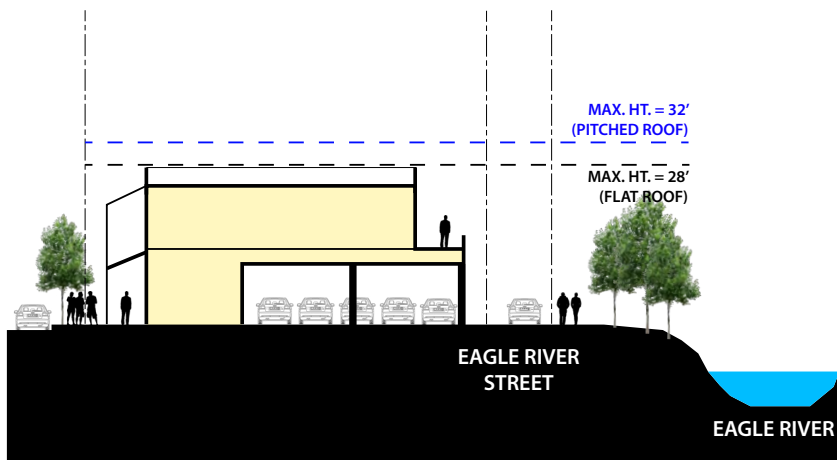
GRAPHIC HAS BEEN UPDATED TO REFLECT
CURRENT 35-FOOT MAX.





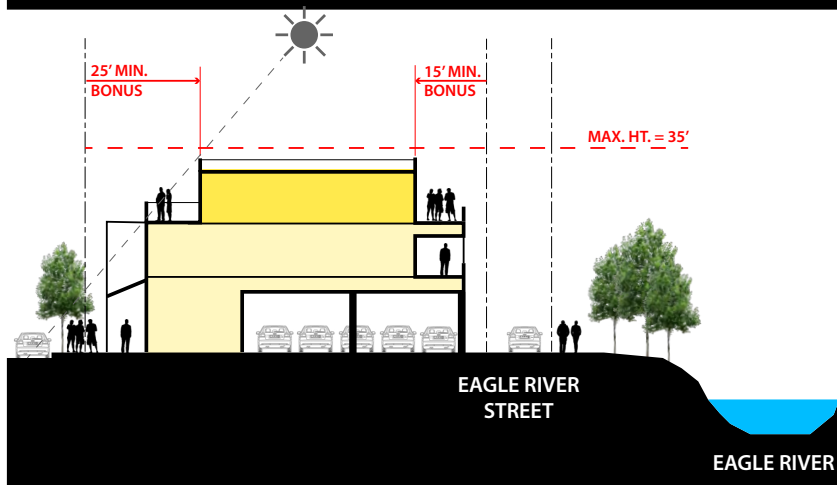
FORMER 100 BLOCK HEIGHT STANDARDS

This diagram shows the existing conditions and former height rules for the 100 Block which included a maximum of **28-feet** for properties with frontage along Main Street (now 100 Block: A) and **35-feet** for properties off of Main (now 100 Block: B.) There was also a bulk plane for Main Street properties that required a setback or pitched roof after 20-feet at the Main Street setback line.



NEW 100 BLOCK HEIGHT STANDARDS

100 Block: B (along Williams) maintains the same rules. 100 Block: A (along Main) keeps a maximum of **28-feet (2-stories)** and **35-feet (3-stories)** for flat roof structures. **Pitched roof structures are encouraged** by allowing additional height: up to **32-feet (2.5 stories)**. The diagram to the left shows the potential scale of new structures under these rules.



NEW 100 BLOCK HEIGHT STANDARDS WITH A BONUS FLOOR

An additional floor/story may be added in 100 Block: A if it meets certain dimensional requirements as well as additional site improvement requirements. The maximum height for 100 Block: A is **35-feet (3-stories)**. This option will provide variety in scale and development options while maintaining the scale of traditional structures.

BUILDING DESIGN: INSPIRATION



The rear of a building is activated with doors, windows, product display and a brew kettle to accent its use and brand. The architecture pays homage to historic building types.



A building uses natural materials like wood and stone to blend into a natural setting with large windows to let daylight in.



Hotel Minturn is a local example of a taller-than-average building that fits in nicely due to the massing, roof design, and materials.

**REPLACED IMAGES THAT WERE NOT
INSPIRATIONAL - USED SOME LOCAL
EXAMPLES**



Though not new, the Fly Shop is a good example of something that celebrates Minturn's character - using natural materials and red accent color around the trim.



An transparent storefront spills light onto a sidewalk, making it inviting and welcoming.



A contemporary building uses wood and metal siding and activates the ground floor with a storefront, multiple entrances, and planters.



A modest 3-story mixed use building.



The “rear” of a building animates an alley by adding an active, tax-generating use. The scale of the building is reduced by stepping back upper floors to create a human scale from the ground.

ADDED ONE MORE MODEST MIXED USE BUILDING AS INSPIRATION

Minturn 100 Block

Chapter 16 Proposed Amendments

Chapter 16; Article 2: Definitions, Illustrations, and Lot Standards

Sec. 16-2-20 – Definitions.

Half stories means habitable space that is located within the pitched roof portion of a structure or where the majority of the habitable space is below-grade. Habitable space within a half story shall have a minimum floor to ceiling height of 5 feet at the lowest point. See Sec. 16-2-65.

Incentive floor means an additional floor of development that is allowed only when additional requirements for the development are met. See Sec. 16-2-65.

Parking In lieu fee means a fee that is paid by a developer to the Town of Minturn in exchange for a reduced parking requirement. See Sec. 16-16-150.

Pitched roof means a gable, hip, gambrel or shed roof where height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.

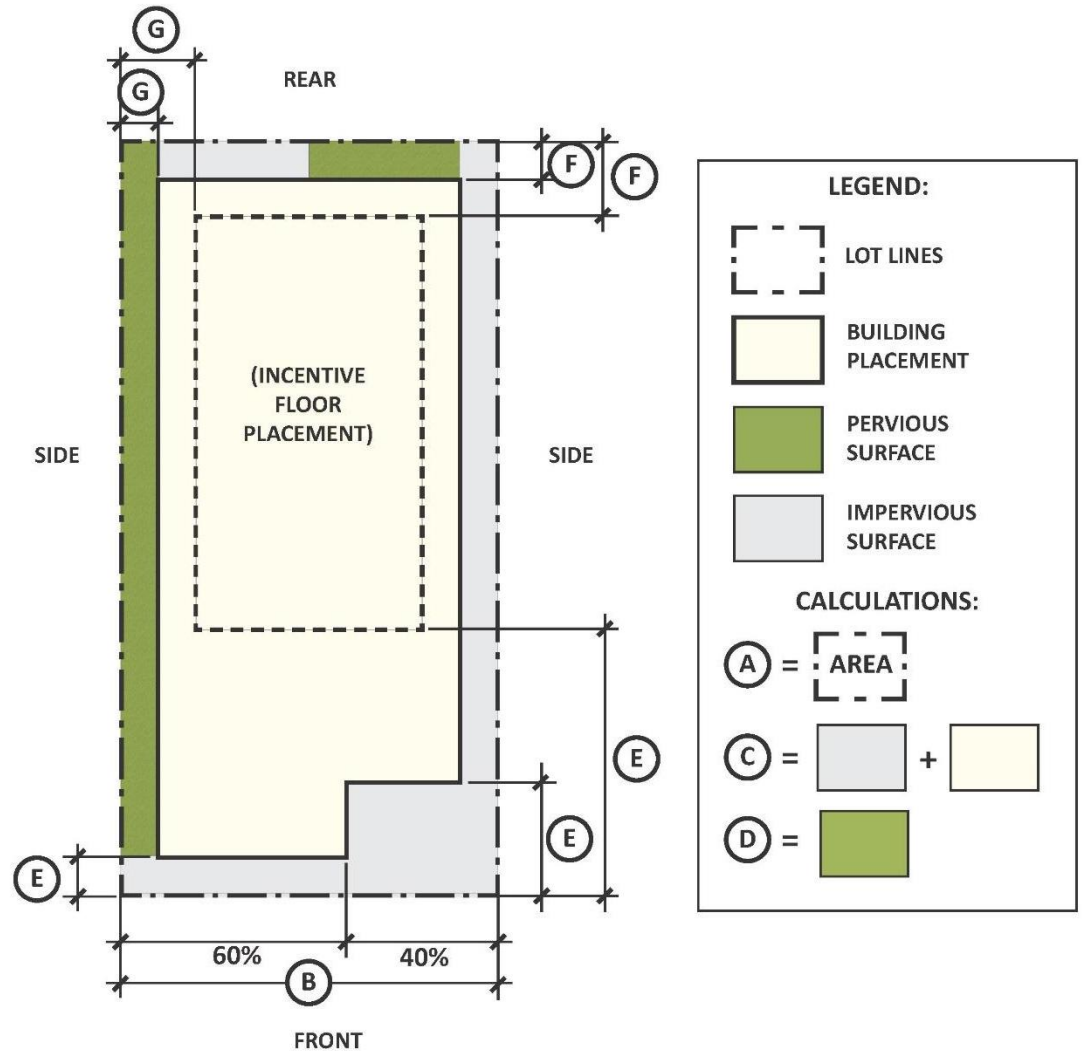
Publicly accessible means a space such as a plaza or sidewalk on private property that is directly accessible from a public right-of-way and use by the general public is allowed.

Sec. 16-2-40 – General lot requirements and dimensional standards.

TABLE 16-A
Dimensional Standards

		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
		<u>LOT REQUIREMENTS</u>				<u>SETBACKS</u>			
Character Area	Zones	Min. Lot Area / <u>Max. Lot Area</u> (sq. ft.)	Min. Lot / <u>Max. Lot</u> Dimension (ft)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	*Minimum Setbacks (ft) <u>^Incentive Floor Setbacks (ft)</u>			Live Stream Setback (ft)
						Front	Rear	Side	
Old Town	100 Block Commercial : A	2,500 / <u>7,500</u>	25 / <u>75</u>	80%	90%	10 <u>5 min.</u> <u>15 min. 40% lot frontage</u> <u>20 max.</u> <u>^25</u>	10 <u>5</u> <u>^15</u>	5 <u>^10</u>	30
	<u>100 Block: B</u>					<u>5</u>	10 <u>5</u>	5	

Illustration No. 16-6



Sec. 16-2-50 – Specific lot requirements and dimensional standards

~~(m) For structures two (2) or three (3) stories in height, a maximum roof length of sixty (60) feet in one (1) direction is allowed. After sixty (60) feet, the roof height needs to be lowered by a minimum of nine (9) feet for a minimum run of twenty (20) feet in length or change directions a minimum of ninety (90) degrees for a minimum length of twenty (20) feet.~~

Sec. 16-2-65 – 100 Block Commercial Zones building height limitations.

(a) In the 100 Block Commercial Zone, commercial buildings not fronting or adjacent to Highway 24 can have a maximum building height of thirty five (35) feet with a maximum angle of forty five (45) degree bulk plane from the street front setback or a maximum of twenty eight (28) feet for a flat roof.

(b) All buildings in the 100 Block Commercial Zone fronting or adjacent to Highway 24 located between Eagle Street and Williams Street can have a maximum building height of twenty eight (28) feet with a maximum angle of forty five (45) degree bulk plane from the street front setback or a maximum of twenty eight (28) feet for a flat roof.

(c) Slope of roof shall be a minimum of 4:12.

(d) Residential construction in the 100 Block Commercial Zone must follow residential building height limitations.

(See also Illustration No. 16-2 and Appendix B, Design Standards and Guidelines) The following Table 16-B contains the regulations for building height.

(a) New buildings in the 100 Block shall be allowed a maximum height as shown in Table 16-C.

(b) An incentive floor is allowed for 100 Block: A, following dimensional requirements listed in Tables 16-A and 16-C, and based on the provision of the following on-site improvements associated with the development:

a. An enhanced streetscape that provides a minimum of (1) street tree per 30 linear feet; (1) bench/seating area per 30 linear feet; and (1) bike rack accessible from a public right-of-way or passage; plus one of the following:

i. A publicly accessible plaza or outdoor dining space (area shall be a minimum of 15% of total area of lot) that is visible from a public right-of-way.

ii. A publicly accessible passage (min. 4-foot wide pathway) is provided between Main Street and Williams Street or Main Street and Eagle River Drive. A min. 8-foot side setback shall be required to accommodate this space. Public passages shall be a minimum of 150 feet apart, i.e. if one is already provided 100-feet away, this option shall not be used.

iii. Additional parking (min. 5 spaces extra) on-site for public use or that may be shared with other uses on the 100 Block. See Sec. 16-16-150.

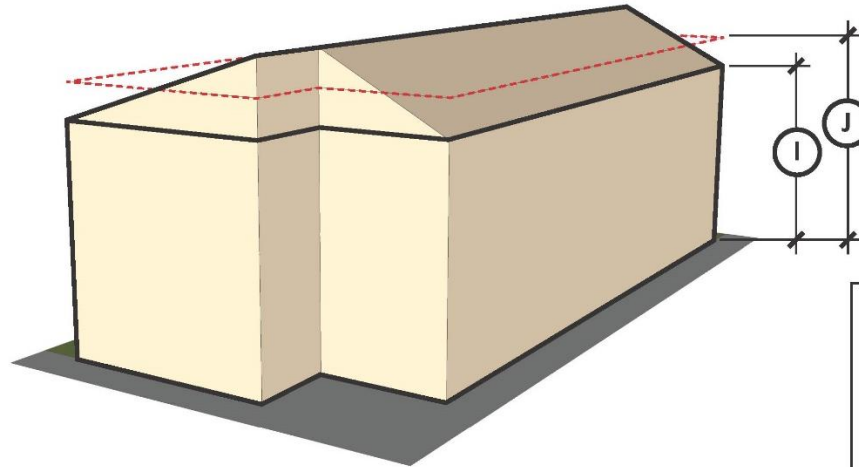
iv. An active use is provided along Williams or Eagle River Street.

Table 16-C



	I	J	K
	100 Block Building Height Limitations		
	Max. height / stories (flat roof)	Max. height / stories (pitched roof)	Incentive floor max. height / stories (any roof)
100 Block: A	28' / 2 stories	32' / 2.5 stories	35' / 3 stories
100 Block: B	35' / 3 stories	35' / 3 stories	N/A

Illustration No. 16-7

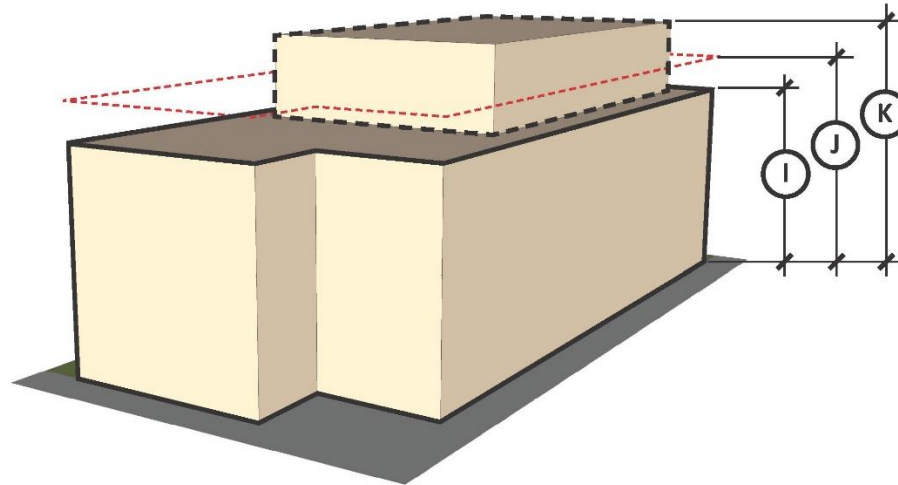
PITCHED ROOF SCENARIO



LEGEND:

-  PITCHED ROOF MAX. HEIGHT
-  INCENTIVE FLOOR

FLAT ROOF OR INCENTIVE FLOOR SCENARIO



~~Sec. 16-2-70. Specific front, side and rear yard setbacks requirements for 100 Block Commercial Zone.~~

- ~~(a) No parking spots allowed in the front or side setback on Highway 24 in the 100 Block Commercial Zone.~~
 - ~~(b) No asphalt.~~
 - ~~(c) Landscaping to include native trees, plants, tables, chairs, benches, decorative hardscape and planters for flowers.~~
 - ~~(d) Pedestrian lights to be hung on building for pedestrian lighting. Meet dark sky requirements in Code [Section 16-17-180](#), Exterior Illumination Standards.~~
 - ~~(e) Must include irrigation.~~
 - ~~(f) Must have exterior power outlets.~~
 - ~~(g) All setbacks shall contain an area equal to five (5) percent of the total setback area for temporary snow storage (until snow can be removed off-site).~~
 - ~~(h) Ten (10) percent of each setback area must be landscaped area.~~
 - ~~(i) Properties fronting Williams Street are encouraged to create an attractive, pedestrian friendly streetscape.~~
 - ~~(j) Dumpsters, trash, and storage areas shall be properly screened.~~
- ~~(Ord. [5-2016](#) §2)~~

~~Sec. 16-2-80. Block and building site patterns and side yard setbacks for 100 Block Commercial Zone.~~

- ~~(a) Vacations of or building across originally platted lot lines shall not result in a building greater than seventy-five (75) feet in width along Highway 24, Williams Street or Eagle Street.~~
- ~~(b) Building facades along Highway 24, Williams Street and Eagle Street shall not create the appearance of a single building that is wider than fifty (50) feet. Building facades must maintain the historic platted character of this area with building widths of twenty five (25) feet to fifty (50) feet.~~
- ~~(c) Maximum lot area (square feet): seven thousand five hundred (7,500).~~
- ~~(d) Minimum side yard setback is five (5) feet per twenty-five (25) foot wide platted lot. For buildings fronting or adjacent to Highway 24 located between Eagle Street and Williams Street, the Planning Commission may require that the side yard setbacks be combined for the purpose of creating a ten (10) to fifteen (15) foot side yard corridor between two (2) buildings.~~
- ~~(e) Corner lots: ten (10) foot front yard setback facing Highway 24; five (5) foot setback on side facing any new or existing street connecting to Highway 24.~~

Chapter 16; Article 6: Old Town Character Area

Sec. 16-6-35. - 100 Block Commercial Zone.

(a) The 100 Block Commercial Zone is characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.

(b) The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale. Street level space within the 100 Block Commercial Zone shall be dedicated to retail uses. Non-street level space within the 100 Block Commercial Zone may be used for compatible retail, office, and residential uses.

(c) The 100 Block Commercial Zone should function as a pedestrian shopping corridor. Buildings ~~should be~~ **shall** oriented toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage transparency, pedestrian engagement, and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street **and along all streets in the 100 Block.**

(d) The small town **historic** main street character will be maintained by keeping in scale ~~of~~ **with the** original plat of twenty-five (25) foot by one hundred (100) foot lots and one (1) to two (2) story building heights **frontages along Highway 24**. Large monolithic buildings and "strip" retail areas are ~~discouraged~~ **not allowed**. **New development in the 100 Block shall follow the standards and guidelines provided in Appendix B which seeks to ensure new structures maintain compatibility with historic structures while bringing new uses to increase vitality.**

Sec. 16-6-70. – Old Town Character Area use table.

Note that this section notates only changes to the 100 Block section of the use table.

	100 Block: A	100 Block: B
Accessory apartments (street level)	N	N
Accessory apartments (second floor or above)	C	C
Accessory dwellings (street level)	N	N
Accessory dwellings (second floor or above)	C	C
Business and office services	N C	N C
Multifamily dwellings (street level)	N	N
Multifamily dwellings (second floor or above)	C	C
Professional activities (street level)	N	N
Professional offices, business offices and studios (street level)	N	N

***All residential uses in the 100 Block shall be conditional based on their ability to provide sufficient access to parking (if applicable) which may require additional setbacks along Williams and Eagle River Streets due to these streets being extremely narrow. Refer to Appendix B 100 Block Design Standards and Guidelines for additional guidance.**

What about allowing Professional offices – could imagine an architect’s office or similar design-related business on ground floor along Eagle River or Williams?? Discuss.

Chapter 16; Article 16: Off-Street Parking and Loading

We are presenting THREE FINAL OPTIONS to be considered for Council's final direction:

Option 1 is what Planning Commission approved; Option 2 increases residential parking requirements to match rest of town; Option 3 identifies a new solution to creating the desired urban design along Williams and Eagle River Streets as true, active, shared streets.

Sec. 16-16-150. – 100 Block Incentive-Based Parking Program (OPTION 1 – FEE IN LIEU + REDUCED SITE PARKING)

In order to incentivize sales-tax producing uses and the reuse of existing structures, new development in the 100 Block Zones may opt to reduce parking standards by providing the following:

- (a) Development shall calculate the total number of spaces required by the code for the proposed program by using Table 16-10, 16-11, and 16-12. The resulting number of spaces = A.
- (b) Development shall calculate the total number of spaces required for the proposed program using Table 16-14. The resulting number of spaces = B.

Table 16-14

<u>Use</u>	<u>Parking Standard</u>
<u>Sales-tax generating use (commercial, retail, restaurant, etc.)</u>	<u>0</u>
<u>Any use inside an existing structure (adaptive reuse/historic preservation)</u>	<u>0</u>
<u>Office and non-sales-tax generating commercial use</u>	<u>1 space per 500 sq. ft.</u>
<u>Light Industrial</u>	<u>1 space per 1,000 SF</u>
<u>Residential (up to 2-bedroom max.)</u>	<u>1 space per unit</u>
<u>Lodging, hotel/motel, bed and breakfast</u>	<u>0.5 space per rentable room</u>

- (c) Conduct the following calculation:
 - a. A (minus) B (minus) allowable on-street/off-site spaces (Sec. 16-16-60) = # of spaces required for in lieu fee. The resulting number of spaces = C.
- (d) Developer shall pay in lieu fee to the Town of Minturn at a rate of C (times) \$10,000.
- (e) Developer would be exempt from in lieu fee if the following is true:
 - a. Development meets parking requirements from Tables 16-10, 16-11, and 16-12; and
 - b. Development allows the additional parking (C) on-site to be used for public or shared parking for other uses in the 100 Block.
- (f) Tandem parking shall not be allowed. (note: this was added by Council)**

Sec. 16-16-150. – 100 Block Incentive-Based Parking Program (OPTION 2 – FEE IN LIEU + RESIDENTIAL PARKING AS-IS)

In order to incentivize sales-tax producing uses and the reuse of existing structures, new development in the 100 Block Zones may opt to reduce parking standards by providing the following:

- (a) Development shall calculate the total number of spaces required by the code for the proposed program by using Table 16-10, 16-11, and 16-12. The resulting number of spaces = A.**
- (b) Development shall calculate the total number of spaces required for the proposed program using Table 16-14. The resulting number of spaces = B.**

Table 16-14

<u>Use</u>	<u>Parking Standard</u>
<u>Sales-tax generating use (commercial, retail, restaurant, etc.)</u>	<u>0</u>
<u>Any use inside an existing structure (adaptive reuse/historic preservation)</u>	<u>0</u>
<u>Office and non-sales-tax generating commercial use</u>	<u>1 space per 500 sq. ft.</u>
<u>Light Industrial</u>	<u>1 space per 1,000 SF</u>
<u>Residential</u>	<u>Use Table 16-10</u>
<u>Lodging, hotel/motel, bed and breakfast</u>	<u>0.5 space per rentable room</u>

- (c) Conduct the following calculation:**
 - a. A (minus) B (minus) allowable on-street/off-site spaces (Sec. 16-16-60) = # of spaces required for in lieu fee. The resulting number of spaces = C .**
- (d) Developer shall pay in lieu fee to the Town of Minturn at a rate of C (times) \$10,000.**
- (e) Developer would be exempt from in lieu fee if the following is true:**
 - a. Development meets parking requirements from Tables 16-10, 16-11, and 16-12; and**
 - b. Development allows the additional parking (C) on-site to be used for public or shared parking for other uses in the 100 Block.**
- (f) Tandem parking shall not be allowed. (note: this was added by Council)**

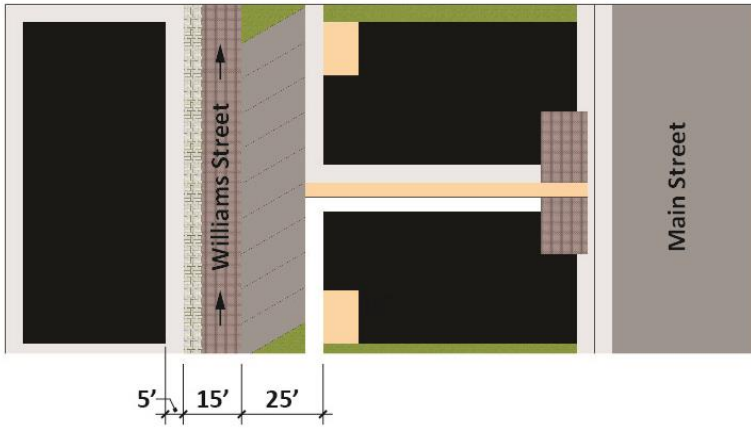
Sec. 16-16-150. – 100 Block Incentive-Based Parking Program (OPTION 3 – SHARED STREET PARKING CONCEPT)

In order to incentivize sales-tax producing uses, the reuse of existing structures, activation of ground floor spaces, and a unique urban design concept of shared streets, parking requirements for any new uses on the 100 Block shall be exempt, except for the following:

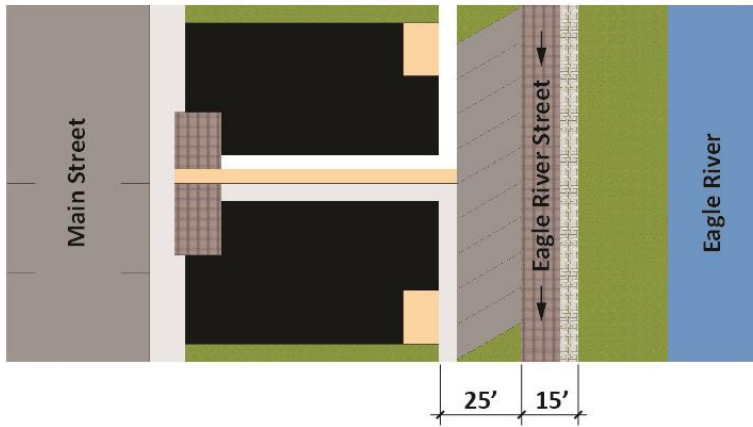
- (a) 100-Block A properties shall provide 30-degree angled parking for the width of their lot along Williams and Eagle River Streets. From the 15-foot wide public right-of-way, a setback of 25-feet shall be provided and within the 25-feet the developer shall provide a 17' deep bay of 30-degree angled parking stalls that are 8.5-feet wide minimum. Refer to Diagram on following page.

Note: Option 3 would require amending the rear setbacks of 100 Block: A from 5' to 25'.

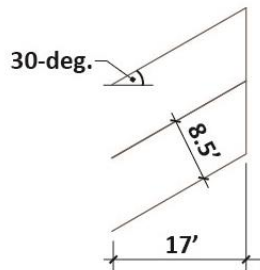
Williams Street Condition



Eagle River Street Condition



Parking Stall Dimensions



Appendix B – Minturn Design Standards and Guidelines

B. Goals, ~~and~~ Objectives, and Guiding Principles

In order to preserve and enhance the built environment, and to further the character of the community, Minturn has adopted design standards and guidelines for development. The Minturn Community Plan contains the community's vision for the future, a future that is grounded in the character of the past. This character is based on a respect for both the history and environment of the region, a respect that is evident in the existing architectural styles and layout of the Town. The preservation and enhancement of landforms, vegetation, and wildlife habitat are consistent with these objectives.

These standards and guidelines are to be used as a supplement to the Town of Minturn Zoning Code. Review of compliance with these design standards and guidelines will occur for all new development, as well as major restoration and/or renovation of existing structures or developments within the Town boundaries.

New projects should be designed with the following guiding principles in mind:

1. **Minturn is Rich with History** – all designs should respect and reflect our rich history and help keep our stories alive for future generations.
2. **Minturn is Close to Nature** – every building in Minturn is steps from nature – we respect and appreciate our environment in all aspects of design.
3. **Minturn is Colorful** – Minturn is not dull – look around and you will see colorful buildings, roofs, people, and landscapes. New designs should reflect our diversity by implementing a colorful, not dull, palette.
4. **Minturn is Authentic** – we have never tried to be like other communities – we are uniquely and proudly the one and only “Minturn.” New designs should contribute to our meaning and authenticity.

5. – 100 Block Commercial Zone
(see insert)

Memorandum

Date: August 10, 2022
To: Michelle Metteer, Town of Minturn
From: Annie Rice and Carly Sieff, Fehr & Peers
Subject: **Minturn Community Plan: Parking Study and Recommendations**

DN21-0707

Introduction and Context

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

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

Determining existing on-street parking conditions occurred in two main stages: taking inventory of the on- and off-street parking supply and then collecting parking occupancy data. Parking occupancy was observed and documented during multiple study periods in the winter of 2021/2022 and summer of 2022.



Analysis Overview

Fehr & Peers summarized the data observed from on-street parking counts conducted during the following periods:

Table 1: Time Periods of Data Collection

	Winter 2021/2022		Summer 2022	
	Dates	Times	Dates	Times
Weekday	Tuesday December 7, 2021 Thursday April 14, 2022	9:00 AM, 12:30 PM, 4:30 PM, 6:00 PM	Friday July 29, 2022	12:30 PM, 6:00 PM
Weekend	Saturday January 15, 2022 Saturday April 16, 2022	11:00 AM, 4:30 PM, 6:00 PM	Saturday July 30, 2022	11:00 AM

The days and times in **Table 1** were selected because they were identified by the project team as being the peak winter and summer periods, or the times of highest parking demand. Peak parking demand on summer weekends was determined by collecting counts during the Minturn Market on July 30th.

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



Summary of Findings

Parking Occupancy

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

The total parking supply at the time of this study is 532 parking spaces. Based on the parking counts, this analysis found that the average winter parking occupancy in the study area is 23% on weekdays and 27% on weekends, which are well below the target level of 85%. The average summer parking occupancy at the time of the study is 38% on weekdays and 41% on weekend market mornings.

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

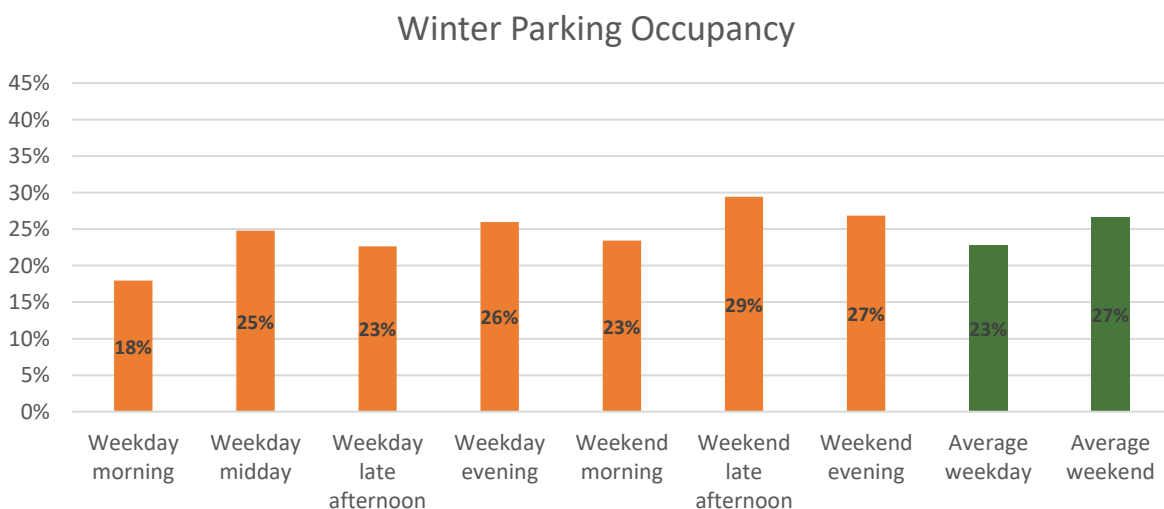


Figure 1: Winter Parking Occupancy



The summer parking occupancy yielded similar results. The highest total town occupancy was during the weekend market morning when it reached 41% occupancy. **Figure 2** compares the parking occupancy during the time periods when data was collected – weekday morning, weekday evening, and weekend market mornings.

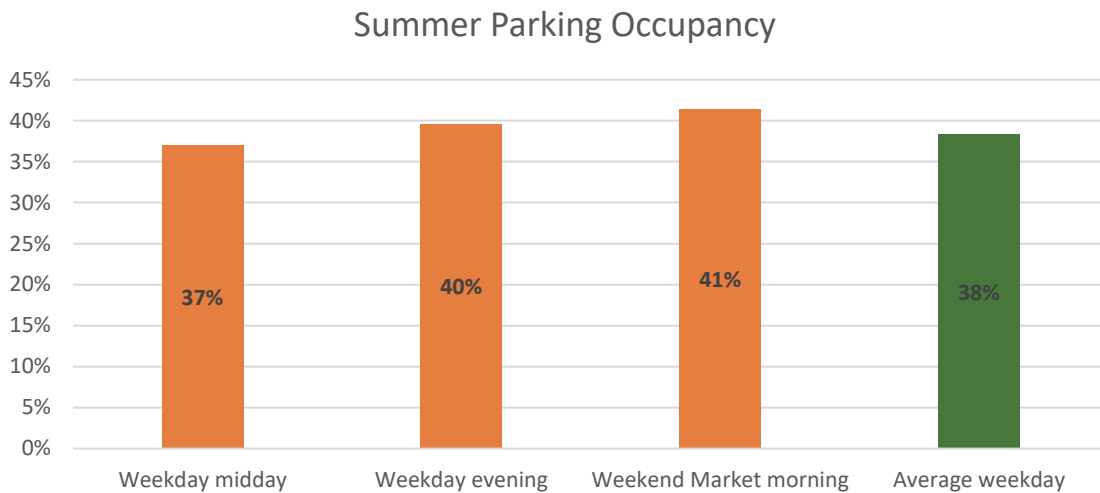


Figure 2: Summer Parking Occupancy

Distribution of Parking Occupancy

When analyzing the distribution of parked vehicles during winter on a block-by-block scale, the blocks around Main Street tended to have the highest occupancy. **Figure 3** shows the average parking occupancy from the seven data collection periods on each block during the winter season. **Table 2** shows the average occupancy rates for each block in the study area during the winter season. The only block that exceeds 85% occupancy is shown in red in the table and identified below:

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

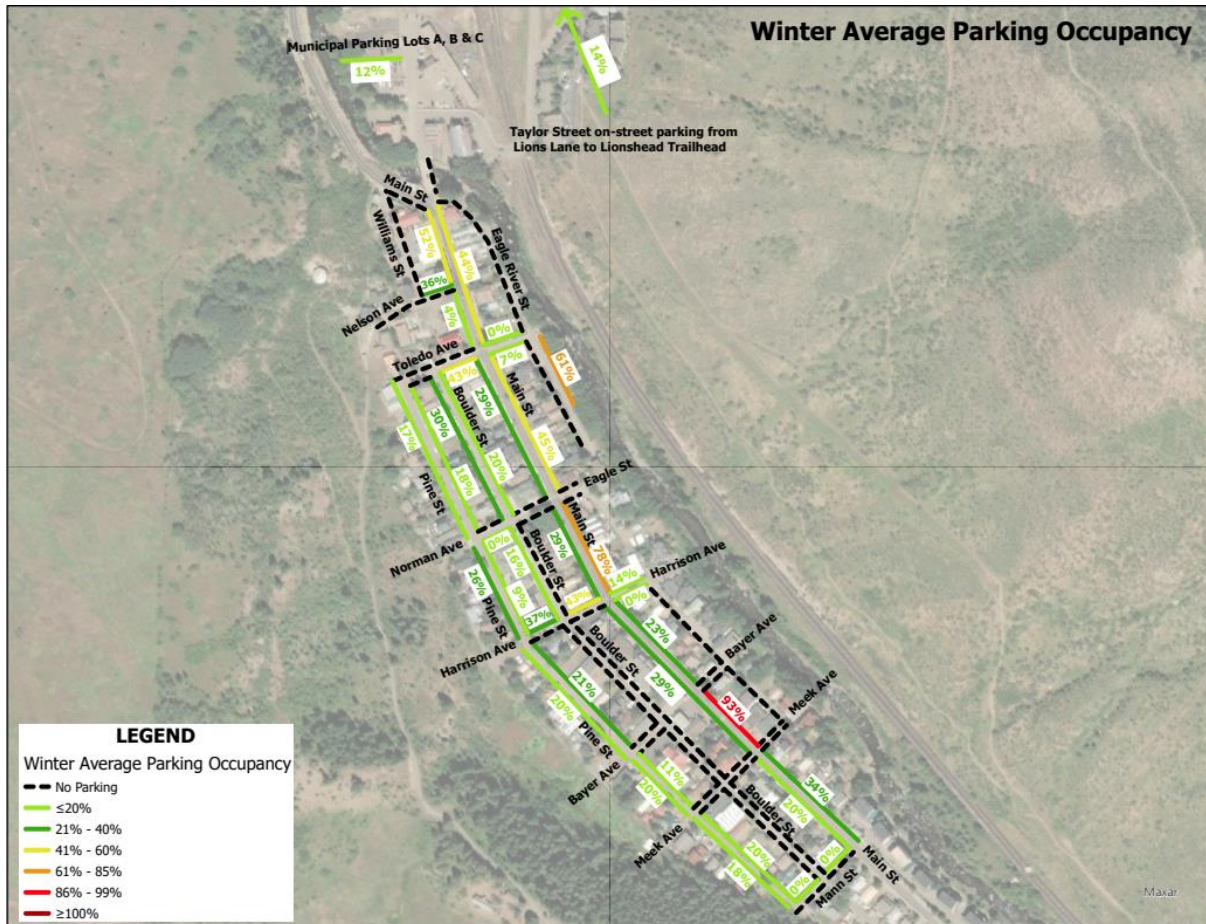


Figure 3: Average Occupancy (Winter 2021/2022)

When analyzing the distribution of parked vehicles during summer on a block-by-block scale, the occupancy numbers appeared to have increased significantly. **Figure 4** shows the average parking occupancy from the three data collection periods on each block during the summer season. **Table 3** shows the average occupancy rates for each block in the study area during the summer season. The blocks that exceed 85% occupancy are shown in red in the table and identified below:

- East side of Main Street between Eagle River Street & Toledo Avenue
- West side of Main Street between Eagle River Street & Nelson Avenue
- East side of Main Street between Norman Avenue & Harrison Avenue

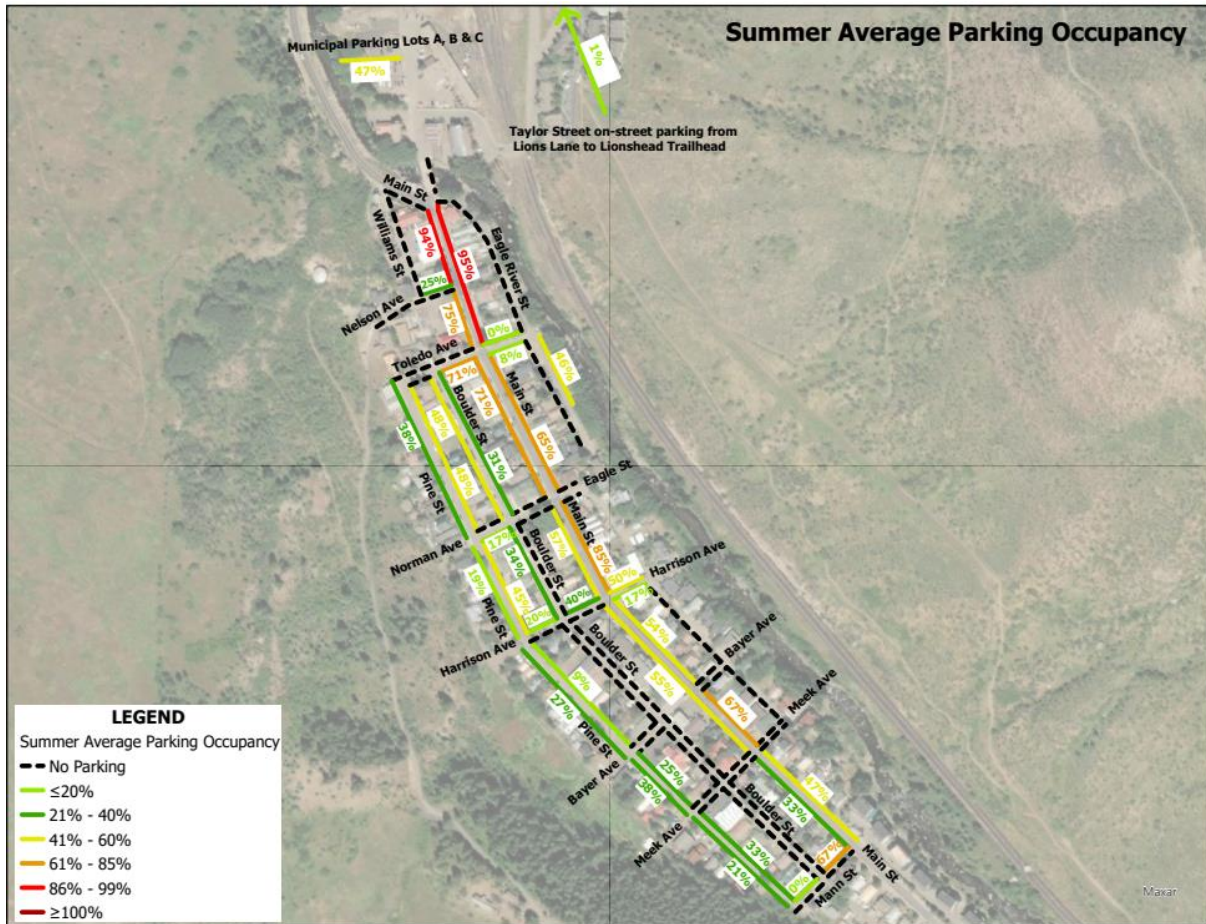


Figure 4: Average Occupancy (Summer 2022)

Most of the current summer occupancy around the 100 Block can be attributed to people attending the Minturn Market that sits at 100 Main Street on the weekend. These parking demands can be accommodated within the Municipal parking lot and Taylor Street on-street parking spaces that remain fairly unoccupied during this time.

For the current occupancy on Main Street between Norman Avenue & Meek Avenue, the high capacity does not need to be addressed. There is a high amount of available parking within one or two blocks of this area.

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

The maps for winter and summer data collection periods are included in **Appendix A** and **Appendix B** respectively.



Table 2: Block-by-Block Average Winter Parking Occupancy

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



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

Table 3: Block-by-Block Average Summer Parking Occupancy

Block	Sides	Between	Average Parking Occupancy (all data collection periods)
Municipal Parking Lots	N/A	N/A	47%
Taylor Street	Both	Minturn Rd and 4th Ave	1%
Eagle River Street	East	Toledo Ave and Eagle St	46%
Main Street	East	Eagle River St and Toledo Ave	95%
Main Street	West	Eagle River St and Nelson Ave	94%
Main Street	West	Nelson Ave and Toledo Ave	75%
Main Street	East	Toledo Ave and Norman Ave	65%
Main Street	West	Toledo Ave and Norman Ave	71%
Main Street	East	Norman Ave and Harrison Ave	85%
Main Street	West	Norman Ave and Harrison Ave	57%
Main Street	East	Harrison Ave and Bayer Ave	54%
Main Street	East	Bayer Ave and Meek Ave	67%
Main Street	West	Harrison Ave and Meek Ave	55%
Main Street	East	Meek Ave and Mann St	47%
Main Street	West	Meek Ave and Mann St	33%
Boulder Street	East	Toledo Ave and Norman Ave	31%
Boulder Street	West	Toledo Ave and Norman Ave	48%
Boulder Street	West	Norman Ave and Harrison Ave	33%
Pine Street	East	Toledo Ave and Norman Ave	48%
Pine Street	West	Toledo Ave and Norman Ave	38%
Pine Street	East	Norman Ave and Harrison Ave	44%
Pine Street	West	Norman Ave and Harrison Ave	19%
Pine Street	East	Harrison Ave and Bayer Ave	9%
Pine Street	West	Harrison Ave and Bayer Ave	27%
Pine Street	East	Bayer Ave and Meek Ave	25%
Pine Street	West	Bayer Ave and Meek Ave	38%
Pine Street	East	Meek Ave and Mann St	33%
Pine Street	West	Meek Ave and Mann St	21%
Nelson Avenue	North	Williams St and Main St	33%
Toledo Avenue	North	Eagle River St and Main St	0%



Toledo Avenue	South	Eagle River St and Main St	8%
Toledo Avenue	South	Main St and Boulder St	71%
Norman Avenue	South	Boulder St and Pine St	17%
Harrison Avenue	North	Eagle River St and Main St	50%
Harrison Avenue	South	Eagle River St and Main St	17%
Harrison Avenue	North	Main St and Boulder St	40%
Harrison Avenue	North	Boulder St and Pine St	20%
Mann Street	North	Main St and Boulder St	67%
Mann Street	North	Boulder St and Pine St	0%

Qualitative Findings

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



Recommendations

Although this analysis concluded that the Town of Minturn does not currently have a parking supply problem overall, as a part of this long-range planning effort, it is important to consider how this may change into the future. This analysis did conclude that parking and loading are not intuitive to the user, and result in unsafe and inefficient behavior at the curb. Parking is a limited resource and valuable public asset, particularly in a downtown environment. The recommendations included in this section are intended to improve management of this asset, especially around the 100 Block, to maximize the efficient use of limited curb space, better ensure convenient parking is available to serve users, increase intuitiveness of curbside regulations, and improve the efficiency and effectiveness of enforcement.

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

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

Benefits of Managed Parking

Managed parking is the approach of implementing strategies and policies to influence travel behavior more effectively through parking. There are several benefits to managing parking in Minturn. These strategies encourage alternative transportation options which improves sustainability, in line with the town's broader goals. These strategies will help ensure parking is available where demand is highest. This will reduce cruising for parking which also improves congestion, safety, and sustainability. Managed parking contributes to economic vitality by improving business activity through parking



availability and higher turnover of proximate parking space. When parking supply is reduced, it allows for higher and better use of space (such as increased density, public art, etc.) and allows for a more walkable and vibrant community. Lastly, parking pricing provides additional funds for alternative transportation.

Short-term Recommendations

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

Parking-Adjacent Policies

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

Density and Diversity of Land Uses

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

Urban Design, Wayfinding Signage and Information Sharing

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

Curbside Management

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



Snow Maintenance

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

Traffic Circulation

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

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

Shared Parking

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

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

Change in Parking Requirement

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

A policy to institute parking fee-in-lieu allows landowners and developers to pay a fee into a municipal fund in lieu of providing on-site parking spaces required per the zoning code. This policy is especially effective for small parcels where redevelopment may be less viable due parking requirements. This fee can finance public parking spaces or/and fund other transportation demand management and multimodal investments that will help to reduce single occupancy vehicle use. The parking fee-in-lieu rates for peer communities is shown in **Table 4**.



Table 4: Parking fee-in-lieu rates for peer communities

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

Time Restrictions

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

Increase Enforcement

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

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



Long-term Recommendations

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

Transit Access

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

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

Paid Parking

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

There are three primary reasons to consider implementing paid parking:

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

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

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



practice. This strategy will ensure that people who want to park close to their destination are more likely to have that option if willing to pay. This strategy will also result in better utilization of available parking where demand is lower.

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

Case Studies

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

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

Regular Data Collection

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

Evaluate Increasing Parking Capacity

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



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



Conclusion

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

There are few blocks that exceed the peak efficiency threshold of 85% in Minturn, driven by high demands during peak times. All other blocks in the study area have available parking. The findings of this study suggest that no immediate changes in parking policies or parking supply are required to address parking occupancy concerns. There is adequate parking available to meet the current parking needs in the study area. In situations where parking may not be available right outside of the desired destination, it is likely available within one to two blocks.

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

Appendix A:
Parking Occupancy Maps



Weekday Morning Parking Occupancy

Municipal Parking Lots A, B & C

4/93

Data Not Collected

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



LEGEND

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

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

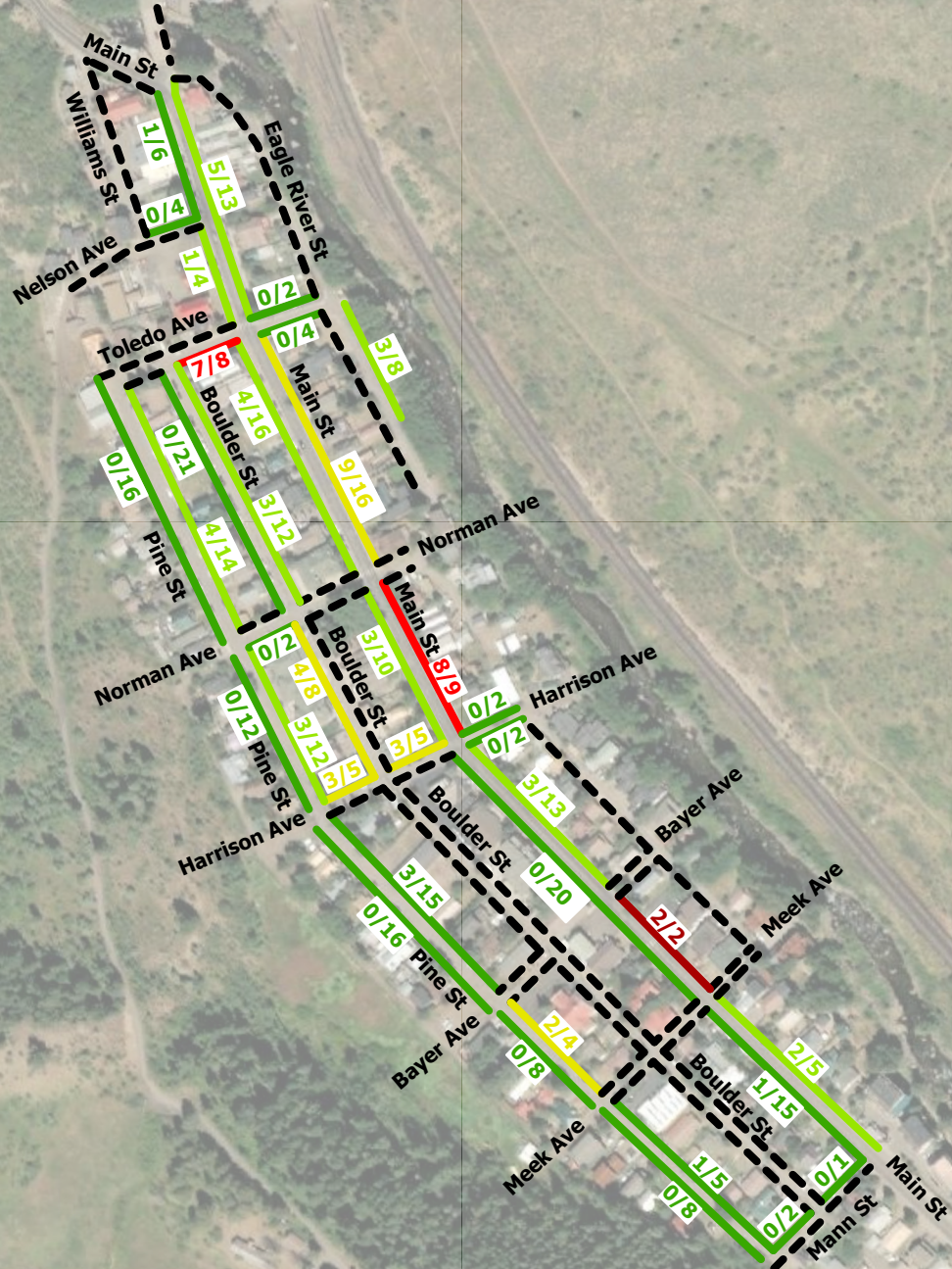
Weekday Midday Parking Occupancy

Municipal Parking Lots A, B & C

2/93

25/114

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



LEGEND

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

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

Weekday Late Afternoon Parking Occupancy

Municipal Parking Lots A, B & C

6/93

8/114

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



Weekday Evening Parking Occupancy

Municipal Parking Lots A, B & C

4/93

16/114

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



Weekend Late Afternoon Parking Occupancy

Municipal Parking Lots A, B & C

44/93

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

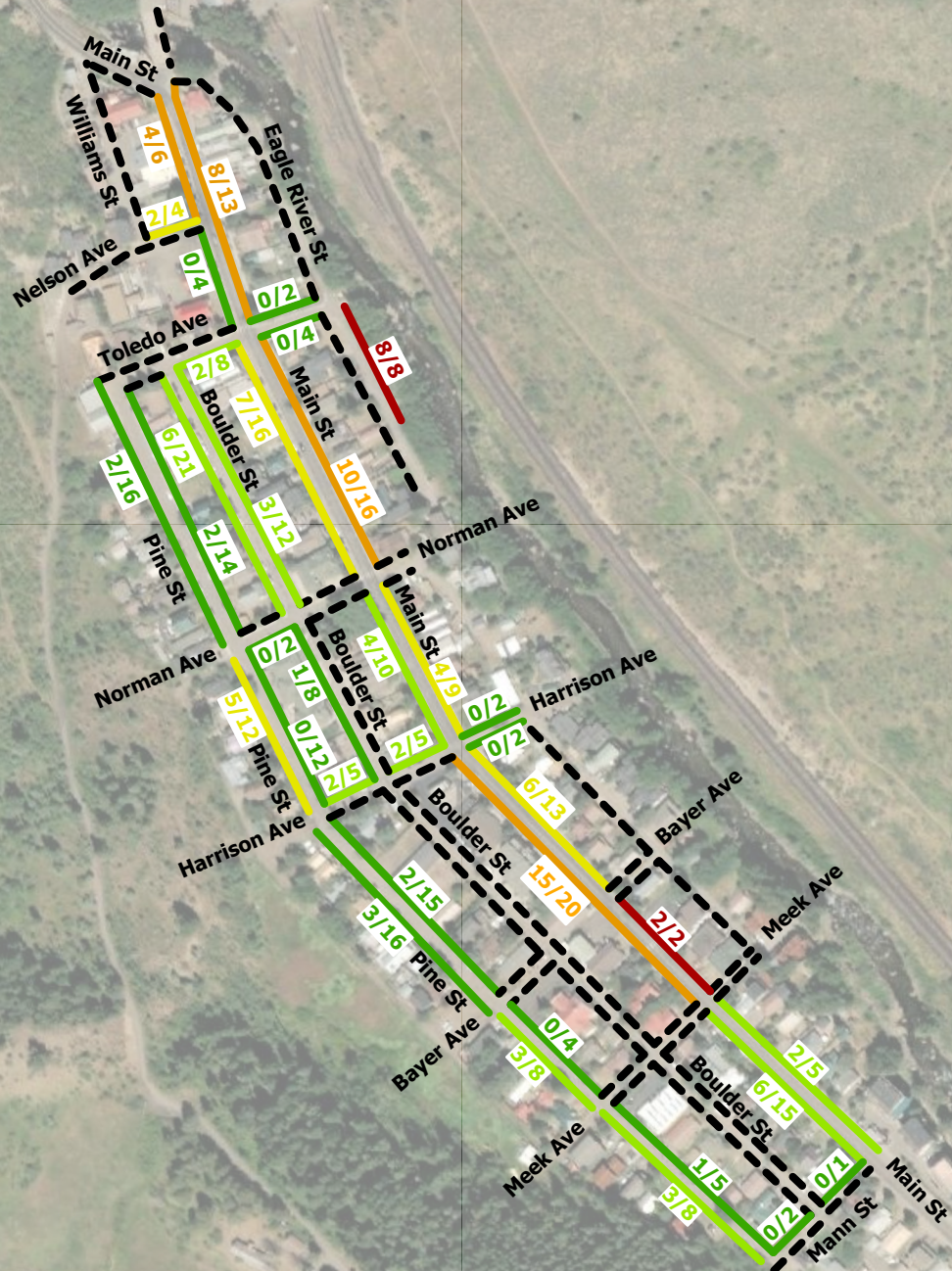
15/114

LEGEND

#/# Parking Occupancy / Parking Supply

Parking Utilization - Weekend Late Afternoon

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



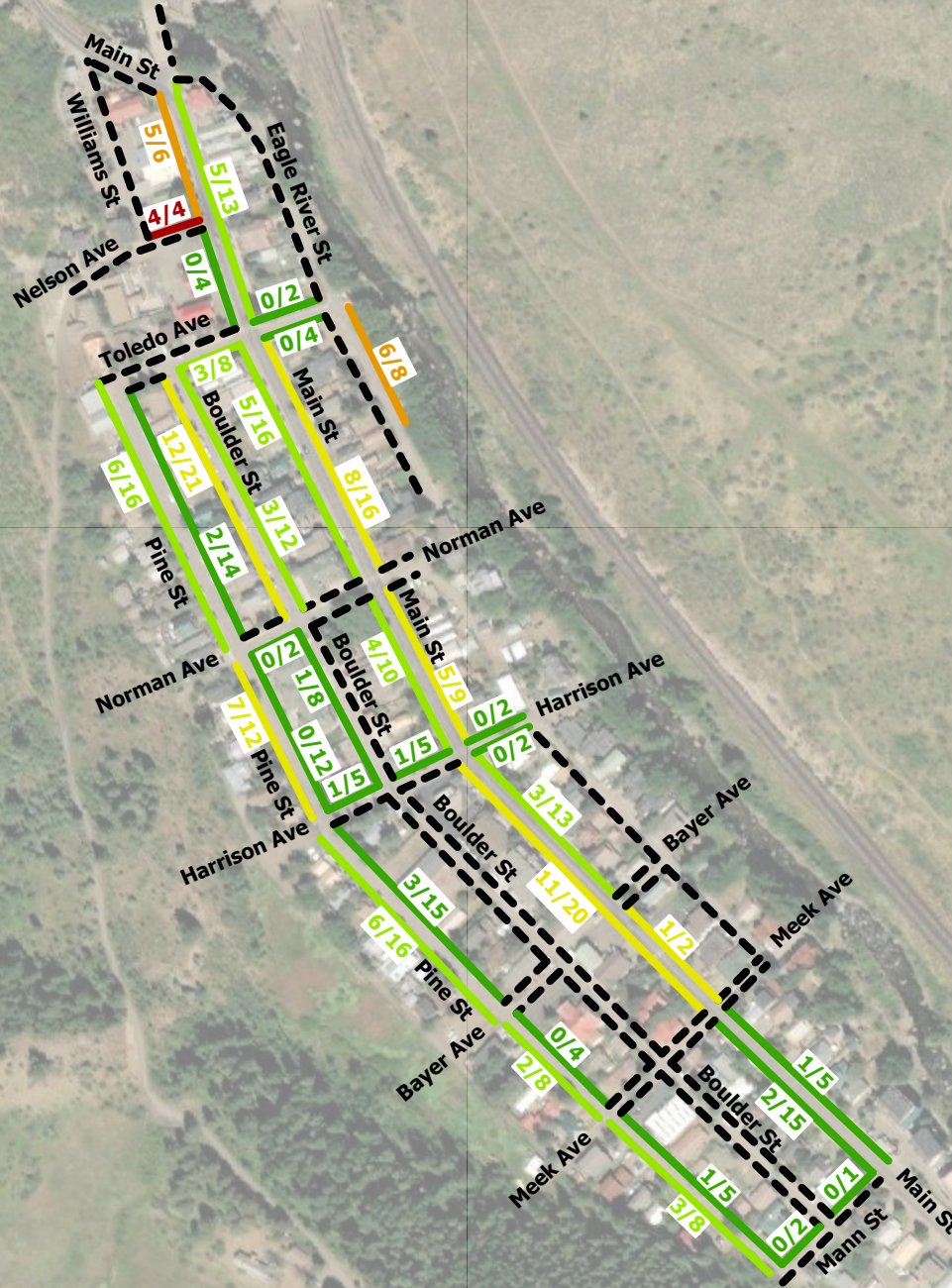
Weekend Evening Parking Occupancy

Municipal Parking Lots A, B & C

6/93

21/114

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



LEGEND

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

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

APPENDIX B - Summer Parking Occupancy Maps

Summer Average Parking Occupancy

Municipal Parking Lots A, B & C

47%

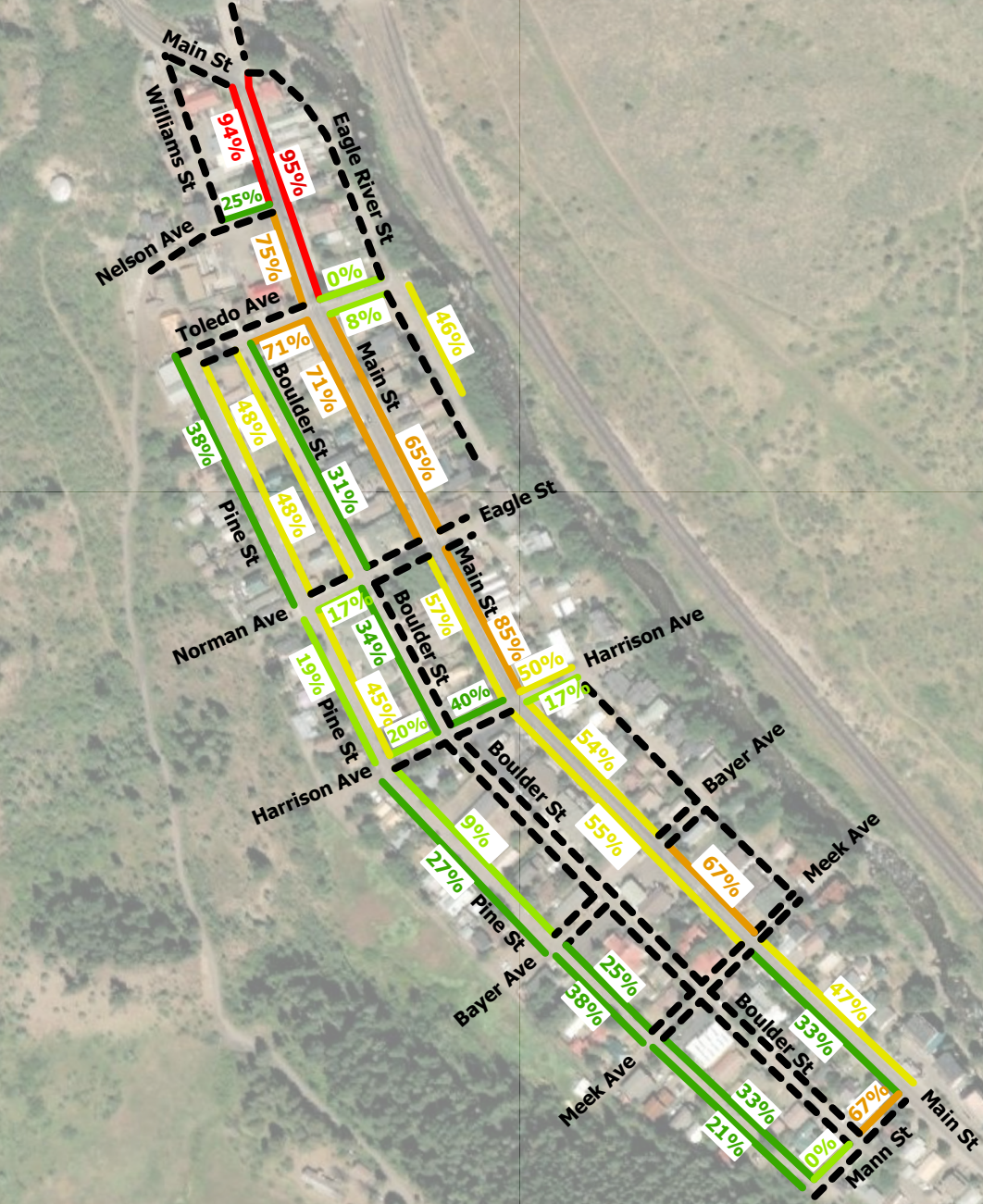
1%

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

LEGEND

Summer Average Parking Occupancy

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



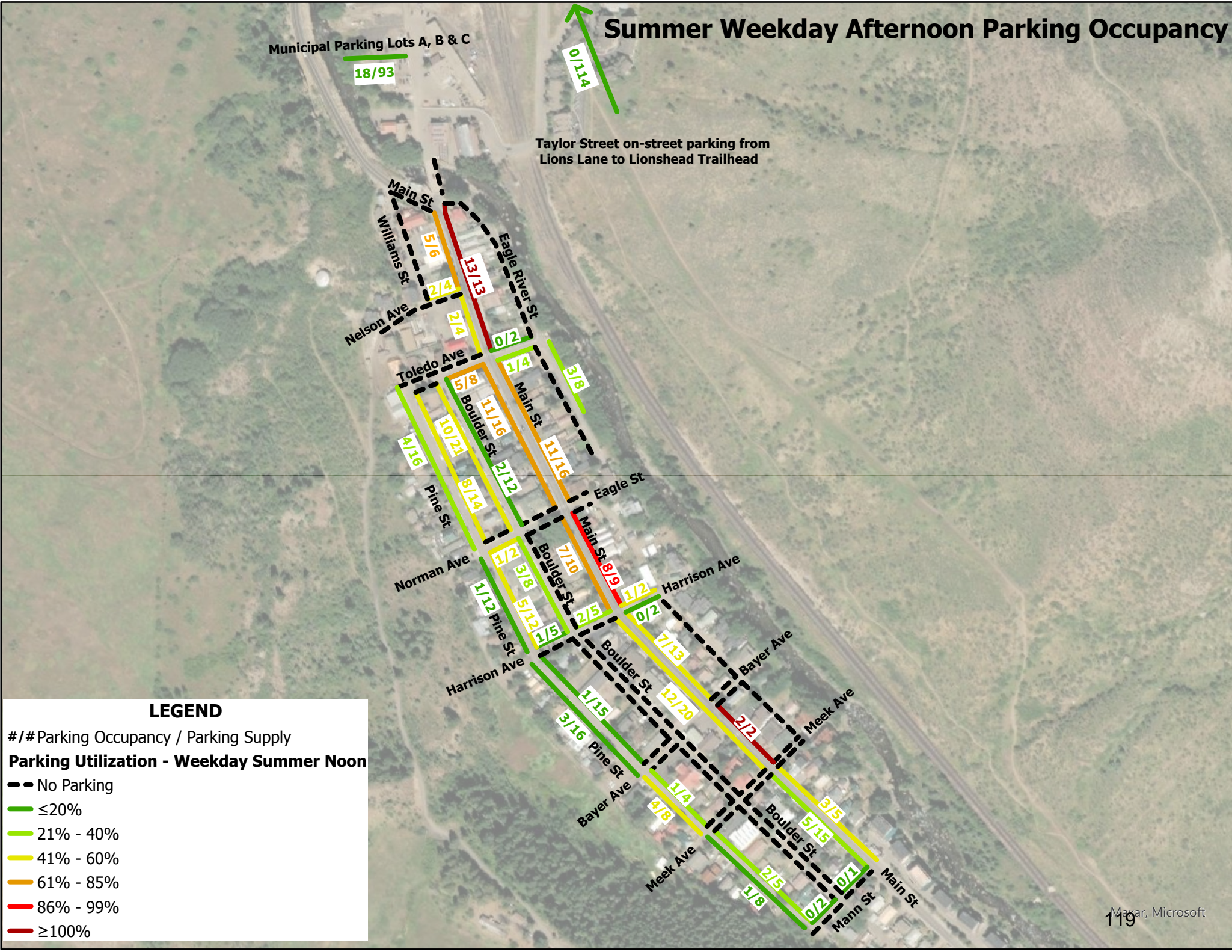
Summer Weekday Afternoon Parking Occupancy

Municipal Parking Lots A, B & C

18/93

0/14

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



LEGEND

#/# Parking Occupancy / Parking Supply

Parking Utilization - Weekday Summer Noon

--- No Parking

≤20%

21% - 40%

41% - 60%

61% - 85%

86% - 99%

≥100%

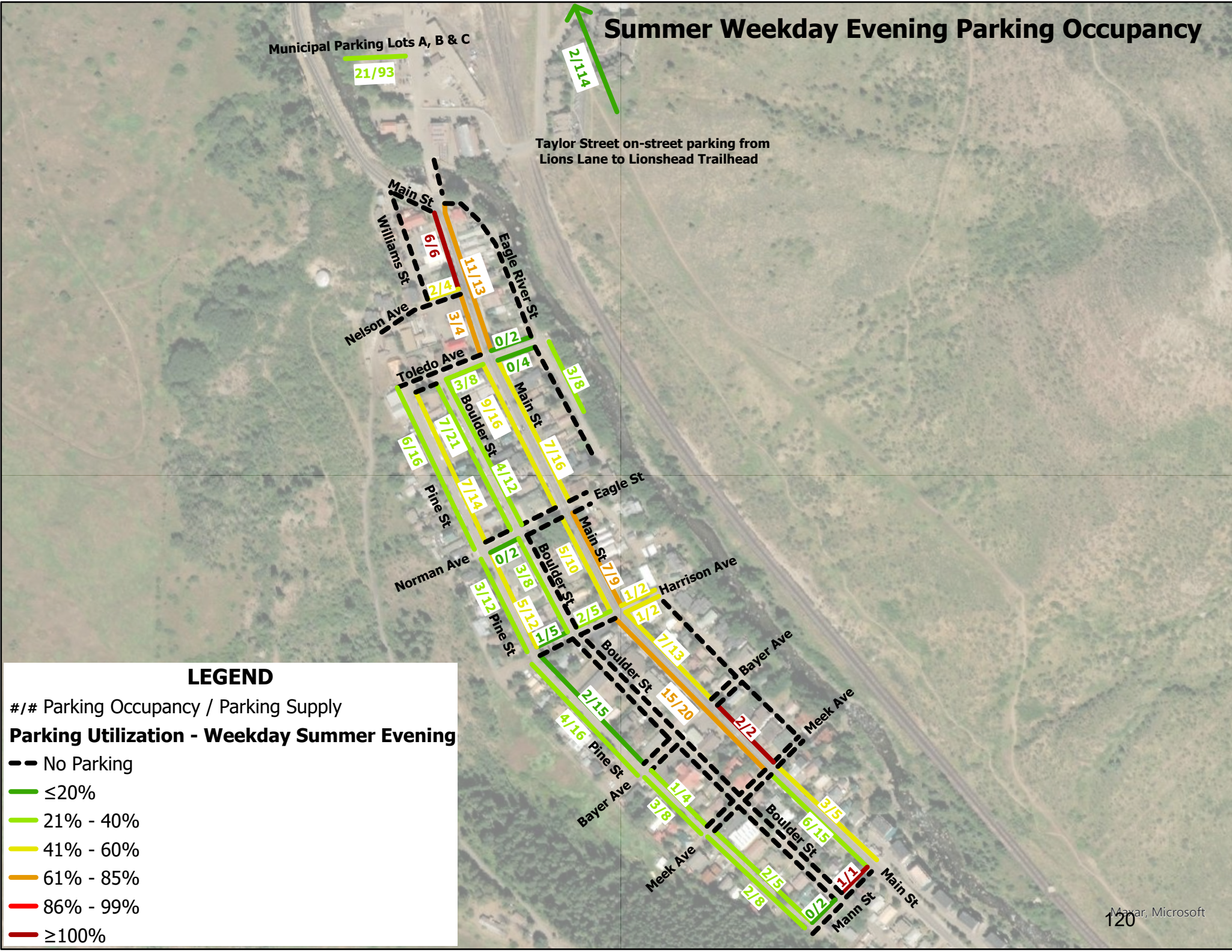
Summer Weekday Evening Parking Occupancy

Municipal Parking Lots A, B & C

21/93

2/114

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



LEGEND

#/# Parking Occupancy / Parking Supply

Parking Utilization - Weekday Summer Evening

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

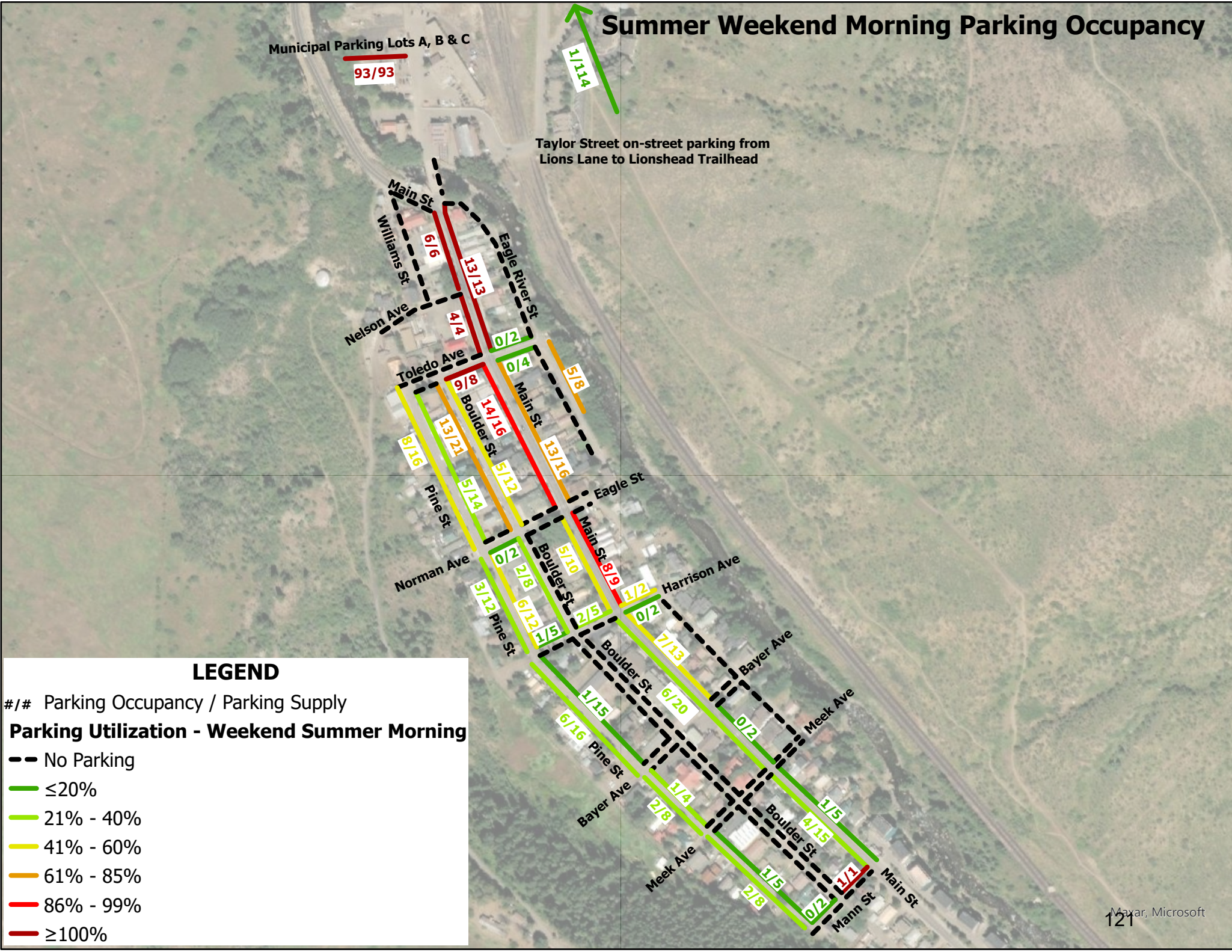
Summer Weekend Morning Parking Occupancy

Municipal Parking Lots A, B & C

93/93

1/114

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



LEGEND

#/# Parking Occupancy / Parking Supply

Parking Utilization - Weekend Summer Morning

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

HAWKEYE FLAHERTY
PO BOX 876
MINTURN CO. 81645-0876
Date 08/17/2022

MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/17/2022

Dear Council et al.

I am writing to reiterate what I presented to Council August 3, 2022.

I'm writing on behalf of Jean Flaherty, Ms. Joyce Bellm and Mr. Frank Sanders. We represent roughly 50% of the property owners in the 100 block.

We're asking you to DENY ORDINANCE #11 series 2022. It does nothing to improve the quality of life, or the health, safety, and well-being of the residential property owner and rental residents who live in the 100 Block.

We do not want to be your sacrificial goats just because you think you can increase your sales tax revenue with the design proposal you're considering. The mayor and several of the council have met individually with the commercial property owners but not once has any of you reached out to the residential property owners to ask what they would like to see done in the 100 block. This shows the complete lack of regard or respect mentioned in the previous letter we sent to council. If you really want to increase your sales tax base quit down zoning commercial properties as you've recently done with the Lucero property. Take steps to designate everything along Highway 24 as commercial zoning. Then you would create many opportunities for business to come into town. Instead of just singling out the 100 Block. Why do you think you know what's best for the property owners. They should be able to do what they want with their property not what you think they should do with it.

We want the designation of "Commercial Zone" on the 100 Block removed, and the previous designation of "Historic Downtown and Visual Gateway to Minturn" reinstated. The new design guidelines you intend to approve do nothing to protect the historic and small town character of the 100 Block, or the Old Town Character Area. They do nothing to protect the resident's quality of life. They do everything to degrade it. Ms. Bellm and I do not want to be living next to a 3 story 35 foot tall Iron Works building which these new design guidelines will allow to be built.

We would like to propose alternatives to what has been presented regarding the use, height, and setbacks of structures.

For the use of the property we propose any use on any floor. It's important the property owner not the town decides what they would like to do with *their* property. If the owner does not want to put in commercial space that should be their decision not have it forced on them by the town.

Your hired consultants "Economic and Planning Solutions provided you with information that shows commercial space in the 100 Block will not support itself. It will need subsidized by something.

**MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/17/2022**

In their analysis it was residential units that supported the commercial. Why would you require a property owner put in commercial space that's not going to succeed on its own? That's not going to pay for itself as a stand-alone business. Is the town going to bail them out if they fail since the town is dictating the owner put in commercial space to begin with? Will the town subsidize these spaces so the business can exist or will the business close up and the space just sit empty? It's already happening. We have one building that used to have a business in it that's sitting empty right in the middle of town.

So again the use should be the property owner's decision not the towns.

The height should be no higher than the tallest building on either side, or 28 feet whichever is shorter. The reason for this height is to maintain the historic small town image as you drive into the 100 Block which is the front door to Minturn.

Set the side setbacks at 5 foot for all lot sizes. 8 foot would be better for fire mitigation and again to help keep the size of the building contained so as to maintain our small town charm.

A front setback of 10 feet minimum. This allows for green space or patios or whatever. Some examples of at least a 10 foot setback are the residents from 156-192 on the east side of the 100 Block, the Holy Toledo building, Gemini Gardens, and the empty building to the north of Gemini Gardens.

A rear setback of 20 feet. This would accommodate the length of a 9 X 18 parking space.

These standards would allow for a 2100 square foot building or 4800 square feet on two floors with room for 5 parking spaces on site. A building that fits in with what's already here.

The new design guidelines and standards presented by Studio Seed are much less restrictive and turn Main Street into something akin to the big city where the front setback is 5 feet and filled with an impervious surface such as asphalt, concrete, or pavers set in grout. Then for a 20 foot length another 10 foot setback creating a 200 square foot notch in the building. I suppose this will be a wonderful place to sit and freeze your ass after the sun goes down behind the 32 foot tall monolithic wall your sitting under. Hopefully when you sit down the snow has been shoveled and the patio heater is working.

Speaking of snow where did it go. It's not piled in the corner. You'd probably notice a pile of snow 15 feet high, 10 feet wide, and a foot deep. Oh it's been pushed out into the street. Just for comparison a space 20 feet long, 15 feet wide is bigger than a parking space in your driveway. So when the snow is pushed out into the street for 20 feet and you condense it down to 3 feet wide it's only going to be 5 feet high. Or maybe 4 feet high given a little compaction from pushing it around. It's kind of hard to hide 11 cubic yards of snow. That's over half a tandem dump truck load.

MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/17/2022

Minturn does not need these huge buildings. We are a small town of eclectic buildings which gives Minturn its small town charm. On a 5000 square foot lot these new regulation would allow for a 3400 square foot building or 6800 square feet on two floors with another 1200 square feet for the incentivized third floor if you fulfill certain requirements. That's a total of 8000 square feet. That's just too big.

Then if the owner makes it all commercial space there's no parking requirement for onsite parking. They can pay off the town with the fee in lieu of for the approximately 20 spaces they need and just have them park on Main Street, Boulder Street, or Pine Street. Or if they like to walk, the Municipal lot is across the bridge. If it's still exists.

Again council needs to DENY THIS ORDINANCE #11. These half-baked and poorly thought thru regulations do nothing to enhance the quality of life for the residents or existing business. They do nothing to promote the historic small town culture of the town. They are not going to improve or enhance the 100 Block. They are not what the Town of Minturn needs in the 100 Block.

Sincerely,

Hawkeye Flaherty

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: August 11, 2022
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: 100 Block Moratorium Extension

As Council continues to discuss the 100 Block Design Guidelines Ordinance, we have brought forward an emergency ordinance to extend the existing 100 Block Moratorium for 90 days, or November 15, 2022. Under Minturn Charter Sec. 11.7, an emergency ordinance will become effective immediately, but only for 90 days. Passage must be unanimous.

Sec. 11.7 also prohibits extension of an emergency ordinance by a subsequent emergency ordinance. We have concluded that this emergency ordinance is allowed because, although the original 100 Block moratorium was enacted by emergency ordinance, the subsequent moratorium was enacted through regular order and two readings of an ordinance. As such, that moratorium can be extended by emergency ordinance.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 14 – SERIES 2022**

**AN EMERGENCY ORDINANCE OF THE TOWN OF
MINTURN, COLORADO ENACTING AND EXTENDING A
MORATORIUM ON THE ACCEPTANCE AND
PROCESSING OF APPLICATIONS FOR DESIGN REVIEW,
CONDITIONAL USE REVIEW, LIMITED USE REVIEW OR
THE PROCESSING AND ISSUANCE OF A BUSINESS
LICENSE FOR NON-RETAIL USES ON THE STREET
LEVEL WITHIN THE 100 BLOCK COMMERCIAL ZONE
OF THE OLD TOWN CHARACTER AREA.**

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 Minturn Municipal Code provides that a primary purpose of the 100 Block Commercial Zone is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district; and

WHEREAS, the Town has in recent weeks and months received applications for new structures and modifications to existing structures which would allow for non-retail uses on the street level within the 100 Block Commercial Zone; and

WHEREAS, the Town deems the establishment of non-retail uses on the street level of the 100 Block Commercial Zone to be a material threat to the Town’s ability to meet the commercial and retail needs of its citizens and to generate sales tax revenue; and

WHEREAS, all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval pursuant to Section 16-21-615 of the Minturn Municipal Code (“Code”) to ensure that the proposed structures and additions are constructed in compliance with the Code, including the Town’s Design Standards and Guidelines, and other regulations adopted by the Town; and

WHEREAS, the zoning code for the 100 Block Commercial Zone contemplates that applications for conditional use and limited use review may be filed for non-retail uses in street level locations; and

WHEREAS, the Code allows business licenses to be issued to businesses for street level spaces in the 100 Block Commercial Zone even if they are not retail businesses; and

WHEREAS, the Town Council desires to review and invite public comments on Code provisions relating to the use of street level spaces within the 100 Block Commercial Zone; and

WHEREAS, after the opportunity to review, take public comment on and facilitate meetings with the Town Planning Commission regarding the Code, the Town’s Design Standards

and Guidelines and related regulations, the Town Council may consider amendments to the Code, the Town's Design Standards and Guidelines and the related regulations; and

WHEREAS, the Town Council finds that failure to enact a moratorium could result in permanent negative changes to the Town's character, loss of retail sales tax base, and as such constitutes an emergency; and

WHEREAS, by Ordinance No. 7, Series 2021 the Town Council declared an emergency and enacted a moratorium on the acceptance and processing of land use applications and non-retail business licenses within the 100 Block; and

WHEREAS, at a joint Town Council and Planning Commission meeting held on October 28, 2021, the Council and Commission took public comment and directed staff to undertake efforts to update the Code relating to historic preservation in the 100 Block Commercial Zone and elsewhere in town; and

WHEREAS, by Ordinance No. 14, Series 2021, the Town Council extended the moratorium until August 31, 2022 to allow staff, Planning Commission, and the public time to revise applicable provisions of Code to protect the 100 Block's history and enhance its vibrancy; and

WHEREAS, on July 6, 2022 the Town Council unanimously approved on First Reading Ordinance No. 11, Series 2022 creating 100 Block Design Guidelines and gave staff direction on additional changes the Council wished to see on Second Reading; and

WHEREAS, the Town Council desires additional time to discuss the proposed Ordinance No. 11 before the existing moratorium expires and the emergency remains; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town's jurisdiction; and

WHEREAS, Section 31-15-401, C.R.S., authorizes the Town to enact regulations necessary to promote the health and well-being of its citizens; and

WHEREAS, the Town Council hereby finds and determines that enacting a moratorium to provide sufficient time in which to undertake and complete the review and amendment of the Code, the Town's Design Standards and Guidelines and related regulations is required.

WHEREAS, the Town Council finds and determines that adoption of this Ordinance is necessary for the preservation of the public peace, health, safety and property.

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. The Town Council hereby finds and declares that an emergency exists relating to the acceptance and processing of applications and issuance of business licenses for non-retail uses on the street level within the 100 Block Commercial Zone of the Told Town Character Area.

SECTION 3. A moratorium until November 15, 2022 is hereby imposed on the acceptance and processing by the Town of applications for design review, conditional use review, and limited use review and for processing and issuance of business licenses for non-retail uses on the street level within the 100 Block Commercial Zone of the Old Town Character Area. For purposes of this moratorium, retail use is defined to be a use of property on the street level within the 100 Block Commercial Zone that generates more than nominal sales or lodging tax for the Town.

SECTION 4. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE, UNANIMOUSLY APPROVED ON THIS 17TH DAY OF AUGUST, 2022, AND THE TOWN COUNCIL ORDAINS THIS ORDINANCE ENACTED AS AN EMERGENCY ORDINANCE, SHALL TAKE EFFECT UPON PASSAGE, AND ORDERS THE SAME TO BE PUBLISHED IN FULL WITHIN TEN DAYS OF PASSAGE THEREOF.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

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
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Montrose, CO 81402

Office: 970.945.2261

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

DATE: August 11, 2022
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Sign Code Text Amendment

The proposed text amendment below this memo attempts to conform the code with Supreme Court precedent regarding regulation of signs. Most relevant is the 2015 case, *Reed v. Town of Gilbert, AZ* that invalidated regulations distinguishing between signs based on their content. The rule of thumb coming out of this case is that if the code enforcement officer must read the sign to enforce the regulation, then it is probably unconstitutional. Minturn’s Code continues to contain some content-based regulations on signs, such as reference to “political signs” and “picketing” and applying different standards for size and duration based on these regulations. Even reference to real estate signs is conceivably illegal under *Reed*.

The Court recently declined to extend *Reed* to apply to commercial off-premise signs – advertising for a business not located on the property where the sign is located. However, the Code actually allows off-premise signs, which is something Council requested more information on. At the August 3 meeting, Council directed staff to revise the ordinance to allow off-premise signs to be allowed in locations on Main Street within 250 feet of the business being advertised. That amendment is contained in Sec. 16-19-110 (3)(d).

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 12 – SERIES 2022**

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

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

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

WHEREAS, on June 22, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

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

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

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

SECTION 2. Article 19, Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~striketrough language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 19 – Sign Regulations

* * *

Sec. 16-19-20. – Purpose and Intent.

(a) Purpose. This Article is intended to enhance and protect the physical appearance of commercial, industrial and residential areas through the regulation of existing and proposed signs. The purpose of this chapter is to provide a balanced and fair legal framework for the design, construction, and placement of signs that:

(1) Promote the safety of persons and property by ensuring that signs do not create a hazard by:

a. Confusing or distracting motorists; or

b. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs;

- (2) Promote the efficient communication of messages, and ensures that persons exposed to signs are not overwhelmed by the number of messages presented;
- (3) Protect the public welfare and enhances the appearance and economic value of the local real estate by reducing and preventing sign clutter;
- (4) Ensure that signs are compatible with their surroundings, and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- (5) Enhance property values and business opportunities;
- (6) Encourage common character through common elements;
- (7) Assist in wayfinding; and
- (8) Provide fair and consistent permitting and enforcement among all applicable uses and end users.

(b) Intent. It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, this chapter advances important, substantial, and compelling governmental interests.

- (1) The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this chapter.
- (2) The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;
 - c. Degrades the aesthetic and essential historic character of the Town, making the Town a less attractive place for tourism, commerce, and private investment; and
 - d. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures and competing messages.
- (3) The Town has a substantial and/or compelling interest in preventing traffic accidents.
- (4) The Town has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such

degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.

(5) Certain types of speech, including but not limited to written and graphic speech, are not constitutionally protected due to the harm that they cause to individuals or the community.

(6) Signage may have been restricted in areas of historic significance or in areas where design guidelines and ordinances have been duly adopted by the Town.

Sec. 16-19-30. - Definitions.

For the purpose of this Article the following words shall have the following meanings:

Civic sign means a sign of or relating to a municipality or public affairs (such as a welcome sign/entry into Town).

~~*Direct lighting* means a light source separated from the surface and illuminating the sign surface by spotlights or similar fixtures.~~

~~*Directional sign* means any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same. a sign used to provide assistance to parking, a civic event or any noncommercial facility.~~

~~*Reflective surface* means any material or device which has the effect of increasing the impact of a lighted sign through light, including but not limited to Scotchlite, Day Glo, glass beads and luminous paint.~~

~~*Swing sign* means a sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.~~

~~*Temporary sign* means a sign which is, based upon materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame. intended for a definite and limited period of display and which is not permanently affixed to a structure or sign structure.~~

~~*Yard sign* means a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one (1) or more existing permanent structures.~~

* * *

Sec. 16-19-70. Prohibited signs.

The following signs shall not be permitted, erected or maintained in the Town:

- (1) Dangerous signs. No sign shall:

- a. In any way obstruct the view of, be susceptible to, confused with or purport to be an official traffic sign or device or any other official sign;
 - b. Use any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, or create in any way an unsafe distraction for motor vehicle operators;
 - c. Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare;
 - d. Obstruct free ingress to or egress from required door, window, fire escape or other required exits; or
 - e. Be attached to trees or telephone poles.
- (2) No sign shall contain statements, words or pictures of an obscene, indecent or immoral character such as will offend public morals or decency in accordance with constitutional standards.
 - (3) Any sign that emits sound and that is intended to attract attention by way of bells, whistles, music and any other similar device.
 - (4) Animated signs.
 - (5) Roof signs.
 - (6) Parked vehicles, including but not limited to, automobiles, trucks, buses, semi-trucks (attached or detached), trailers, mobile homes, boats, vans and the like shall not be used as sign or sign structures. Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner of the business, which are located on delivery trucks, trailers and the like, provided that the primary use of such vehicles is not for display of signs and provided that such vehicles are parked or stored in areas appropriate to their use as a vehicle, shall not be considered signs or sign structures.
 - (7) Banners, unless specifically used as temporary signs, stated elsewhere in this Article.
 - (8) Any prohibited, illegal or nonconforming sign as defined elsewhere in this Article or which is in violation of any county, state or federal regulation.

Sec. 16-19-80. – Exempted signs.

The provisions of this Section shall not apply to the following signs, with the exception of [Section 16-19-60](#) above regarding general regulations and [Section 16-19-70](#) above regarding prohibited signs:

- (1) ~~Flags. Flags representing local, state or national governments,~~ provided that they are not greater than twenty-four (24) square feet and mounted on flagpoles not greater than thirty-five (35) feet high.
- (2) Historic plaques. Historic plaques erected by the Town or historic agencies designating an area of historical significance, recognized as such by the Town.
- (3) Information. Not to exceed two (2) square feet in area.
- (4) Legal nonconforming. Any sign located in the Town, currently maintained in satisfactory condition that was approved and erected under previous regulations and determined to be a legal nonconforming sign as defined in [Section 16-19-130](#) below.
- (5) ~~Memorial. Names of buildings, dates of erection, monumental citations and commemorative tablets which are~~ Words carved in stone, concrete or similar permanent materials, which do not exceed two (2) square feet and which are constructed as an integral part of a structure.
- (6) Menu display boxes. Display boxes of up to two (2) square feet are allowed for restaurants, bars and lounges for the purpose of displaying menus. A permit shall be obtained for menu display boxes larger than two (2) square feet and exceeding two (2) feet shall be counted against the total allowable sign area.
- (7) Official notices. Official government notices and signs for any governmental purpose posted by local, state or federal government employees in the performance of their official duties.
- (8) ~~Pickets/protests. Signs used by persons engaged in lawful picket activities. Signs being carried by a person; provided, that such signs are not set down, propped on objects, or~~ objects temporarily affixed to the ground.
- (9) Residential. Residential nameplates and numbers.
- (10) Seasonal decorations. Temporary noncommercial decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any ~~national, local, state or religious federal~~ celebration; provided that decorations or displays are maintained in an attractive condition and do not constitute a hazard.
- (11) Warning signs. Temporary or permanent signs erected by the Town, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines or similar devices. Also included are signs warning of private property use restrictions which may result in legal penalties, such as "No Parking," "Cars Will Be Towed" signs and the like. ~~Said private warning signs are subject to the review of the Chief of Police.~~
- (12) ~~For sale/for rent. "For Sale," "For Rent" or other types of real estate activity signs~~ Swing signs, provided that only one (1) ~~"For Sale" or "For Rent"~~ swing sign may be displayed on each property or each individual unit thereon, and such sign shall not be larger than four (4) square feet per side. Signs may not be placed within a public right-of-way, but may be placed within a required side yard setback.
- (13) Garage sale. Any sign advertising a garage or yard sale may be displayed three (3) days prior to the sale and must be removed within two (2) days after the sale. Signs may be placed as to give directions.

- (14) Civic signs. Welcome signs/entry monuments into the Town.
- (15) Yard Signs. Such signs shall not be displayed for a period of more than ninety (90) days per year. ~~Political. Signs and posters indicating support or opposition to a political candidate or political question. Such signs or posters shall not be placed prior to forty-five (45) days prior to an election and must be removed within two (2) days after the election.~~ No such signs or posters shall be placed upon or shall extend into a public right-of-way, but may be placed within a required yard setback. These signs shall not exceed four (4) square feet in size.
- (16) Directional. Directional signs as defined in Section 16-19-30 above are allowed and shall not exceed four (4) square feet.

* * *

Sec. 16-19-90. – Temporary signs.

- (a) The following signs are permitted in all zoning districts only after an application for a sign permit has been approved by the Planning Director. Permitted temporary signs are not charged against the maximum allowable permanent sign area. Temporary signs are not allowed within the public right-of-way unless local, state and federal approvals have been acquired and said sign promotes an event or project sanctioned by the Town. No more than three (3) applications can be made per calendar year by any one (1) business or party or property.
 - (1) Banners. A permit to erect a banner may be issued for the following:
 - a. Announce or promote a civic or commercial event. Such banners may be displayed no more than fourteen (14) days prior to the event and shall be removed within two (2) days after the event.
 - b. Welcome participants to conventions or gatherings. Such banners may be displayed no more than five (5) days prior to the event and shall be removed within two (2) days after the event.
 - c. Decorations for special holidays. Such banners may be displayed no more than thirty (30) days prior to the holiday and shall be removed no more than fourteen (14) days after the holiday.
 - d. Used for identification purposes until a permanent sign is erected. Such banners shall not be displayed for more than thirty (30) days unless an extension is granted by the Planning Director.
 - (2) Civic events posters and announcements. Posters, flyers and announcements promoting civic events may be displayed for a period of ten (10) days prior to the event and must be removed two (2) days after the event. These signs shall not exceed four (4) square feet.
 - (3) Site development signs. One (1) site development sign may be allowed for a real estate development project. A site development sign may be displayed commencing with the issuance of a building permit and shall be removed at or before the issuance of any certificate of occupancy or the abandonment of the project, whichever shall occur first.
 - (4) Walking signs, including costumed characters. Any sign or lettering on a costume, which is carried or worn by any person or animal for advertising

purposes. The Planning Director shall determine the time limit of the sign dependent upon the timing of the specific event for which the sign is requested. The size of the sign shall not exceed three (3) square feet.

- (b) An annual temporary sign permit may be granted by the Planning Director for the erection of and displaying of signs, banners or other displays on a temporary basis. The permit shall specifically state the location of each sign or display and sketch drawings of proposed signs, and specifically state the starting and expiration dates and the responsibility for removal. The signs may be displayed and removed as required by this Section, and only ten (10) events shall be allowed with the annual permit per year. In addition, the applicant may also be granted the annual permit for sidewalk sales which are conducted and adjacent to the business building from which the sale is conducted and are limited to three (3) days in duration. Sidewalk sales must be capable of being conducted without undue disruption of pedestrian or vehicular traffic.

* * *

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

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

(1) Size and height requirements:

- a. Individual business sign. For any building or structure containing only one (1) business, the following sign allowance is permitted:
 1. All signage for an individual business shall not exceed one (1) square foot of sign area per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way. If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 2. More than one (1) commercial advertising sign is permitted, provided that the total sign area of all signs does not exceed one (1) square foot per lineal foot of building frontage, and if the Combined Building Frontage exceeds forty (40) lineal feet then the total square footage of allowable sign area of all signs for any individual business shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.

3. No part of any sign shall exceed the height of any building on the same lot, or in any case be more than twenty (20) feet in height.
- b. Multiple business sign. For any building or structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:
1. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business not to exceed forty (40) square feet. If the individual business would like to exceed the forty (40) square foot maximum in a multi-tenant building not to exceed the total allowable sign area for the building, then permission from the property owner must be obtained and submitted to the Town in writing.
 2. The combined size of all signs for the structure in which the multiple businesses are located shall not exceed the total linear footage of the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 3. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign shall be one (1) square foot per lineal feet of building frontage and not to exceed twenty (20) square feet, whichever is less.
 4. No part of any sign shall exceed the height of any building on the same lot or in any case be more than twenty (20) feet in height.
 5. In a multi-tenant building, sign applicants may propose a customized Master Sign Program for the entire building in accordance with these regulations. However, sign applicants may propose variations that allow for flexibility in allowable sign area and placement. Any variations proposed as part of a Master Sign Program shall be applied for in accordance with Section 16-19-140 – Variances.

(2) Illumination:

- a. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such reflection or glare might create a traffic

hazard. Such sign illumination shall include but not be limited to internal illumination and directed lighting.

- b. Hours of illumination: Signs located adjacent to and across the street from residential areas shall remain lighted until no later than 11:00 p.m. or until the close of business, whichever is later.
- (3) Permitted signs: The following commercial advertising signs shall require a sign permit. Unless stated otherwise, these signs will be calculated into the total sign allowance as described herein.
- a. Canopy, awning and flag as signs. No such sign shall project above the top of the building or structure upon which it is mounted. Under-canopy or awning signs perpendicular to the face of the building shall be considered projecting wall signs. Canopies, awnings and flags may extend over a public right-of-way from the face of the supporting building and must be a minimum of eight (8) feet above any public right-of-way. Canopies, awnings and flags shall not extend within two (2) feet of the curb line of a public street. The signage on an awning or canopy shall be counted toward the total allowable sign area. Flags used as signs shall be counted in total size toward the total allowable sign area. Governmental flags are exempted as per [Section 16-19-80](#) above
 - b. ~~Directional. Directional signs as defined in [Section 16-19-30](#) above are allowed and shall not exceed four (4) square feet.~~
 - c. b. Freestanding. Freestanding signs are allowed within required setbacks but shall not overhang into the public right-of-way or pose any visual or obstructional hazard.
 - d. c. Gas-filled tube lighting. Gas-filled tube lighting shall be considered signage and may be used for text, logos, symbols and in linear applications such as outlining or highlighting rooflines, buildings, perimeters, windows and doorways. In the case of measuring linear applications of gas-filled tube lighting, the tube shall be considered as being three (3) inches wide and shall be multiplied by the length of the tube to determine square footage, which will then be applied to the total allowable signage. Otherwise, signage shall be measured by the outside dimensions of the sign.
 - e. d. Off-premises signs. Off-premises advertising signs are permitted along Main Street-Highway 24 for businesses located on a property within 250 feet of the proposed sign location, provided that:
 - 1. Written permission is granted by the Colorado Department of Transportation if the sign is to be located adjacent to Highway 24.
 - 2. Written permission is granted by the property owner where the sign is to be located.
 - 3. The total sign allowance on the property where the off-premises advertising sign shall be located does not exceed the total allowed sign

area for the lot or building on which the off-premises sign is to be placed. In no case shall the total area of an off-premises sign exceed forty (40) square feet. The off-premises advertising sign shall be calculated into the total sign allowance on the property where the sign is located.

4. No off-premises advertising signs shall be permitted in the public right-of-way.
5. Off-premises signs shall not be permitted on properties where the primary use is residential even when the property is located in a commercial or industrial zone.
- f. Projecting signs. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. Signs shall not project within two (2) feet of the curb line of a public street and must be placed a minimum of fourteen (14) feet above a driveway or alley.
- g. Sandwich board. Sandwich board signs are not allowed on the public right-of-way but may be permitted on private property subject to the review of the Commission and shall be counted towards the total sign allowance for the property, except when applied for as a temporary use.
- h. Symbolic signs. Signs such as barber poles, mortar and pestle, etc., which are traditional in nature and size, shall be permitted and will not be included in the total allowable sign area, provided that the symbolic sign is not out of proportion with the structure and overall signs on the building.
- i. Wall signs. Wall signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.
- j. Window signs. Window signs are permitted, provided that no more than twenty-five percent (25%) of the exterior window area is obscured by commercial advertising signs and shall be included in the total maximum sign allowance. This does not apply to temporary window signs.

* * *

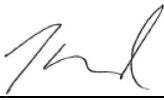
INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20th DAY OF JULY 2022. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 3rd DAY OF AUGUST 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mayor

ATTEST:

By: 

Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 17th DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Council
From: Jay Brunvand
Date: August 17, 2022
Agenda Item: Resolution 33 – Series 2022

REQUEST:

Council is asked to approve Resolution 33 – Series 2022 calling for adoption of an Eagle Valley Regional Transit Authority Intergovernmental Agreement.

INTRODUCTION:

The Council has held two public hearings, has spoken in several public meetings in support of this effort, and approved Resolution 19 – 2022 a Resolution in support of and approving an Intergovernmental Agreement for the Regional Transit Authority Formation Committee. This Resolution modifies the original IGA to incorporate critical input received at public hearings and through additional stakeholder engagements. This Resolution includes

ANALYSIS:

The proposed modified IGA to be considered via Resolution 33 – Series 2022 continues to support County wide needs for transit services, increase ridership and efficiency across the valley's existing transit agencies, provide affordable or free transit to the valley's visitors and employee base, strengthen the connection between the valley's different communities, and advance local climate action goals by reducing car trips and increasing the use of low or zero emission public transportation.

In the November 2022 County Election, the town will be asking the Minturn voters to support this RTA and to adopt a county wide sales tax of .005, no other funding source is being proposed.

COMMUNITY INPUT:

The community has commented in two separate public hearings to date.

BUDGET / STAFF IMPACT:

N/A

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 33 – Series 2022 as presented.

ATTACHMENTS:

- Ordinance 21 – Series 2021 and supporting documentation.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 33 - SERIES 2022**

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

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

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

WHEREAS, enhancing regional transportation services for [the entity/municipality] residents, businesses and visitors is a crucial step in meeting our community’s workforce, economic and climate goals; and

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

WHEREAS, the Council has completed at least two public hearings pursuant to section 603(3) of the Act, and, by resolution dated May 18, 2022 approved Minturn’s entry into an Intergovernmental Agreement by and among Beaver Creek Metropolitan District, the Town of Avon, Eagle County, the Town of Eagle, the Town of Gypsum, the Town of Minturn, the Town of Red Cliff, and the Town of Vail, establishing the Eagle Valley Transportation Authority (“EVTA”) as a Colorado RTA (the “Intergovernmental Agreement”) in substantially the form presented to the Council; and

WHEREAS, the RTA Formation Committee, of which Minturn is a member, provided copies of the Intergovernmental Agreement to neighboring jurisdictions for review and comment pursuant to section 603(1) of the Act, and received responses indicating no further action was required pursuant to section 603(1.5) of the Act; and

WHEREAS, the RTA Formation Committee, provided a copy of the Intergovernmental Agreement to the Colorado Department of Transportation for review and comment pursuant to section 603(1) of the Act, and received a response from the Colorado Department requiring no further action pursuant to section 603(1.5) of the Act; and

WHEREAS, the RTA Formation Committee subsequently made certain revisions to the Intergovernmental Agreement to reflect critical input received at public hearings and through

additional stakeholder engagements; and

WHEREAS, the Council has reviewed such revisions to the proposed Intergovernmental Agreement; and

WHEREAS, the Council supports such revisions and the collaborative approach memorialized in the Intergovernmental Agreement and concurs that the proposed EVTA is poised to improve transit service, increase ridership and efficiency across the valley’s existing transit agencies, provide affordable or free transit to Minturn’s visitors and employee base, strengthen the connection between the valley’s different communities and advance Minturn’s 2021 Strategic Plan goal of long-term stewardship of the natural beauty and health of Minturn’s environment by reducing car trips and increasing the use of electric public transportation; and

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

WHEREAS, the Council has agreed to seek voter approval of the establishment of the EVTA; the baseline funding of the EVTA in accordance with Article 7 and the exemption of certain Authority revenues from the revenue limitations of Article X, Section 20 of the Colorado Constitution (“TABOR”) at an election to be held on November 8, 2022, that is conducted in accordance with the Act and other applicable law; and

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

THAT, the Council hereby approves the Intergovernmental Agreement for signature in the form attached as Exhibit B to this resolution.

THAT, the Council intends to put forth a ballot measure at the election to be held on November 8, 2022, through the Clerk of Eagle County to the appropriate registered electors residing within the boundaries of the proposed authority.

THAT, the Council has concluded its separate review and consideration of ballot language and hereby approves the ballot language in the form presented as Exhibit A to this resolution, in its entity:

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 17th day of August 2022.

TOWN OF MINTURN

By: _____
Mayor, Earle Bidez

Attest:

Town Clerk, Jay Brunvand

**EAGLE VALLEY TRANSPORTATION AUTHORITY
INTERGOVERNMENTAL AGREEMENT**

by and among

BEAVER CREEK METROPOLITAN DISTRICT

TOWN OF AVON, COLORADO

EAGLE COUNTY, COLORADO

TOWN OF EAGLE, COLORADO

TOWN OF GYPSUM, COLORADO

TOWN OF MINTURN, COLORADO

TOWN OF RED CLIFF, COLORADO

and

TOWN OF VAIL, COLORADO

Dated as of [, 2022]

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

TABLE OF CONTENTS

	Page
ARTICLE 1 DEFINITIONS.....	2
ARTICLE 2 ESTABLISHMENT OF THE AUTHORITY AND INITIAL MEMBERS.....	4
ARTICLE 3 BOARD OF DIRECTORS	7
ARTICLE 4 ADVISORY COMMITTEES	10
ARTICLE 5 OFFICERS	10
ARTICLE 6 POWERS OF THE AUTHORITY	12
ARTICLE 7 FUNDING THE AUTHORITY.....	15
ARTICLE 8 REORGANIZATION	16
ARTICLE 9 MEMBERS	18
ARTICLE 10 TERM AND DISTRIBUTION OF ASSETS UPON TERMINATION.....	19
ARTICLE 11 DEFENSE OF DIRECTORS, OFFICERS, MEMBERS OF ADVISORY COMMITTEES AND EMPLOYEES	20
ARTICLE 12 AMENDMENTS	20
ARTICLE 13 MISCELLANEOUS	21

**EAGLE VALLEY TRANSPORTATION AUTHORITY
INTERGOVERNMENTAL AGREEMENT**

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

RECITALS

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

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

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

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

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

WHEREAS, extensive input from local businesses, employees, nonprofits and community members have made clear that the creation of a Regional Transportation Authority (“RTA”) is a desirable way to plan, finance, implement and operate a more comprehensive regional transportation system that better meets the needs of communities;

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

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

AGREEMENT

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

ARTICLE 1 DEFINITIONS

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

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

“*Act*” is defined in the Recitals.

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

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

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

“*Authority*” means the Eagle Valley Transportation Authority, a separate political subdivision of and body corporate of the State established pursuant to this Agreement as a regional

transportation authority under the Act and as a separate legal entity under the Intergovernmental Relations Statute.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2 ESTABLISHMENT OF THE AUTHORITY AND INITIAL MEMBERS

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

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

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

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

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

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

Section 2.04 Voter Approval.

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

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

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

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

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

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

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

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

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

(b) With the intent to put forth these measures as a coordinated election under the Clerk of Eagle County, the Governing Body of the Initial Signatory named in the title of each Ballot Question shall take all actions necessary to submit such Ballot Question to the appropriate registered electors at the Election. Each Ballot Question submitted to the registered election shall be consistent with the terms of this Agreement and the corresponding draft Ballot Question attached in Appendices B-1 through B-8. The designated election official for a coordinated election shall be the Eagle County Clerk and Recorder.

(c) The costs of conducting the November 8, 2022, election shall be as payable by each Initial Signatory in the following proportions:

- (i) 10.76% by the Town of Avon;
- (ii) 0.87% by the Beaver Creek Metropolitan District;
- (iii) 16.12% by the Town of Eagle;
- (iv) 15.56% by the Town of Gypsum;
- (v) 2.66% by the Town of Minturn;
- (vi) 0.84% by the Town of Red Cliff;
- (vii) 13.66% by the Town of Vail; and
- (viii) and 39.53% by Eagle County.

Section 2.05 Initial Members.

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

- (i) the Town of Avon will be an Initial Member if the Town of Avon electors approve the Avon Question;
- (ii) the Beaver Creek Metropolitan District will be an Initial Member if the Beaver Creek Metropolitan District electors approve the Beaver Creek Question;

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

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

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

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

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

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

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

ARTICLE 3 BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

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

Section 3.11 Voting Requirements.

(a) Except as otherwise provided in subsection (b) of this Section and Article 12 of this Agreement, resolutions of the Board shall be adopted upon the affirmative vote of at least two-thirds of the Directors then in office who are eligible to vote thereon (which, if all Initial Signatories become Initial Members and no Director is ineligible to vote, will be six of the eight initial Directors).

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

(i) administrative approvals such as setting meeting locations and times and ministerial actions required for the Authority's compliance with applicable law;

(ii) approvals authorized by bylaws or rules previously approved by the Board;

(iii) approval of contracts for expenditures included in an annual budget previously approved by the Board;

(iv) approval of contracts for transportation services included in an annual budget previously approved by the Board;

(v) approval of contracts for the assumptions of existing facilities and transportation infrastructure, or the development of new facilities and transportation infrastructure, included in an annual budget previously approved by the Board; and

(vi) other actions that are reasonably incidental to prior Board approvals made under subsection (a) of this Section.

Section 3.12 Special Rules Regarding Adoption of the Authority's Annual Budget.

Notwithstanding Section 3.10 of this Agreement, if the Board fails to approve the Authority's annual budget by resolution adopted in accordance with Section 3.10 of this Agreement by the end of the immediately preceding fiscal year of the Authority or any earlier date required by State law, until an annual budget is so adopted, the Authority's budget for such year shall be the prior year's budget, with no new capital expenditures or adjustments to services to be provided until such time that a new annual budget is approved by the Board. The procedures set forth in this Section may be modified by bylaws or rules adopted in accordance with Section 3.15 of this Agreement.

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

Section 3.14 Powers of the Board. The Board shall, subject to the limitations set forth of this Agreement, have (a) all powers that may be exercised by the board of directors of a regional

transportation authority pursuant to the Act, including, but not limited to, the powers conferred by Sections 604(1) and (3) of the Act, and (b) all powers that may be exercised by the governing board of a separate legal entity that has been lawfully created by a contract among the Members pursuant to the Intergovernmental Relations Statute.

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

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

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

ARTICLE 4 ADVISORY COMMITTEES

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

ARTICLE 5 OFFICERS

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

and shall meet the other qualifications, if any, stated for his or her office elsewhere in this Article 5.

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

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

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

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

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

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

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

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

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

ARTICLE 6 POWERS OF THE AUTHORITY

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

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

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

(b) Regional Transportation Planning. The Authority shall engage in annual regional transportation planning to direct the implementation of Regional Transportation Systems, pursue local, state, or federal funding, and coordinate overall transportation policy within the area in which it provides transit services. Regional transportation planning shall, as determined by the

Board, include short range service and infrastructure planning as well as long range planning, corridor investment studies and related impact analyses.

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

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

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

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

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

(f) Contract Transit Services.

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

(ii) The Authority will initially enter into contracts with Eagle County for the continuation of ECO Transit service during the ECRTA Transition Period (as set out more specifically in Article 8 below) and shall reasonably cooperate with Eagle County to provide for the continuation of employment for personnel currently employed by Eagle County in the provision of transit services within the Boundaries of the Authority during the ECRTA Transition Period, and on eventual transition to employment by the Authority, as further described in the Transition Plan (defined in Section 8.03).

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

(h) Transportation Related Infrastructure. The Authority may assume the maintenance of existing facilities and may develop new facilities, including but not limited to park-and-rides, transit stops, vehicle maintenance garages, other transit and rail infrastructure, trails, or other necessary infrastructure related to operations under the purview of the Authority.

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

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

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

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

(k) Roadway Improvements. In recognition of the proposed EGE Airport Interchange's benefit to countywide transportation and its location as a potential future statewide multimodal transportation hub, the Authority shall provide financial support for the construction of an EGE Airport interchange, including the commitment of at least \$12 million in funds, subject to appropriation and/or voter approval of other funding mechanisms therefor in the discretion of the Board of the Authority. Such funds are to be combined with local matching funds in support of the pursuit of state and federal grant funds. The Authority's contribution of such funds shall be conditioned upon the interchange sponsors first securing all other required funds for construction of the EGE Airport Interchange from available federal, state, and local funding sources, and the Gypsum Question first being approved by the electors of the Town of Gypsum. The Authority's role with regard to the EGE Airport Interchange would be limited to providing funds for construction as described in this Section.

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

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

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

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

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

ARTICLE 7 FUNDING THE AUTHORITY

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

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

(b) Existing Eagle County 0.5% Transportation Sales Tax. Section 611(b) of the Act authorizes any county, municipality, or special district that is a Member to pledge any legally available funds to the Authority to assist in the financing, construction, operation, or maintenance of a regional transportation system by the Authority. Pursuant to this authorization, Eagle County shall pay to the Authority a proportion of the proceeds of the existing Eagle County 0.5% Transportation Sales Tax (the “Existing ECO Transit Tax”), previously authorized by the voters to finance, construct, operate or maintain a mass transportation system within Eagle County and currently allocated to ECRTA operations, that is accrued on and after January 1 of the year following the Effective Date of this Agreement, exclusive of all amounts collected in the areas of Eagle County that are within the boundaries of the Roaring Fork Transportation Authority,. The proportion of the Existing ECO Transit Tax that is to be paid to the Authority shall be no less than 85% and no more than 90% of the total sum collected in Eagle County, in order to allow Eagle County to continue to meet its obligations to the ECO Trails program. To the extent required by law, the obligation of Eagle County to make such payments may be subject to annual appropriation by the Board of County Commissioners of Eagle County. The Authority shall apply revenues that it receives pursuant to this pledge solely for the financing, construction, operation, or maintenance of mass transportation systems within Eagle County, and shall not be used for air-service related

purposes. The pledge of such revenues by Eagle County shall be a contribution of funds in support of services provided by the Authority and shall not be deemed to be a contract for the provision of mass transportation services.

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

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

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

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

ARTICLE 8 REORGANIZATION

Section 8.01 Reorganization Plan. All assets and liabilities of ECRTA that are to be transferred to the Authority in accordance with this Article 8 and the Transition Plan shall be transferred within a 24-month period of time from the Effective Date of this Agreement and establishment of the Authority (the “ECRTA Transition Period.”).

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

(a) The Authority will assume responsibility for the services provided by ECRTA and will begin receipt transfers of the operating revenues of ECRTA (as distinguished from the contributions to the Roaring Fork Transportation Authority by its members) from Eagle County no later than January 1 of the year following formation of the Authority in accordance with Section 7.01(b) of this Agreement and the Transition Plan; provided, however, that the Authority may not

allocate such revenues to any purpose other than funding of services provided by ECRTA, including payments under any contract with Eagle County referred to herein for services of employees or other assets of ECTRA, in order to ensure continuity of ECO Transit services during the ECRTA Transition Period as the provision of such services, and the transfer of assets and liabilities, transition from Eagle County to the Authority over such period.

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

(c) Either directly or by contract with Eagle County or others, the Authority shall use best efforts to:

(i) maintain continuity of the existing ECO Transit regional transit services provided by ECRTA within the Authority Boundaries and to neighboring jurisdictions, without any significant changes in routes, schedules, or equipment, during the ECRTA Transition Period, except as provided for in the Transition Plan;

(ii) continue ongoing transportation planning efforts;

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

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

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

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

Section 8.03 Transition Plan.

(a) The Authority and Eagle County shall use their best efforts to implement a "Transition Plan," substantially consistent with the framework set forth in the Transition Plan Framework attached hereto and incorporated herein as Appendix D, in order to implement the provisions of this Article 8. The Transition Plan will specify how merger issues, including those

related to human resources, employee benefits, insurance, transfer of ECRTA assets, contractual relationships (e.g. with the Town of Vail and the Town of Avon), and matters concerning the allocation of operating and capital costs and resources will be resolved. The Transition Plan will be approved, and may be subsequently amended, by mutual agreement of Eagle County and the Authority Board, which approval and modifications shall not constitute an amendment to this Agreement and may be approved by the Authority Board as provided for under Section 3.11(a).

Section 8.04 Maintenance of Effort. It is the intent of Eagle County that the Authority continue to maintain countywide transit services following the completion of the Transition Period using the revenues generated by the Existing ECO Transit Tax. Any significant reduction to the geographic coverage of service or service standards, as compared to the services provided by ECO Transit during the Transition Period, shall require the prior consent of Eagle County.

ARTICLE 9 MEMBERS

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

Section 9.02 Withdrawal of Initial Members.

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

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

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

(ii) subject to Section 9.02(c), the taxes relevant to that Member shall not be levied after the effective date of such withdrawal; and

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

(c) If a Member withdraws from the Authority while the Authority has any Bonds outstanding, it shall continue to levy taxes within its boundaries after the effective date of such withdrawal for the period such Bond obligations remain outstanding, or as provided for in the applicable financing documents.

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

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

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

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

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

ARTICLE 10 TERM AND DISTRIBUTION OF ASSETS UPON TERMINATION

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

Section 10.02 Termination.

(a) The term of this Agreement shall end when all the then-current Members agree in writing to terminate this Agreement.

(b) This Agreement may not be terminated so long as the Authority has any Bonds outstanding.

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

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

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

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

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

**ARTICLE 12
AMENDMENTS**

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

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

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

**ARTICLE 13
MISCELLANEOUS**

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

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

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

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

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

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

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

- (a) the Authority and the Members to exercise all powers that may be exercised by a regional transportation authority pursuant to the Act and by a separate legal entity created by a contract among the Members pursuant to the Intergovernmental Relations Statute;
- (b) the Members to exercise all powers that may be exercised by them with respect to the subject matter of this Agreement pursuant to the Act, the Intergovernmental Relations Statute and other applicable law; and

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

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

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

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

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

:

[INSERT], COLORADO

By _____

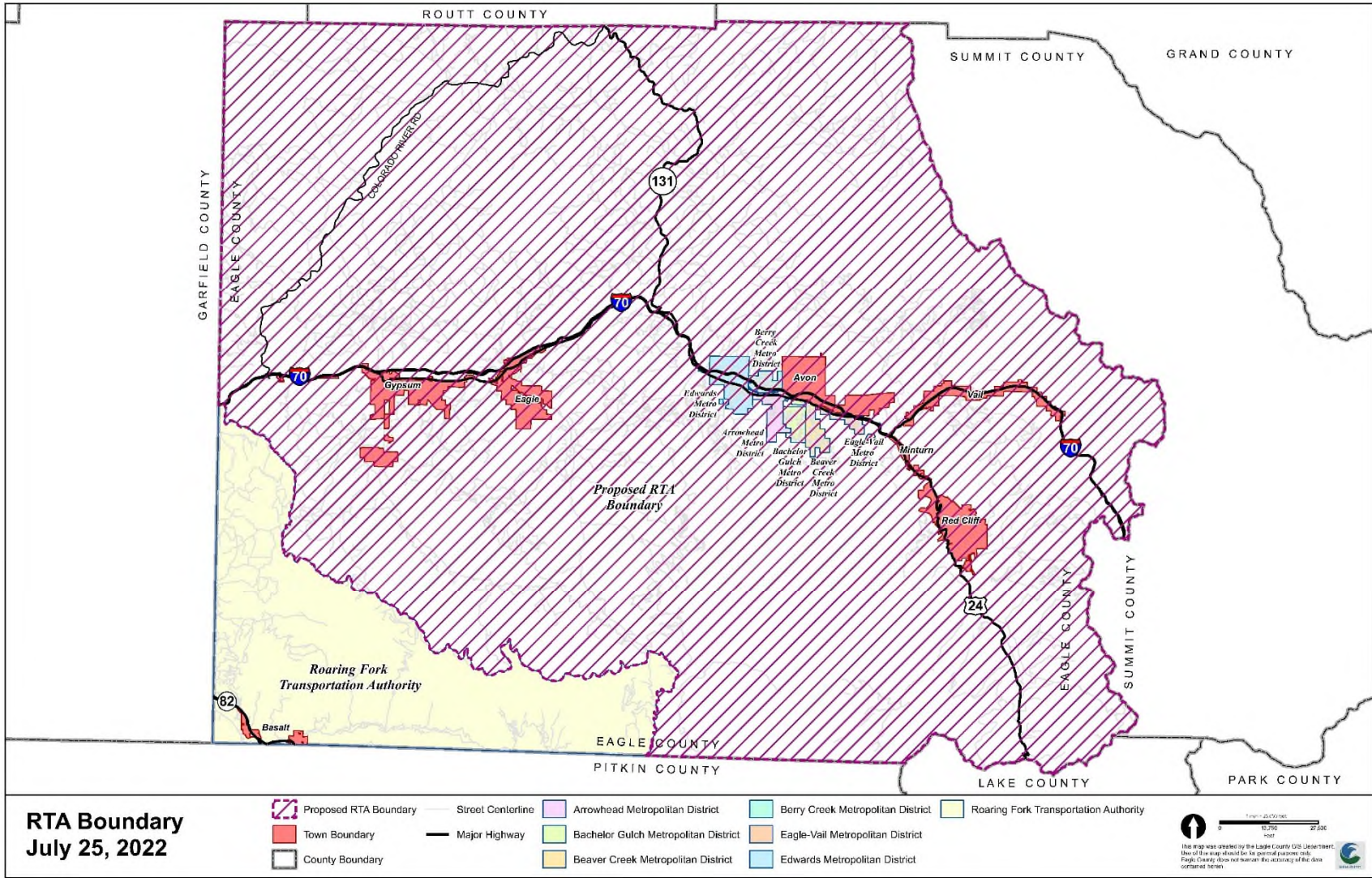
Name _____

Title _____

ATTEST

APPENDIX A-1

Authority Boundary Map



APPENDIX A-2

Authority Boundary Description

The Initial Boundaries of the Authority shall consist of:

1. In accordance with Section 2.05(b) of the Agreement, if the registered electors voting on each of the Avon Question, the Beaver Creek Question, the Vail Question, and the Unincorporated Eagle County Question each approve their respective ballot questions:
 - a. all territory within the Town of Avon and all territory subsequently annexed to the Town of Avon;
 - b. all territory within the Beaver Creek Metropolitan District and all territory subsequently included into the boundaries of the Beaver Creek Metropolitan District;
 - c. all territory within the Town of Vail and all territory subsequently annexed to the Town of Vail; and
 - d. all territory within Eagle County, excluding:
 - i. territory within the Town of Avon, the Beaver Creek Metropolitan District, the Town of Eagle, the Town of Gypsum, the Town of Minturn, the Town of Red Cliff, the Town of Vail; and
 - ii. territory within the boundaries of the Roaring Fork Transportation Authority; and
2. Additionally, subject to Section 2.05(b) of the Agreement:
 - a. if the Town of Eagle electors approve the Eagle Question, all territory within the Town of Eagle and all territory subsequently annexed to the Town of Eagle;
 - b. if the Town of Gypsum electors approve the Gypsum Question, all territory within the Town of Gypsum and all territory subsequently annexed to the Town of Gypsum;
 - c. if the Town of Minturn electors approve the Minturn Question, all territory within the Town of Minturn and all territory subsequently annexed to the Town of Minturn; and
 - d. if the Town of Red Cliff electors approve the Red Cliff Question, all territory within the Town of Red Cliff and all territory subsequently annexed to the Town of Red Cliff.

APPENDIX B-1

BALLOT ISSUE [2A] – TOWN OF AVON

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-2

BALLOT ISSUE [6A] – BEAVER CREEK METROPOLITAN DISTRICT

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-3

BALLOT ISSUE [2B] – TOWN OF EAGLE

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-4

BALLOT ISSUE [2C] – TOWN OF GYPSUM

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-5

BALLOT ISSUE [2D] – TOWN OF MINTURN

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-6

BALLOT ISSUE [2E] – TOWN OF RED CLIFF

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-7

BALLOT ISSUE [2F] – TOWN OF VAIL

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX B-8

BALLOT ISSUE [1A] – EAGLE COUNTY

FORMATION OF EAGLE VALLEY TRANSPORTATION AUTHORITY

SHALL EAGLE VALLEY TRANSPORTATION AUTHORITY (“EVTA”) TAXES BE INCREASED \$15,563,303 IN 2023 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE LEVY OF AN ADDITIONAL 0.50% SALES TAX (ONE CENT ON EACH TWO DOLLARS OF TAXABLE SALES) ON EVERY TRANSACTION OR INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE OF COLORADO; PROVIDED THAT SUCH TAX INCREASE SHALL COMMENCE ON JANUARY 1, 2023;

AND SHALL THE EVTA BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE EAGLE VALLEY TRANSPORTATION AUTHORITY INTERGOVERNMENTAL AGREEMENT (THE “EVTA IGA”) AS MAY BE AMENDED FROM TIME TO TIME BETWEEN EAGLE COUNTY, THE TOWNS OF AVON, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL, AND BEAVER CREEK METROPOLITAN DISTRICT, FOR THE PURPOSES OF PROVIDING ENHANCED REGIONAL TRANSPORTATION SERVICES IN ACCORDANCE WITH THE EVTA IGA, INCLUDING, BUT NOT LIMITED TO:

- EXPANDING TRANSIT SERVICE, EXPRESS ROUTES, AND TRANSPORTATION OPTIONS ACROSS THE EAGLE VALLEY;
- ENHANCING CONNECTIONS BETWEEN GYPSUM AND EAGLE AND OTHER COMMUNITIES;
- ENHANCING AIR SERVICE AND IMPROVING ACCESS AT EAGLE COUNTY AIRPORT;
- PROVIDING A FARE-FREE TRANSIT ZONE FROM EDWARDS TO VAIL, INCLUDING AVON, BEAVER CREEK, MINTURN, AND EAGLE-VAIL;
- REDUCING ENVIRONMENTAL IMPACTS FROM TRANSPORTATION; AND

SHALL ALL AMOUNTS RECEIVED BY EVTA FROM SUCH TAX INCREASES, CONTRIBUTIONS, AND OTHERWISE PURSUANT TO THE EVTA IGA AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

APPENDIX C

Initial Service Goals

Eagle Valley Transportation Authority Regional Transportation Service Goals

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

1. Assume Responsibility for Existing ECO Transit Service

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

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

2. Increase Service on Current ECO Routes

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

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

3. Develop and Implement New Transit Routes

Develop and implement new transit service no later than December 31, 2024, to meet needs identified during the RTA formation process, including but not limited to:

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

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

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

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

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

5. Invest in Transit-Related Facilities and Infrastructure

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

- 1) Expansion of the existing Swift Gulch or MSC facilities to support additional operations and/or dedicated staff housing.
- 2) Construction and/or expansion of additional facilities as identified in the initial Transit Development Plan (TDP).

6. Support Local Air Service

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

7. Regional Transportation System Planning

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

APPENDIX D

Transition Plan Framework

Eagle Valley Transportation Authority Transition Plan Framework

Eagle County’s pledge of a portion of the Countywide .5% Mass Transportation sales tax and transfer of associated assets is contingent upon the interim RTA Board and Eagle County mutually agreeing to a Transition Plan following voter approval of the RTA. Transfer of funding will require completion of specific required elements as outlined in that Transition Plan. This document outlines Eagle County’s expectations regarding the minimum administrative, legal, accounting, and financial procedures that must be established by the RTA in order to transfer responsibility for the operation of current ECO Transit services.

Continuity of Service:

The RTA is expected to take on the responsibility for providing current ECO Transit service while simultaneously pursuing additional improvements and economies of scale with new funding generated by the RTA sales tax. A portion of Eagle County’s existing 0.5% sales tax is expected to fund current ECO Transit service or its functional equivalent in terms of hours, frequency, and geographic coverage. This equates to target ECO Transit seasonal service levels during the Transition Period and beyond equivalent to at least 85% of the Winter 2021/2022 and Summer 2022 scheduled service hours below:

Route	Daily Service Hours - Winter Season	Daily Service Hours - Summer Season
Valley	75.4	69.79
Highway 6	132.12	107.33
Leadville	11.15	9.38
Minturn	13.5	10.5
Vail-BC Express	13.33	0
Total	245.5	197

Any significant reduction to the geographic coverage of service or service standards must be recommended by the RTA Board and approved by the Board of County Commissioners, unless a different arrangement is agreed to by both parties. This requirement applies to service that has traditionally been provided by ECO Transit only. Expansion, enhancement, or reduction of services initiated by the RTA remain the sole responsibility of the RTA Board. This service equivalency requirement does not preclude

the reasonable restructuring or realignment of these routes in the future by the RTA, provided geographic coverage equivalent to the above routes is maintained and the impetus for specific route changes is to create operational efficiencies and leverage new economies of scale.

Phased Transition of Current Operations:

The RTA will assume responsibility for ECO Transit operations in several phases as the relevant administrative and management capacity can be developed. Transition of various aspects of ECO Transit operations to the RTA will not occur until specific administrative, financial and legal requirements have been met. Full transition will require the transfer of revenue, assets, personnel, and existing contractual agreements, as well as the creation of new agreements and/or other mechanisms for providing legal, administrative, IT, financial, and other services that are currently provided by other County Departments. The cost of these services is partially reflected by the \$600k/year administrative fee included in ECO Transit's annual budget, but actual costs for these services may differ depending on how the RTA chooses to staff or contract for these elements. A minimum of \$750,000/year should be included in the initial RTA budget to compensate the County for administrative services that may continue to be performed on behalf of the RTA during the transition period.

Management of the transition process and ongoing RTA liaison activities will require one Eagle County FTE. This position will be expected to manage the revenue transfer process, any future contracts between the County and RTA, and coordinate ECG's ongoing County-specific involvement in transit/transportation issues County-wide.

Proposed transition phases include:

Phase 1: Administrative Establishment

As a new legal entity, the RTA will need to establish a minimum administrative structure before hiring permanent staff and assuming responsibility for current or future operations. Administrative establishment procedures will begin as soon as reasonably possible upon approval of the ballot measures.

Administrative establishment procedures will include:

- Establishing the RTA Board;
- Establishing a regular RTA Board meeting schedule and Board procedures;

- Identifying and contracting an Interim Executive Director (ED) to facilitate the administrative start-up process;
- Contracting for Interim Legal Services;
- Identifying and staffing subcommittees, if desired, to assist with administrative tasks;
- Developing a proposed RTA start up budget; and
- Developing and issuing consultant/vendor RFPs to support the RTA during the Transition Period.

Phase 1 elements are expected to take up to 12 months.

Phase 2a: Further Development of Administrative Policies and Procedures

Once Board processes have been established and legal counsel is on board the interim ED will work with the board to establish additional administrative policies and procedures to allow for the hiring of permanent personnel, including a permanent Executive Director, and executing appropriate additional contracts and agreements for service.

Phase 2b: Transition of Revenues and Financial Operations

Transition of revenues and financial operations may begin once Phase 1 Administrative establishment procedures have been completed, but are expected to begin by January 1, 2024. Specific activities in this area should include:

- Establishment of an administrative mechanism for recurring transfers of the relevant portion of the County's existing 0.5% mass transportation sales tax to the RTA;
- Full transfer of all responsibilities related to on-board and advanced pass sale revenue collection, including accounting and auditing procedures;
- Full transfer of Accounts Payable and Accounts Receivable functions to RTA staff or contractors; and
- Establishment of appropriate permanent financial accounting and audit procedures.

Revenue Transfer:

Current ECO Transit operations are funded by a Countywide sales tax for mass transportation of 0.5%, along with fare sales and advertising revenues. A minimum of

10% of this mass transportation tax is used to fund ECO Trails. Portions of this tax collected in the Roaring Fork Valley are used to pay Eagle County's RFTA transit/trails contributions.

Recurring Sales Tax Collections

Eagle County will retain a minimum of 10% to a maximum of 15% of the county mass transit tax annually to cover salaries, construction, maintenance and debt service payments related to the Eagle Valley Trail.

The current expectation is for Eagle County to operate and maintain the Eagle Valley Trail through completion of all remaining trail segments as identified in the Eagle Valley Trails Plan. Eagle County may transfer trail ownership and maintenance to the RTA, along with revenues that exceed the debt service payment obligations of Eagle County, after December 31, 2024, subject to with BoCC and RTA Board approval. Planning activities for this transition, if agreed, may occur during the Transition Period.

Eagle County will also continue to retain the portions of this tax currently allocated to RFTA for transit and trail activities in the Roaring Fork Valley portion of Eagle County. These funds will continue to be transferred to RFTA as has been done in the past. During the transition period, funds transferred will be net of all transit-related costs including any costs related to administrative, maintenance, or operations activities the County continues to perform on behalf of the RTA, including salaries and benefits of ECO Transit personnel who are providing RTA services. At the conclusion of the transition period, funds transferred will continue to be net of any payments for leases or services Eagle County provides to the RTA under IGAs, leases, or other relevant agreements between the two entities.

Farebox and Pass Sales

The RTA will establish a separate contract for Financial and Accounting services as soon as possible, with the expectation this contract will be in place by December 31, 2023. Eagle County will continue to collect and process farebox revenues according to established procedures pending the completion of the Phase 1 Administrative Establishment procedures. The RTA will assume responsibilities as soon as possible but no later than December 31, 2024.

Advertising Revenue

Any outstanding contracts for advertising that generate revenue will be terminated by Eagle County in accordance with the prevailing contract terms and renegotiated and reprocured by the RTA unless otherwise agreed between Eagle County and the RTA.

Current Account Balances and Other Accruals

ECO Transit Fund Balance

ECO Transit's existing fund balance will remain with Eagle County to be used for transportation purposes consistent with the provisions of the existing sales tax. Portions of this fund balance may be transferred to the RTA on a case-by-case basis to support capital investments by request of the RTA Board and with the approval of the Board of County Commissioners.

Accrued Interest

Any interest accrued on the ECO Transit Fund Balance will remain with the County and not be included in regular revenue transfers.

Interdepartmental Transfer Revenue

ECO Transit operates service on behalf of other County Departments (Healthy Aging, MIRA). These contracts and operations will be transferred to the RTA no later than December 31, 2024. All other annual service contracts will be renegotiated by the RTA at its discretion, with the expectation that the RTA will be fully responsible for all of these services by December 31, 2024.

Phase 3: Transfer of Rolling Stock and Facilities

Rolling Stock:

All vehicles titled to ECG will be transferred to the new entity and titled/insured by December 31, 2024. A list of current ECO Transit vehicles is included as Attachment A. This includes transfer of any grant liabilities or CDOT liens, which are also identified in Attachment A.

Vehicle ownership will be transferred on a rolling basis to allow for continuity of operations while required administrative processing takes place, beginning in April 2024, following the conclusion of the Winter season. A maximum of 10 vehicles will be pulled out of service at any given time to undergo administrative processing. As a vehicle is registered and returned to service, another vehicle will enter the transfer process. Vehicles will be

transferred to the RTA as expeditiously as possible, with the expectation that all vehicles will be registered to the RTA and enter RTA service by the start of the Winter 2024 season in late November. The RTA and Eagle County will enter into appropriate agreements to allow for continued operations by the other party, as applicable, following the transfer of ownership, until the full transition of operations to the RTA is complete. It is expected that the operating party will be responsible for all legal liabilities, provision of insurance, and similar requirements associated with vehicle operations.

Three Avon Transit vehicles will be transferred to the RTA on a no-cost basis, to serve routes previously operated by Avon Transit that are being incorporated into the RTA. If necessary, this transfer will include the transfer of all grant liabilities or CDOT liens. These vehicles will be transferred together at the conclusion of Avon's Winter 2023-2024 season.

No vehicles owned by Vail Transit or Beaver Creek Transit are currently expected to transfer to the RTA.

Any future vehicle transfers will be governed by terms set by the RTA and the relevant jurisdiction.

Transit Facilities:

ECO Transit currently operates out of multiple facilities. These include County-owned facilities such as the Maintenance Service Center (MSC) in Gypsum, the Leadville Bus Barn, bus shelters, and park and rides; Avon's Swift Gulch facility; and the Vail Transportation Center (VTC). Some of these facilities will be transferred to the RTA while others will continue to host operations and/or maintenance under new IGAs with mutually negotiated provisions.

County-owned Facilities

Gypsum MSC

ECO Transit occupies a portion of this County owned facility. Accommodations will be made over the short term for the RTA to continue operating out of this facility via an IGA or other appropriate lease/agreement. It is Eagle County's expectation that the terms of this facility use agreement will be equivalent to terms offered by Avon, Vail, or any other member jurisdiction that may house RTA facilities in the future.

At the outset, the IGA will include all areas currently included in ECO Transit's existing space allocation, i.e. the bus barn/storage area, and ECO Transit staff offices in buildings A and B.

Note that this facility is on Airport owned land and is subject to FAA lease/operating terms. Lease rates will be calculated based on fair market value rates in the area. Lease terms will not exceed the maximum years allowed by FAA regulations.

Leadville Bus Barn

The County owns a bus barn in Leadville. ECO Transit currently bases two vehicles at this facility and rents remaining space to Summit Stage. The County will continue to own and maintain this facility, renting the currently occupied space to the RTA at cost. The County will continue to rent space to Summit Stage at its discretion.

Bus Shelters and Park and Rides

The RTA will assume responsibility for planning, construction, and maintenance of shelters and Park and Rides by December 31, 2024. Eagle County will retain ownership of all land and right of way, unless and until transferred to the RTA. All necessary easements shall be in place by December 31, 2024, and include appropriate liability insurance policies. A list of these assets is included in Attachment A.

Avon-owned Facilities

Avon Regional Transit Facility (Swift Gulch)

The Avon Regional Transit Facility was built just over 10 years ago with assistance of Federal TIGER grant funding. The facility was always envisioned to serve as the up-valley hub to support regional transit in addition to serving Avon's transit. Swift Gulch serves as a secondary base for vehicles storage and maintenance. It is anticipated that this facility will increase in importance as a mid-Valley operating base for the RTA.

Operations out of this facility are currently governed by an IGA. Under current terms, ECO Transit pays a per-bay fee plus a proportional share of Capital, Operations and Maintenance ("O&M"), and Asset Management costs. Capital and Asset Management charges are fixed for the term of the Agreement. O&M Costs are audited each year and subject to change upon written notice by the Town of Avon no later than June 1 of any given year, with any changes effective by January 1 of the succeeding year. Maintenance and fueling activities performed by Avon/Swift Gulch staff are charged an hourly rate plus materials at a 15% markup. ECO Transit currently rents 9 spaces under this agreement.

Avon and the RTA will conclude a new IGA to take effect no later than January 1, 2024. The terms of the new IGA will, at a minimum, be similar to the terms of the existing IGA between Eagle County and the Town of Avon, included as Attachment B.

Going forward, Avon has begun a design process to construct a new Public Works facility with the intent to move all Operations, Engineering and Building and Facilities personnel and operations out of the Avon Regional Transit Facility. The target date for this move is 2025, after which the Avon Regional Transit Facility footprint could be expanded to support the RTA's regional transit operations. Avon has already begun seeking potential design and construction grants to expand the Avon Regional Transit Facility in anticipation of this future need.

Vail-owned Facilities

Vail Transportation Center

ECO Transit has an IGA with the Town of Vail for use of the Customer Service Booth and to operate out of the facility, included as Attachment C. This IGA will be renegotiated between the RTA and Town of Vail, with a new IGA to take effect no later than January 1, 2024. The terms of the new IGA will, at a minimum, be similar to the terms of the existing IGA between Eagle County and the Town of Avon.

The Town of Vail is currently developing plans to expand and upgrade its public works facilities. This new facility will provide additional overnight vehicle storage and charging capacity. In the event an RTA is formed, Vail anticipates allocating some of this additional space to RTA vehicles.

The Town of Vail is currently developing plans to expand and upgrade the Vail Transportation Center facility into a full-scale mobility hub. This work includes the expansion of the capacity of the facility to handle the increased use for all transit providers including ECO/RTA as they expand, and to provide charging capabilities for electric transit vehicles as the fleets transition. This is the busiest stop in the entire ECO Transit system. This project is currently in the CDOT 10-year plan at a value of \$15.0M and was the number one transit project in the Intermountain planning region. The town recently applied for a \$1.5M Multimodal Options Fund (MMOF) expenditure which the town is providing half as a match and the MMOF Grant the other half to begin design work for this facility.

ECO Transit current operations benefit from operating out of this facility which provides heated waiting areas, bathrooms, as well as transit bays, and the Town of Vail has paid for all operations, maintenance and capital investments over the years. It is expected the

RTA will continue to operate out of the facility on the same terms as ECO Transit's current use of the facility.

Lionshead Transit Center

ECO Transit's current operations benefit from operating out of this facility which provides heated waiting areas, bathrooms, as well as transit bays and the town has paid for all operations, maintenance and capital investments over the years. It is expected the RTA would continue to operate out of the facility on the same terms as ECO Transit's current use of the facility.

Other Facilities

Lake Creek Village

ECO Transit operations at this facility are currently authorized under an encroachment license with the property owner. This encroachment license will be transferred to the RTA as soon as possible, but no later than December 31, 2024.

Phase 4: Transfer of Administrative Responsibilities and Personnel

During the transition period, the RTA will make specific decisions regarding the number of direct-hire staff needed and what, if any, administrative and technical functions may be contracted out. ECO Transit is only partially staffed with respect to these organizational functions and as a result pays an annual "administrative service fee" to the County for providing these services. This fee is based on a percentage of ECO's budget and varies from year to year, but it is generally around \$600k. Contracts for functions that must be stood up independently such as Legal, Finance, and HR are expected to be executed during Phase 1 of the transition prior to any transfer of revenues or other responsibilities.

As staffing decisions are made, existing ECO Transit personnel with satisfactory performance records and relevant qualifications may be transitioned from the County to the RTA. Notwithstanding anything herein to the contrary, the County will retain sufficient revenue pledged to the RTA to offset the costs of all of its personnel until they transition to the RTA, or other arrangements are made. All decisions regarding the transfer of administrative personnel shall be made by January 1, 2024. The RTA and County will use best efforts to minimize disruptions to retained personnel during the transfer period.

Administrative personnel will be eligible to be transitioned once Eagle County confirms adequate administrative and financial procedures are in place. Staff positions that may be impacted during an initial round of transitions are:

Position	Associated FTE
ECO Transit Director	1
ECO Administrative and Customer Service Staff	4
ECO Transit Technology Staff	2
ECO Transit Planning Staff	1
Total Impacted FTE	8

Some specific considerations have already been identified with respect to Information Technology (IT) and the assumption of responsibility for State and Federal grant agreements. These are outlined below.

Specific Needs Related to Information Technology:

ECO Transit uses technology software and hardware that to a large extent are a part of the overall Eagle County IT ecosystem. The implementation of this technology ecosystem was never designed with any thought towards breaking off the ECO Transit components and operating them independently. Note that of the technology software and hardware specific to ECO Transit, much of it is legacy technology that is currently under review for both right-sizing and potential transition to a cloud-based model, whether or not RTA formation is successful.

Standing up a sustainable and independent technology function within 24 months of RTA formation may be impractical and cost prohibitive due to the lead time and resources necessary. RTA and Eagle County may determine to enter into an IGA for technology services until the RTA stands up its own capacity.

Some specific technology functions that should be addressed and related considerations include:

Backend Hardware: Server instances are highly virtualized and both server and storage hardware is shared across all departments. Actual individual hardware components

involved are fairly minimal in number, with system redundancy considerations being a significant element of overall design. It would be difficult to separate single pieces of hardware from one another and still have acceptable system redundancy (for both Eagle County and / or the RTA). Provisions for shared access to this hardware should be included in a future IGA until the RTA no longer operates at the Gypsum MSC or makes other arrangements for servers/storage.

Backend Software: Eagle County IT provides ECO Transit with both Enterprise software that is common to all Eagle County departments, as well as Line of Business (LOB) software unique to ECO's specific operating needs. Regarding the Enterprise software (Financials, HR / Payroll, Office Productivity, etc.), the RTA should select and implement their own systems based upon perceived needs and costs. The RTA should begin the process of identifying and contracting vendors for this process during the Phase 1 Administrative Establishment period.

In general, LOB software can be transferred to the RTA. The main issue centers on the highly complex Clever Devices CleverWorks solution which forms the backbone of ECO's vehicle location, communication, and data collection systems. ECO Transit currently has a vision of replacing CleverWorks with a more fit for purpose system. Assuming the short term outlook for this application, it would likely not make sense to invest in the required technology hardware and personnel resources necessary to port this system over to the RTA. Arrangements should be made within the IGA for Eagle County IT to continue providing support to this function until a new software system is identified and implemented, ideally by December 21, 2024.

Eagle County's Fleet Department currently maintains all official maintenance records related to transit vehicles owned by Eagle County. Provisions should be made for the eventual transfer of these records prior to the initiation of any vehicle transfers.

Networking Hardware / Software: The Gypsum MSC is one of ECO's primary operating locations and is expected to remain so during and after the transition to an RTA. The MSC also provides office space and facilities for a combination of other Eagle County departments which all depend on Eagle County networking services in order to utilize their various software applications. In general, all networking equipment located at the MSC will continue to be necessary to support ongoing Eagle County department operations, and therefore cannot be transferred to the RTA. Where there are exceptions, such as the fixed outdoor wireless antennas used to communicate data between buses and CleverWorks, these items may be transferred at cost. Additionally, transferring over any maintenance agreement aspects related to the networking hardware and software may or may not be viable. Arrangements should be made within the IGA for Eagle County

IT to continue providing support for these functions indefinitely. This arrangement would require the RTA and associated users to comply with all Eagle County requirements regarding network security or forfeit access to the system.

Personal Computers: Personal computers assigned to ECO Transit staff can be physically transferred to the RTA if desired by both parties. Potential issues that may arise are associated with the privacy considerations (data on the PC) as well as software licensing. Prior to any transfer Eagle County IT will format the PC hard drives, wiping all data and rebuilding with software licensed by RTA. Any equipment transferred will be transferred at cost.

Peripheral Equipment: Printers / scanners, etc. County owned devices can simply be physically transferred over to the RTA. Multi function printers may require contractual amendments in order to move over any applicable maintenance function. Any equipment transferred will be transferred at cost.

Software Licenses: 1) Vendor licensing pertaining to LOB software can likely be transferred to the RTA given requisite contracting amendments are implemented. 2) Enterprise software licensing will likely require new purchases / agreements 3) Windows Operating System licenses likely can not be transferred and will have to be purchased as well.

Voice Services: County provided cellular phones can be transferred if the RTA wants to provide such a service to their staff. Traditional voice phone service will require the RTA to implement its own voice system.

State and Federal Grant Agreements:

ECO Transit accesses state and federal grant dollars for administrative and operating costs, rolling stock replacement, as well as other capital and/or planning projects. All ongoing capital grants and related reporting requirements will transfer to the RTA at the beginning of CDOT's 2025 fiscal year (July 1, 2024).

The RTA will apply for state capital and operating grants as a separate entity from CDOT's FY 2025 onwards, with the expectation that all of these elements will be fully transitioned by the beginning of CDOT's 2025 fiscal year (July 1, 2024).

Phase 5a: Transfer of Vehicle Maintenance Responsibilities and Personnel

ECO Transit Fleet vehicles are currently maintained by Eagle County's Fleet Department, with some services performed by the Town of Avon under an IGA. There are 2.5 Fleet Care Technicians/Transit Vehicle Detailers that are current employees of the ECO Transit department, along with one Fleet Asset Supervisor.

Fleet Maintenance:

Costs for maintenance, fueling, lubricants, parts, etc. are budgeted in the ECO Transit fund and paid via departmental transfer. Estimated costs are based on estimated (budget) and actual service hours. Upon RTA formation, it is assumed that Eagle County's fleet department will continue to provide these services for the RTA via an IGA with specified hours and costs, on terms similar to those contained in the sample IGAs included as Attachment D. The RTA will not be under any long term obligation to continue to utilize Eagle County's fleet department.

The Town of Avon performs fueling and limited maintenance for ECO Transit vehicles housed at the Swift Gulch facility via an IGA. Service is performed at the Fleet Maintenance Facility adjacent to the Avon Regional Transit Facility. Approximately 65-70% of the operations are fleet maintenance for vehicles and rolling stock for other public entities. Beaver Creek and ECO Transit buses are a substantial portion of this other local government maintenance work. Avon intends to continue offering fleet maintenance service at cost. Specific provisions for fleet maintenance performed at this facility will be included in the new IGA between the RTA and the Town of Avon referenced elsewhere in the Transition Plan. A sample of this IGA is included as Attachment B.

Eagle County's Fleet Department currently maintains all official maintenance records related to transit vehicles owned by Eagle County. Provisions should be made for the eventual transfer of these records prior to the initiation of any vehicle transfers.

Transit Fleet Care Team:

ECO Transit currently employs one Fleet Asset Supervisor, two full-time year-round Transit Fleet Care Technicians, and one winter seasonal Fleet Care Technician.

As staffing decisions are made, existing ECO Transit personnel with satisfactory performance records and relevant qualifications may be transitioned from the County to the RTA. Notwithstanding anything herein to the contrary, the County will retain sufficient

revenue pledged to the RTA to offset the costs of all of its personnel until they transition to the RTA or other arrangements are made. All decisions regarding the transition of Fleet Care personnel shall be made by April 30, 2024. The RTA and County will use best efforts to minimize disruptions to retained personnel during the transition period.

Staff positions that may be impacted during this round of transitions include:

Position	Associated FTE
Fleet Asset Supervisor	1
Fleet Care Technicians	2.5 (includes a Winter seasonal position)
Total Impacted FTE	3.5

Phase 5a: Transfer of Transit Facility Maintenance Responsibilities and Personnel

Trail and Facility Maintenance Personnel:

ECO Transit and ECO Trails currently share 3 FTE with combined responsibilities for Transit and Trails maintenance. One of these three positions is currently funded by ECO Trails.

As staffing decisions are made, existing ECO Transit personnel with satisfactory performance records and relevant qualifications may be transitioned from the County to the RTA.

Notwithstanding anything herein to the contrary, the County will retain sufficient revenue pledged to the RTA to offset the costs of all of its personnel until they transition to the RTA or other arrangements are made. All decisions regarding the transition of Transit/Trails Maintenance personnel shall be made by April 30, 2024. The RTA and County will use best efforts to minimize disruptions to retained personnel during the transition period.

Staff positions that may be impacted during an initial round of transitions are:

Position	Associated FTE
Transit/Trails Maintenance Supervisor	1
Transit Trails Maintenance Technicians	2
Total Impacted FTE	3

Eagle County may also choose to retain the FTE position currently funded by trails and/or add additional personnel to be paid in the future out of the Trails budget. Maintenance responsibilities related to the existing Eagle Valley Trail could also be included as a component of the future IGA for services between Eagle County and the RTA. Costs associated with any maintenance agreement(s) will be subtracted from the RTA's obligations to Eagle County.

Phase 6: Full Transfer of Operational Responsibilities and Personnel

Full transfer of operational responsibilities and personnel will take place during the last stage of transition, with the expectation the RTA will be responsible for either direct operation or contract administration related to all functions by the start of the 2024 Winter season in November.

Operations Personnel:

As staffing decisions are made, existing ECO Transit personnel with satisfactory performance records and relevant qualifications may be transitioned from the County to the RTA. Notwithstanding anything herein to the contrary, the County will retain sufficient revenue pledged to the RTA to offset the costs of all of its personnel until they transition to the RTA or other arrangements are made. All decisions regarding the transition of Operations personnel shall be made but no later than July 31, 2024. The RTA and County will use best efforts to minimize disruptions to retained personnel during the transition period.

Staff positions that may be impacted during this round of transitions are:

Position	Associated FTE
Operations Manager	1
Safety and Training Supervisor	1
Road Supervisors	4
Dispatchers	4
Bus Operators	51
Total Impacted FTE	61

Attachments:

ATTACHMENT A - INVENTORY OF ECO TRANSIT ASSETS

ATTACHMENT B - SAMPLE SWIFT GULCH IGA

ATTACHMENT C - SAMPLE VAIL TRANSPORTATION CENTER IGA

ATTACHMENT D - SAMPLE IGA FOR COUNTY FLEET SERVICE

Eagle County Government

Asset Listing

Effective Date: 12/31/2021

Number	Classification	Description	Responsible Department	Acquisition Date	Original Purchase Price
BC0043	Bldg Imp	2009 Berry Creek Childcare building improvements	Facilities Manag - 190-Facilities Management	12/31/2009	\$15,043.00
LBS001	Bldg	Leadville Bus Storage Facility	Facilities Manag - 190-Facilities Management	12/31/2008	\$1,172,677.33
840401	Equipment-Heavy Vehicles	2005 Gillig Phantom Transit 40' Bus #865	ECO Trans - 405-ECO Transit Authority	05/02/2005	\$290,427.00
840501	Equipment-Heavy Vehicles	2005 Gillig Phantom Transit 40' Bus #866	ECO Trans - 405-ECO Transit Authority	05/02/2005	\$290,427.00
848901	Equipment-Heavy Vehicles	2006 Gillig BRT Low Floor Transit Bus #867	ECO Trans - 405-ECO Transit Authority	08/03/2006	\$343,794.00
849001	Equipment-Heavy Vehicles	2006 Gillig BRT Low Floor Transit Bus #868	ECO Trans - 405-ECO Transit Authority	08/30/2006	\$343,794.00
858001	Equipment-Heavy Vehicles	2007 Gillig BRT Low Floor Bus #871	ECO Trans - 405-ECO Transit Authority	11/01/2007	\$371,363.00
858101	Equipment-Heavy Vehicles	2007 Gillig BRT Low Floor Bus #872	ECO Trans - 405-ECO Transit Authority	11/01/2007	\$371,363.00
858201	Equipment-Heavy Vehicles	2007 Gillig BRT Low Floor Bus #873	ECO Trans - 405-ECO Transit Authority	11/01/2007	\$360,363.00
858301	Equipment-Heavy Vehicles	2007 Gillig BRT Low Floor Bus #874	ECO Trans - 405-ECO Transit Authority	11/01/2007	\$360,363.00
858401	Equipment-Heavy Vehicles	2007 Gillig BRT Low Floor Bus #875	ECO Trans - 405-ECO Transit Authority	11/01/2007	\$360,363.00
859301	Equipment-Heavy Vehicles	2008 Gillig Low Floor Transit Bus #876	ECO Trans - 405-ECO Transit Authority	12/17/2008	\$372,919.00
859401	Equipment-Heavy Vehicles	2008 Gillig Low Floor Transit Bus #877	ECO Trans - 405-ECO Transit Authority	12/17/2008	\$372,919.00
859501	Equipment-Heavy Vehicles	2008 Gillig BRT Low Floor Transit Bus #879	ECO Trans - 405-ECO Transit Authority	12/17/2008	\$361,919.00
859601	Equipment-Heavy Vehicles	2008 Gillig Low Floor Transit Bus #878	ECO Trans - 405-ECO Transit Authority	12/17/2008	\$361,919.00
864401	Equipment-Heavy Vehicles	2009 Gillig BRT Low Floor Transit Bus #880	ECO Trans - 405-ECO Transit Authority	10/28/2009	\$379,893.00
864501	Equipment-Heavy Vehicles	2009 Gillig BRT Low Floor Transit Bus #881	ECO Trans - 405-ECO Transit Authority	10/29/2009	\$379,893.00
864601	Equipment-Heavy Vehicles	2009 Gillig BRT Low Floor Transit Bus #882	ECO Trans - 405-ECO Transit Authority	10/30/2009	\$363,924.00
866101	Equipment-Heavy Vehicles	2010 Gillig BRT Low Floor Transit Bus #884	ECO Trans - 405-ECO Transit Authority	10/29/2010	\$383,488.00
866201	Equipment-Heavy Vehicles	2010 Gillig BRT Low Floor Transit Bus #883	ECO Trans - 405-ECO Transit Authority	10/28/2010	\$383,488.00
866301	Equipment-Heavy Vehicles	2010 Chevrolet Paratransit Bus # 455	ECO Trans - 405-ECO Transit Authority	05/20/2010	\$111,715.50
869901	Equipment-Heavy Vehicles	2012 Gillig BRT Low Floor Transit Bus #885	ECO Trans - 405-ECO Transit Authority	12/12/2012	\$426,269.00
872901	Equipment-Mach & Equip	Jetsort Cash Counting Machine	ECO Trans - 405-ECO Transit Authority	12/04/2013	\$11,822.00
873001	Equipment-Heavy Vehicles	2013 Gillig Low Floor BRT Transit Bus #889	ECO Trans - 405-ECO Transit Authority	10/18/2013	\$429,490.00
873101	Equipment-Heavy Vehicles	2013 Gillig Low Floor BRT Transit Bus #888	ECO Trans - 405-ECO Transit Authority	10/17/2013	\$429,490.00
873201	Equipment-Heavy Vehicles	2013 Gillig Low Floor BRT Transit Bus #886	ECO Trans - 405-ECO Transit Authority	10/16/2013	\$429,490.00
873301	Equipment-Heavy Vehicles	2013 Gillig Low Floor BRT Transit Bus #887	ECO Trans - 405-ECO Transit Authority	10/16/2013	\$429,490.00
873501	Equipment-Heavy Vehicles	2007 Gillig LF BRT #869	ECO Trans - 405-ECO Transit Authority	03/19/2013	\$28,000.00
873601	Equipment-Heavy Vehicles	2007 Gillig LF BRT #870	ECO Trans - 405-ECO Transit Authority	03/19/2013	\$28,000.00
876201	Equipment-Heavy Vehicles	2014 Gillig BRT Low Floor Transit Bus #890	ECO Trans - 405-ECO Transit Authority	12/10/2014	\$443,839.00

Eagle County Government

Asset Listing

Effective Date: 12/31/2021

Number	Classification	Description	Responsible Department	Acquisition Date	Original Purchase Price
876301	Equipment-Heavy Vehicles	2014 Gillig Low Floor BRT Transit Bus, 40' #891	ECO Trans - 405-ECO Transit Authority	12/10/2014	\$443,839.00
883101	Equipment-Heavy Vehicles	2015 Glaval Bus Entourage (Cutaway) #456	ECO Trans - 405-ECO Transit Authority	02/10/2016	\$125,935.00
883201	Equipment-Heavy Vehicles	2015 Glaval Bus Entourage (Cutaway) #457	ECO Trans - 405-ECO Transit Authority	02/10/2016	\$123,065.00
883601	Equipment-Heavy Vehicles	2016 Glaval Bus Entourage (Cutway) #458	ECO Trans - 405-ECO Transit Authority	11/04/2016	\$125,908.00
883701	Equipment-Heavy Vehicles	2017 Arboc Spirit of Mobility Bus #459	ECO Trans - 405-ECO Transit Authority	10/04/2016	\$135,749.00
883801	Equipment-Mach & Equip	Stationary Vault	ECO Trans - 405-ECO Transit Authority	04/28/2016	\$117,505.00
886401	Equipment-Heavy Vehicles	2017 Gillig Low Floor BRT Transit Bus 40' - #892	ECO Trans - 405-ECO Transit Authority	08/14/2017	\$434,885.00
886501	Equipment-Heavy Vehicles	2017 Gillig Low Floor BRT Transit Bus 40' - #893	ECO Trans - 405-ECO Transit Authority	08/14/2017	\$434,885.00
886601	Equipment-Heavy Vehicles	2017 Gillig Low Floor BRT Transit Bus 40' - #894	ECO Trans - 405-ECO Transit Authority	08/14/2017	\$434,885.00
886701	Equipment-Heavy Vehicles	2017 Arboc Spirit of Mobility - #460	ECO Trans - 405-ECO Transit Authority	08/18/2017	\$149,336.00
890901	Equipment-Heavy Vehicles	2018 Gillig Transit Bus #896	ECO Trans - 405-ECO Transit Authority	09/17/2018	\$465,915.00
891001	Equipment-Heavy Vehicles	2018 Gillig Transit Bus #895	ECO Trans - 405-ECO Transit Authority	09/17/2018	\$465,915.00
893201	Equipment-Heavy Vehicles	2018 Arboc Spirit of Mobility	ECO Trans - 405-ECO Transit Authority	11/16/2018	\$154,887.00
895101	Equipment-Mach & Equip	Odyssey Farebox	ECO Trans - 405-ECO Transit Authority	06/11/2018	\$13,369.75
895201	Equipment-Mach & Equip	Odyssey Farebox	ECO Trans - 405-ECO Transit Authority	06/11/2018	\$13,369.75
895301	Equipment-Heavy Vehicles	Gillig "Low Floor BRT" Transit Bus 40 Foot Length #897	ECO Trans - 405-ECO Transit Authority	09/25/2019	\$463,261.00
895401	Equipment-Heavy Vehicles	Gillig "Low Floor BRT" Transit Bus 40 Foot Length #898	ECO Trans - 405-ECO Transit Authority	06/27/2019	\$463,261.00
895501	Equipment-Heavy Vehicles	Gillig "Low Floor BRT" Transit Bus 40 Foot Length #899	ECO Trans - 405-ECO Transit Authority	06/28/2019	\$463,261.00
895701	Equipment-Mach & Equip	Odssey Farebox	ECO Trans - 405-ECO Transit Authority	08/20/2019	\$14,505.75
895801	Equipment-Mach & Equip	Odssey Farebox	ECO Trans - 405-ECO Transit Authority	08/20/2019	\$14,505.75
895901	Equipment-Mach & Equip	Odssey Farebox	ECO Trans - 405-ECO Transit Authority	08/20/2019	\$14,505.75
BG0048	Bldg Imp	Leadville Bus Barn	ECO Trans - 405-ECO Transit Authority	12/31/1997	\$52,540.00
EC0001	Land	Leadville Land Purchase	ECO Trans - 405-ECO Transit Authority	12/31/2007	\$165,607.00
ECO002	Equipment-Comp Software	Para Transit Software	ECO Trans - 405-ECO Transit Authority	12/31/2014	\$20,890.28
ECO003	Equipment-Comp Software	ECO AVM System	ECO Trans - 405-ECO Transit Authority	08/11/2014	\$50,782.64
ECO004	Equipment-Mach & Equip	ECO Video Surveillance Equipment	ECO Trans - 405-ECO Transit Authority	10/31/2014	\$113,930.00
ECO005	Equipment-Comp Software	ECO Pass Auto Fare Media	ECO Trans - 405-ECO Transit Authority	05/31/2014	\$24,894.34
LBS002	Bldg Imp	2015 Leadville Bus Storage Facility Building Improvements (Solar)	ECO Trans - 405-ECO Transit Authority	11/02/2015	\$43,990.00

Eagle County Government

Asset Listing

Effective Date: 12/31/2021

Number	Classification	Description	Responsible Department	Acquisition Date	Original Purchase Price
TR0001	Bldg	1998 Construction of Bus Shelters	ECO Trans - 405-ECO Transit Authority	01/01/1999	\$63,589.00
TR0002	Bldg	1999 Construction of Bus Shelters	ECO Trans - 405-ECO Transit Authority	01/01/2000	\$154,939.00
TR0003	Bldg	2001 Bus Shelter Construction	ECO Trans - 405-ECO Transit Authority	01/01/2002	\$161,532.00
TR0025	Land Imp	Eagle Park-n-Ride Parking Lot	ECO Trans - 405-ECO Transit Authority	12/03/1999	\$187,188.00
TR0030	Bldg Imp	ECO PV Lighting System for Bus Shelters in Eagle County	ECO Trans - 405-ECO Transit Authority	11/01/2000	\$41,575.00
TR0033	Equipment-Comm Equip	800 Mhz Upgrade	ECO Trans - 405-ECO Transit Authority	12/31/2000	\$104,973.00
TR0039	Land Imp	Shelter 53-Eagle Valley HS Parking Lot Paving	ECO Trans - 405-ECO Transit Authority	11/12/2002	\$28,787.00
TR0045	Bldg	Shelter 100 - Lake Creek Village Apts - Lake Creek Com Station	ECO Trans - 405-ECO Transit Authority	12/26/2002	\$11,343.00
TR0047	Land Imp	Shelter 79-Minturn Forest Service Land Improvements	ECO Trans - 405-ECO Transit Authority	12/31/2003	\$50,878.00
TR0050	Bldg	Shelter 30 - Bear Lot	ECO Trans - 405-ECO Transit Authority	05/23/2006	\$24,264.00
TR0052	Bldg	Shelter 32 - Forest Service	ECO Trans - 405-ECO Transit Authority	12/31/2007	\$17,763.00
TR0053	Bldg	Stone Creek Bus Shelter #33	ECO Trans - 405-ECO Transit Authority	12/31/2007	\$17,297.00
TR0057	Bldg	Colorado Mountain College, West Bus Shelter #35	ECO Trans - 405-ECO Transit Authority	12/02/2008	\$11,430.78
TR0061	CIP	Eagle River Village - MHP Bus Shelter	ECO Trans - 405-ECO Transit Authority	12/31/2018	\$20,980.00
TR8441	Equipment-Heavy Vehicles	Proterra Inc Electric Bus 31502.Electric Bus VV/5339	ECO Trans - 405-ECO Transit Authority	10/28/2020	\$985,041.00
TR8442	Equipment-Heavy Vehicles	Proterra Inc Electric Bus 31502.Electric Bus VV/5339	ECO Trans - 405-ECO Transit Authority	11/02/2020	\$985,041.00
TR8443	Equipment-Heavy Vehicles	Proterra Inc Electric Bus 31502.Electric Bus VV/5339	ECO Trans - 405-ECO Transit Authority	11/02/2020	\$985,041.00
ECO001C	Equipment-Comp Software	AVL/CAD Software	ECO Trans - 405-ECO Transit Authority	12/31/2014	\$1,001,890.72
TR0051R	Bldg	Miller Ranch Replacement Bus Shelter #31R	ECO Trans - 405-ECO Transit Authority	12/31/2008	\$12,288.17
TR0058C	Bldg	Freedom Park Bus Shelter	ECO Trans - 405-ECO Transit Authority	11/18/2019	\$205,907.53
TR0059C	Bldg	Avon Station Bus Shelter	ECO Trans - 405-ECO Transit Authority	12/09/2019	\$108,239.83
TR0060C	Bldg	Dotsero Mobile Home Park Bus Shelter	ECO Trans - 405-ECO Transit Authority	08/15/2019	\$37,806.59
TR0063c	Equipment-Mach & Equip	Proterra Inc Electric Bus Charger - Avon Regional Transportation Facility - 500 Swift Gulch Road (corrected for accounting cat)	ECO Trans - 405-ECO Transit Authority	11/30/2020	\$144,818.11
TR0064c	Equipment-Mach & Equip	Proterra Inc Electric Bus Charger - Avon Regional Transportation Facility - 500 Swift Gulch Road (corrected for accounting cat)	ECO Trans - 405-ECO Transit Authority	11/30/2020	\$144,818.10

Eagle County Government

Asset Listing

Effective Date: 12/31/2021

Number	Classification	Description	Responsible Department	Acquisition Date	Original Purchase Price
TR0065c	Equipment-Mach & Equip	Proterra Inc Electric Bus Charger - Avon Regional Transportation Facility - 500 Swift Gulch Road (corrected for accounting cat)	ECO Trans - 405-ECO Transit Authority	11/30/2020	\$144,818.11
858501	Equipment-Mach & Equip	2008 Toolcat Work Machine	EV Trails - 606-EV Trails	04/02/2008	\$42,065.00
894501	Equipment-Mach & Equip	2019 John Deere 1025R Tractor Mower	EV Trails - 606-EV Trails	09/16/2019	\$22,279.38
BC0085	Infrastructure-Trails	Freedom Park Parking Spots	EV Trails - 606-EV Trails	12/31/2007	\$28,994.00
TRL001	Infrastructure-Trails	Edwards Bike Path	EV Trails - 606-EV Trails	05/06/1999	\$275,000.00
TRL002	Infrastructure-Trails	E Edwards Trail	EV Trails - 606-EV Trails	01/01/2001	\$78,702.00
TRL004	Infrastructure-Trails	Willits Trail Funding	EV Trails - 606-EV Trails	11/16/2000	\$15,000.00
TRL005	Infrastructure-Trails	Honeywagon Trail Project	EV Trails - 606-EV Trails	12/22/2000	\$35,000.00
TRL006	Infrastructure-Trails	Eagle Vail Trail	EV Trails - 606-EV Trails	12/31/2005	\$677,886.00
TRL007	Infrastructure-Trails	Donavan/Honeywagon Trail	EV Trails - 606-EV Trails	01/01/2002	\$103,165.00
TRL010	Infrastructure-Trails	2000 E Edwards Trail Project	EV Trails - 606-EV Trails	12/31/2000	\$486,034.00
TRL013	Infrastructure-Trails	Avon to Dowd Trail Project	EV Trails - 606-EV Trails	12/20/2002	\$22,884.00
TRL030	Infrastructure-Trails	Avon to Dowd Trail Phase I	EV Trails - 606-EV Trails	12/31/2006	\$65,910.00
TRL040	Infrastructure-Trails	Gypsum Dotsero Trail Phase I	EV Trails - 606-EV Trails	12/31/2006	\$34,508.00
TRL051	Infrastructure-Trails	Eagle to Gypsum Trail	EV Trails - 606-EV Trails	12/31/2007	\$1,214,689.00
TRL063	CIP	Avon to Eagle-Vail Phase 4, Business District Construction in Progress	EV Trails - 606-EV Trails	12/31/2015	\$25,618.40
TRL064	CIP	Avon to Eagle-Vail, Business District to Kayak Crossing Trail 1152-191-8160.99 31904.Phase5	EV Trails - 606-EV Trails	12/31/2020	\$42,845.90
TRL065	CIP	Dowd Junction Trail 1152/2150-191-8160.99 31915.Down Junction	EV Trails - 606-EV Trails	12/31/2020	\$13,143.25
TRL071	Infrastructure-Trails	Cooley Mesa Trail	EV Trails - 606-EV Trails	12/31/2008	\$25,793.75
TRL041C	Infrastructure-Trails	Gypsum to Dotsero Phases V I-70 Overpass of Hwy 6 to River Road	EV Trails - 606-EV Trails	12/31/2014	\$367,669.66
TRL043C	Infrastructure-Trails	Gypsum to Dotsero Phases 2 and 3 BLM Horse Pasture to BLM Lava Parcel	EV Trails - 606-EV Trails	12/31/2014	\$709,893.48
TRL052B	Infrastructure-Bridges	2019 Addition from CIP	EV Trails - 606-EV Trails	12/31/2019	\$127,569.16
TRL052C	Infrastructure-Trails	Eagle to Horn Ranch Trail	EV Trails - 606-EV Trails	12/31/2019	\$7,891,561.15
TRL060C	Infrastructure-Trails	Avon to Eagle-Vail Phase II Post Blvd to I-70 Ramp	EV Trails - 606-EV Trails	12/31/2012	\$1,880,542.05
TRL061C	Infrastructure-Trails	Avon to Eagle-Vail Phase 1, Avon Rd to Post Blvd	EV Trails - 606-EV Trails	12/31/2014	\$590,002.39
TRL062C	Infrastructure-Trails	Avon to Eagle-Vail Trail - Phase 3 - Avon Trail	EV Trails - 606-EV Trails	12/31/2014	\$81,633.15

Eagle County Government

Asset Listing

Effective Date: 12/31/2021

Number	Classification	Description	Responsible Department	Acquisition Date	Original Purchase Price
		Bridge			
Grand Total:				108 Assets	<u>\$36,463,965.59</u>

VEHICLE INVENTORY FUNDING

Bus Number	Year	VIN	Funding	Purchase Price	% Federal	\$ Federal	% Local	\$ Local	Grant Amount	Grant PO #	Lien Maturity Date
								\$ -	\$ 1,132,037	291001283	
886	2013	15GGD2710D1183048	5309	\$429,490	66%	\$283,009	34%	\$146,481			2023
887	2013	15GGD2712D1183049	5309	\$429,490	66%	\$283,009	34%	\$146,481			2023
888	2013	15GGD2719D1183050	5309	\$429,490	66%	\$283,009	34%	\$146,481			2023
889	2013	15GGD2710D1183051	5309	\$429,490	66%	\$283,009	34%	\$146,481			2023
								\$ -	\$ 663,200	291001488	
890	2014	15GGD2715E1183077	5311	\$443,839	75%	\$331,600	25%	\$112,239			2024
891	2014	15GGD2717E1183078	5311	\$443,839	75%	\$331,600	25%	\$112,239			2024
892	2017	15GGD2719H3188873	5311	\$434,885	78%	\$340,000	22%	\$ 94,885	\$ 340,000	491000709	2027
			5311		48%	\$ 60,000			\$ 180,000	491000708	2025
456	2015	1FDGF5GT2FED21023	FASTER	\$125,935	13%	\$ 16,666	39%	\$ 49,269	\$ 50,000	491000717	2025
			5311		48%	\$ 60,000			\$ 180,000	491000708	2025
457	2015	1FDGF5GTXFED21027	FASTER	\$125,935	13%	\$ 16,667	39%	\$ 49,268	\$ 50,000	491000717	2025
			5311		47%	\$ 60,000			\$ 180,000	491000708	2026
458	2016	1FDGF5GT1GEC58885	FASTER	\$126,908	13%	\$ 16,667	40%	\$ 50,241	\$ 50,000	491000717	2026
459	2017	1GB6GUBG0G1281023	5317	\$135,759	71%	\$ 96,000	29%	\$ 39,759	\$ 96,000	491000778	2027
460	2017	1GB6GUBL4G1276792	FSTR	\$149,336	70%	\$104,000	30%	\$ 45,336	\$ 104,000	491001178	2027
893	2017	15GGD2710H3188874	5339	\$434,885	79%	\$344,000	21%	\$ 90,885	\$ 344,000	491001071	2027
894	2017	15GGD2712H3188875	Local	\$434,885	0%	\$ -	100%	\$434,885	\$ -	N/A	N/A
895	2018	15GGD2716J3191428	5339	\$465,915	79%	\$370,400	21%	\$ 95,515	\$ 370,400	491001279	2028
896	2018	15GGD2718J3191429	5339	\$465,915	80%	\$372,732	20%	\$ 93,183	\$ 372,732	491001291	2028
461	2018	1GB6GUBL3G1276069	5339	\$154,887	57%	\$ 88,000	43%	\$ 66,887	\$ 88,000	491001282	2028
								\$ 1,111,827		491001458	
897	2019	15GGD2716K3192497	5339	\$463,261	80%	\$370,609	20%	\$ 92,652			2029
898	2019	15GGD2718K3192498	5339	\$463,261	80%	\$370,609	20%	\$ 92,652			2029
899	2019	15GGD271XK3192499	5339	\$463,261	80%	\$370,609	20%	\$ 92,652			2029
201	2020	7JZTH13J6LL000282	VW Settlement 5339(c)	\$985,041	47% 39%	\$467,567 \$383,334		\$134,140	\$1,402,700 \$1,150,000	491002068 491001931	2030 2030
202	2020	7JZTH13J8LL000283	VW Settlement 5339(c)	\$985,041	47% 39%	\$467,566 \$383,333		\$134,142	\$1,402,700 \$1,150,000	491002068 491001931	2030 2030
203	2020	7JZTH13JXLL000284	VW Settlement 5339(c)	\$985,041	47% 39%	\$467,567 \$383,333		\$134,141	\$1,402,700 \$1,150,000	491002068 491001931	2030 2030
901	2021	15GGD2713M3195960	5339	\$542,000	74%	\$400,000	26%	\$142,000		491002249	2031
903	2021	15GGD2717M3195962	5339	\$542,000	74%	\$400,000	26%	\$142,000		491002249	2031
904	2021	15GGD2719M3195963	5339	\$542,000	74%	\$400,000	26%	\$142,000	\$1,200,000	491002249	2031
902	2021	15GGD2715M3195961	FSTR	\$542,000	74%	\$400,000	26%	\$142,000	\$400,000	491002266	2031
905	2021	15GGD2710M3195964	Local	\$542,000	44%	\$237,161	56%	\$304,839		N/A	N/A



Agenda Item Details

Meeting	Jan 01, 2050 - *****Signature Workflow*****
Category	A. BoCC Signature
Subject	3. Eighth Amendment to Regional Transportation Operations Facility IGA
Access	Public
Type	Action (Consent)
Preferred Date	Nov 09, 2021
Fiscal Impact	Yes
Dollar Amount	84,636.00
Budgeted	Yes
Budget Source	ECO Transit
Recommended Action	Approve

Public Content

Prepared By: Tanya Allen

Department: ECO Transit

Executive Summary: This is the annual renewal of the IGA between Eagle County and Avon for use of the Swift Gulch Transit facility. ECO currently stages up to 9 vehicles out of the facility. Buses staged at the facility are subject to negotiated lease, maintenance, cleaning, and fueling costs as outlined in the attachments provided.

Reviewing Attorney: Christina Hooper

Approved As To Form:

DocuSigned by:
Christina Hooper
FC69D7FCDF3A4BB...

- **BoCC signature?:** Yes

- **County Manager signature?:** No

DocuSigned by:
Rhea Silvercorn
444EFF6D9F7F48E...

1- Exhibit A-7 Lease Payment Calculation.pdf (264 KB)

2- Exhibit B Fleet Maintenance ECO.pdf (30 KB)

Administrative Content

Signature Required Information

Attach **ALL** exhibits, including the insurance certificate. **Do not attach the contract or resolution**, that will be provided by the reviewing Attorney.

EIGHTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR BUS
STORAGE & SERVICE AT THE I-70 REGIONAL TRANSPORTATION OPERATIONS
FACILITY

THIS EIGHTH AMENDMENT ("Eighth Amendment") is effective as of 12/7/2021 by and between the Board of County Commissioners of Eagle County a body corporate and politic, doing business as ECO Transit (hereinafter "ECO"), located at 3289 Cooley Mesa Road, Gypsum, Colorado, and the Town of Avon a Colorado home rule municipality (hereinafter "Avon"), located at One Lake Street, Avon, Colorado. ECO and Avon shall collectively be referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into an agreement dated the 29th day of October, 2013, for Bus Storage and Service at the I-70 Regional Transportation Operations Facility (the "Original Agreement"); and

WHEREAS, by a First Amendment dated the 9th day of December, 2014, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, by a Second Amendment dated the 22nd day of December, 2015, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, by a Third Amendment dated the 15th day of November, 2016, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, by a Fourth Amendment dated the 12th day of January, 2018, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, by a Fifth Amendment dated the 13th day of November, 2018, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, by a Sixth Amendment dated the 17th day of December, 2019, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, by a Seventh Amendment dated the 12th day of January, 2021, the Parties modified the scope of Services and compensation as set forth in the Original Agreement; and

WHEREAS, the Parties desire by this Eighth Amendment to further modify the scope of Services and compensation as set forth in the Original Agreement.

EIGHTH AMENDMENT

NOW THEREFORE, in consideration of the foregoing and the mutual rights and obligations as set forth below, the Parties agree as follows:

1. The Original Agreement shall be amended by the replacement in its entirety of Exhibit A (the Lease Payment Calculation), with the new Lease Payment Calculation attached hereto as **Exhibit A-7**, and incorporated herein by reference.
2. The Original Agreement shall be amended by the replacement in its entirety of Exhibit B (Avon Fleet Maintenance Service Rate Sheet), with the new Rate Sheet attached hereto as **Exhibit B-2**, and incorporated herein by reference.
3. Capitalized terms in this Eighth Amendment will have the same meaning as in the Original Agreement. To the extent that the terms and provisions of the Eighth Amendment conflict with, modify or supplement portions of the Original Agreement, the terms and provisions contained in this Eighth Amendment shall govern and control the rights and obligations of the parties.
4. Except as expressly altered, modified and changed in this Eighth Amendment, all terms and provisions of the Original Agreement shall remain in full force and effect, and are hereby ratified and confirmed in all respects as of the date hereof
5. This Eighth Amendment shall be binding on the parties hereto, their heirs, executors, successors, and assigns.

**I-70 REGIONAL TRANSPORTATION OPERATIONS FACILITY
EXHIBIT A-7
LEASE PAYMENT CALCULATION**

LEASE RATES AND CHARGES

Lease payment calculations consist of Capital, Operations and Maintenance (“O&M”), and Asset Management and will be charged as a budget neutral operation. Capital and Asset Management charges will remain fixed for the term of the Agreement. O&M costs will be audited each year and may be subject to change upon written notice by the Town of Avon no later than June 1 of any given year, which adjustment shall take effect no sooner than January 1 of the succeeding year.

Operations and Maintenance Cost			
	FY 2021	FY 2022	Comments
		Projected Costs	
Utilities	\$39,506	\$35,086	$\$18,744.60 - \text{Gas} \times 62\% = \$10,381$ $\$33,418.25 - \text{Electric} \times 62\% = \$20,719.32$ $\$4,929.21 - \text{Water \& Sanitation} \times 62\% = \$2,962.59$ Total: $\$10,381 + \$20,719.32 + 2,962.59 + 3\%$ inflation
Snow Management	\$7,442	\$7,442	Same: $\$11,812/\text{year-all of Swift Gulch (60/40 Transit/Fleet)} = \$7,087 + 3\%$
Pest Control	\$900	\$590	Orkin ($\$950 \times 0.62\%$)
Security	\$6,348	\$4,247	Security, Alarms & sprinklers ($\$830 \times 62\%$)
Broadband/Internet/Wi-Fi	\$0	\$3,224	$\$5,200 \times 62\%$
Janitorial	\$13,000	\$10,230	contract and Avon Staff ($\$12,000$ and $\$4,500$) $\times 62\%$
Coffee Service	\$2,100	\$1,000	reduced
Computer and Printer	\$0	\$0	Currently using Avon Computer and ECO printer
Telephone	\$1,550	\$3,549	$\$3,724 \times 62\%$ (in support of security and alarms)
Insurance Premium	\$11,195	\$10,225	$\$16,491.91 \times 62\%$
Building Maintenance (Facilities)	\$27,030	\$61,281	$\$37,550 \times 62\% + \$38,000$ emergency garage repair and maintenance (doors and Plumbing)
Total	\$109,071	\$136,873	
Per bus stall per month	\$378.72	\$475.25	

SHARED CAPITAL INVESTMENT (Capital Portion)	
Local Match (credit \$568,843 for residual value & for design contributions: ECO \$238,000 & TOA \$146,332)	\$1,289,489 funded via bonds by TOA
Number of Indoor Stalls	24
Interest rate	4.69% TOA's bond rate
duration (years)	40 years
# monthly payments	480 months
equivalent monthly rate	0.39%
Amortized capital, total	\$53,729 /month
Amortized capital, per bus per month	\$248 /bus/month
Amortized capital, per bus per season	\$2,978.35 /bus/year

SHARED ASSET MANAGEMENT (AM portion)	
Target Asset Replacement Fund	\$550,000 HVAC, pavement, misc. repairs
Replacement Frequency	25 years
Linear set aside target	\$22,000 per year
Local Match Needed	100%
Local Match AM Set Aside	\$22,000 total per year
Number of Stalls	24
	\$76 /bus/month
	\$917 /bus/year

LEASE PAYMENT SUMMARY BUSES LARGER THAN 32 FT.	FY 2021
Capital portion	\$248 /bus/month
O&M portion	\$475 /bus/month
AM portion	\$76 /bus/month
Total Monthly	\$799 /bus/month
Total Seasonal	\$9,588 /bus/year
BUSES SMALLER THAN 32 FT.	
(Four buses in a row instead of three)	\$661
Total Monthly for 8 Buses + 1 small bus	\$84,636.00 /year

BUS WASH COSTS			
Operation and Maintenance Costs	2021	2022	Comments
Utilities	\$ 3,243.35	\$ 2,414.57	Gas \$16,744.60x14%+3% = \$2,414.57
	\$ 4,966.51	\$ 4,818.91	Electric \$33,418.25x14%+3% = \$4,818.91
	\$ 10,963.33	\$ 8,728.44	Water dedicated Line (\$8,474.1) + 3%
Trash	\$ 1,200.00	\$ 1,200.00	same
Modem	\$ 1,512.53	\$ -	Landline no longer needed
R&M Building and Facilities	\$ 1,700.00	\$ 10,141.00	HVAC Maint, Garage Door Repair, Chem test, Motor Repair
R&M Other Specialized Equipment	\$ 21,939.00	\$ 21,939.00	equipment replacement
Other Purchase/Contract Service	\$ 6,000.00	\$ 8,000.00	Sludge removal-drain cleanout/Wash Maint
Staff Time	\$ 10,499.82	\$ 11,129.80	Bldg Maintenance Staff @ 8hrs/week +3%
Other Misc Operating Supplies	\$ 9,500.00	\$ 5,500.00	supplies,softner, soap, nozzles, pump and motor replacement
Total Yearly Expense	\$ 71,524.54	\$ 73,871.72	
Number of Vehicles Washed			
Bus Wash/Carriage Wash	3,143	\$ 3,053.00	2020 Actual
Car Wash	892	\$ 641.00	2020 Actual
Total Equivilant washes	10,321	\$ 9,800.00	Buses are 3 times cars
Cost/equivilant washes	\$ 6.93	\$ 7.54	
Cost/Bus Wash	\$ 20.79	\$ 22.61	
Cost for Car to use Avon Bus Wash	\$ 7.00	\$ 7.50	
Fee for Avon Employee to download money	\$ 2.50	\$ 2.60	5 min effort 3% increase
Fee for Avon Employee to wash bus	\$ 25.75	\$ 27.00	5% increase
ECO Transit Bus Wash and Fueling		\$ 52.21	Per Bus
Fee for Avon Employee to Clean Bus Only		\$ 27.00	Hand Clean Bus when wash is down
Fee for Avon Employee to Fuel Bus Only		\$ 5.25	As requested by ECO Transit Drivers
Fee for Avon Employee to download money Only		\$ 5.25	As requested by ECO Transit Drivers

EXHIBIT B-2

AVON FLEET MAINTENANCE SERVICE RATE SHEET

1. Contractor Services and Hourly Rate:

At the verbal or written request of ECO Transit, Avon may provide repair and replacement work for ECO buses. For any such repair or replacement services, ECO will pay Avon a unit hourly shop rate of \$110.00 per hour for light duty vehicles and equipment and \$120.00 per hour for heavy duty vehicles and equipment which is the same rate as previous. Materials and sublet work shall be charged at cost plus twenty-five percent (25%).

2. Fuel Rate:

ECO Transit will pay Avon a unit fuel rate of cost plus \$0.15/gallon.

3. Warranty:

Contractor will perform all services in a prompt, efficient and workmanlike manner. Contractor shall promptly correct any defective work. This warranty shall be in lieu of all other warranties, express or implied. Contractor's sole liability hereunder, whether in tort or in contract, is expressly limited to the warranty provided for herein.

**INTERGOVERNMENTAL AGREEMENT
FOR LEASE OF THE ECO TRANSIT WELCOME CENTER SPACE AT THE
VAIL TRANSPORTATION CENTER**

THIS INTERGOVERNMENTAL AGREEMENT ("**Agreement**") is entered into the ^{27th}~~18th~~ day of March 2014, between the Board of County Commissioners of Eagle County, a body corporate and politic ("**County**"), and the Town of Vail, a Colorado municipal corporation, hereinafter referred to as the "Town" (individually at "**Party**" and collectively, the "**Parties**").

RECITALS

WHEREAS, the Town owns, operates and maintains the Vail Transportation Center located at 241 South Frontage Road East, Vail, Colorado 81657 (the "VTC"); and

WHEREAS, the County wishes to lease certain space within the VTC for bus-ticket sales and the provision of information services concerning local and regional transportation, as well as information regarding the Town of Vail, Vail Resorts, Greyhound, and local hotels and businesses; and

WHEREAS, the Town is willing to lease said space to the County upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Town and the County, the Parties do hereby agree as follows:

1. **Term**. The initial term ("**Initial Term**") of this IGA shall commence upon execution of this Agreement by both parties and shall end on December 31, 2014, unless earlier terminated as hereinafter provided.
2. **Renewal Term**. After expiration of the Initial Term, this IGA shall automatically renew on the same terms and conditions for up to five (5) additional one-year terms (each one year period will individually be referred to as a "**Renewal Term**"). Each Renewal Term will commence on January 1 and end on December 31 of the succeeding calendar year.
3. **Premises**. The Town hereby grants to the County the right to lease and occupy the following space at the VTC:

Space No. 400 consisting of an approximately 197 square foot area located on level 4 of the VTC, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference. (the "Premises").

The Town will allow the County to place a Ticket Vending Machine outside of space No. 400 with access to power provided by the Town. Area of the needed space will be at least 3 feet wide by 2 feet deep.

4. **Lease Payment Amount**. As consideration for lease of the Premises under this Agreement, the County shall pay to Vail for each term as follows:

- County will compensate the Town of Vail for use of the Premises in the form of bus tickets valued in an amount not to exceed \$50,000 per year. The bus tickets will be for the use of Town of Vail employees.

5. **Budgeting and Appropriation.** The County's obligations under this Agreement are subject to the County's annual right to budget and appropriate the sums necessary to lease the Premises. No provision of this Agreement shall be construed or interpreted as creating a multiple fiscal year direct or indirect debt or other financial obligation of the County within the meaning of any constitutional or statutory debt limitation. Notwithstanding anything to the contrary contained in this IGA, the County shall have no obligations under this IGA with respect to any period after the end of the fiscal year in which funds have been appropriated therefore by the County in accordance with a budget adopted by the Board of County Commissioners in compliance with Article 25, Title 30 of the Colorado Revised Statutes, the Local Government Budget Law (C.R.S. § 29-1-101 et. seq.) and the TABOR Amendment (Colorado Constitution, Article X, Sec. 20). If applicable funds are not appropriated for a forthcoming Term, the County may terminate this Agreement without penalty, effective upon the commencement of the period for which funds have not been appropriated. the County will use its best effort to notify the Town of such non-appropriation of funds and resulting termination at the earliest possible date.

6. **Payment.** Payment will be made as follows:

- On a monthly basis, County will report and reconcile bus ride activity reports for passes dedicated to the Town of Vail billing code in the ridership software. Rides by pass will be reconciled at a rate of \$1.50 per ride, not to exceed \$85 per employee per month. Reports will be available to the Town no later than the 15th of the month following the billing period.

7. **Rights and Limitations on Use of the Premises.** The following rights and limitations apply to the County's use of the Premises:

- (a) The County shall have access to the Premises only during normal operating hours for the VTC.
- (b) The County agrees to accept the Premises in its existing condition and agrees not to make any installation on the Premises, except as may be removed without damage to the Premises.
- (c) The County agrees to take good care of the Premises and to leave the Premises in the same condition as when first occupied at the commencement of this Agreement, reasonable wear and tear expected.
- (d) The County shall be permitted to display signage necessary for its operations and as required by Greyhound Lines, Inc. The County will, at its own expense, maintain in good condition, all permitted signs and shall, on the expiration or termination of this Agreement, remove all such permitted signs and repair any damage that may be

caused by such removal.

- (e) The County agrees to immediately notify the Town of any defects or dangerous conditions in and about the Premises of which the County becomes aware. The County agrees to reimburse the Town for the cost of repairing any damage to the Premises caused by acts or omissions of the County.
 - (f) The County shall not permit the Premises to be used for any purpose prohibited by law, and will use the Premises in accordance with the general rules and regulations adopted by the Town governing the operation of the Premises.
 - (g) The County has the right to contract with a third-party independent contractor to provide bus-ticket sales and information services on its behalf. County's independent contractor will be required to comply with the limitations on use of the Premises contained herein.
 - (h) The Town shall provide County one daily parking pass per month for parking at the Vail Transportation Center through the course of the lease.
8. **Termination.** The County or the Town may terminate this IGA without cause by providing at least forty-five (45) days prior written notice to the other Party.
9. **Utilities.** The Town agrees that it will, at its own expense, furnish the necessary electricity, heating, lighting, trash removal, and water for the leased premises. The County shall provide janitorial and other services necessary to maintain the Premises in a clean and orderly condition, as well as special lighting lamps not normally furnished by the Town, at the County's own cost and expense.
10. **Inspection.** The Town shall have the right to enter the Premises for the purpose of inspecting or protecting the Premises.
11. **Liability and Indemnification.** The County, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of the Town or of any officer or employee thereof. Likewise, the Town, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors or omissions of the County or by any officer or employee thereof.
12. **Insurance.** The County must carry valid insurance for any individuals and property that are involved in use of the Premises. The Parties must each carry property damage and general liability insurance policies, each in the amount of \$1,000,000 per occurrence and \$1,000,000 aggregate.
13. **Relationship of the Parties.** The relationship between the Parties is that of cooperating independent governmental entities and nothing herein shall be deemed or construed as creating a relationship of principal and agent, partnership, joint venture, or joint ownership interest in the real property.
14. **No Waiver of Governmental Immunity.** Nothing in this IGA shall be construed to

waive limit, or otherwise modify any governmental immunity that may be available by law to the Town or the County, its respective officials, employees, contractors, or agents, or any other person acting on behalf of the Town or the County, and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

15. **Notice.** Any notice, demand, or other communication required or permitted to be given by any provision of the Lease shall be given in writing, delivered personally or sent by certified or registered mail, postage prepaid and return receipt requested, or by overnight courier, with shipping charges prepaid, address as follows:

To the Town: Town of Vail
Pam Brandemeyer
Assistant Town Manager
755 Frontage Road
Vail, CO 81657
Ph.: (970) 479-2100

To the County:
Eagle County
Director of Transportation for ECO Transit
3289 Cooley Mesa Road
P.O. Box 1070
Gypsum, CO 81637
Ph.: 970-328-3520

16. **No Third-Party Beneficiaries.** Nothing contained in this IGA is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third-party, including any agent, sub-consultant or sub-contractor of the Town, the County or Eagle County. Absolutely no third-party beneficiaries are intended by this IGA. Any third-party receiving a benefit from this IGA is an incidental and unintended beneficiary only.

17. **Miscellaneous.**

- a. Except as provided herein, no amendment, alteration, modification or addition to this Agreement shall be valid or binding unless in writing and signed by the Parties.
- b. The caption of each section is added as matter of convenience only and is to be considered of no effect in the construction of any provision contained herein.'
- c. This Agreement shall be governed and interpreted in accordance with the laws of the State of Colorado.
- d. Should either party bring suit to enforce the terms of this Agreement, the Parties shall bear their own respective costs, expenses, and attorneys' fees.

- e. If any provision of this Agreement or the application thereof to any person or circumstance shall to any extent be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected thereby.

// Signature Page Follows //

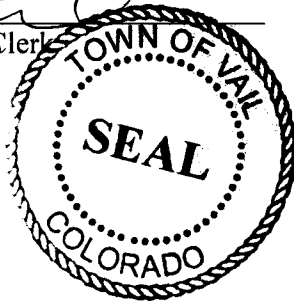
IN WITNESS WHEREOF, the Parties hereto have executed this IGA the day and year first above written.

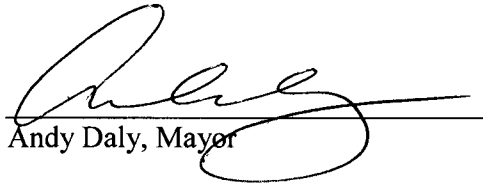
TOWN OF VAIL

TOWN OF VAIL, STATE OF COLORADO, By and Through Its MAYOR

ATTEST:


Tammy Nagel, Town Clerk



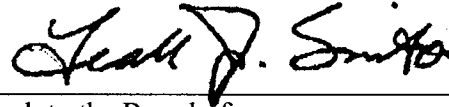
By: 
Andy Daly, Mayor

Date: March 18, 2014

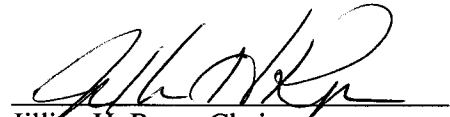
EAGLE COUNTY

COUNTY OF EAGLE, STATE OF COLORADO, By and Through Its BOARD OF COUNTY COMMISSIONERS

ATTEST:


Clerk to the Board of County Commissioners



By: 
Jillian H. Ryan, Chairman

By:  , Deputy

Date: 5/27/14

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
TOWN OF EAGLE
AND
THE COUNTY OF EAGLE, STATE OF COLORADO
FOR
MAINTENANCE SERVICE OF POLICE DEPARTMENT VEHICLES**

THIS INTERGOVERNMENTAL AGREEMENT made and entered into this 23 day of January, 2007, by and between the Town of Eagle (hereinafter referred to as the "Town"), and the Board of County Commissioners of the County of Eagle, State of Colorado, a body corporate and politic (hereinafter referred to as the "County").

WITNESSETH:

THAT, in consideration of the mutual promises, covenants and conditions contained herein, the parties hereto agree hereby as follows:

1. SCOPE:

The County does hereby agree to perform maintenance services for the Town of Eagle located within the County of Eagle, State of Colorado. Said maintenance services shall be limited to the following unless approved in writing by the County:

See attached IGA Rate Schedule for Service

2. PERIOD OF AGREEMENT:

The term of this agreement shall commence the 1st day of March, 2007, shall expire on the 1st day of March, 2008; however, this Agreement shall automatically renew on an annual basis, each March 1st unless terminated in accordance with this Agreement.

3. REMUNERATION:

A. The Town agrees to pay the County a rate of \$70.00 per hour for mechanic's time performing the above maintenance services. Such rate is subject to amendment and modification by mutual agreement of the parties upon each renewal period or at a time otherwise agreed to by the parties.

In the event the county agrees to perform additional services to those outlined in Paragraph 1, the hourly rate shall be negotiated by the Eagle Fleet Supervisor prior to the

County performing any additional maintenance services. See attachment for IGA rate schedule for specific service rates.

- B. The County shall bill the Town for maintenance services on the first of every month. Payment by the Town is due and owing to the County by the 30th of the month. Any payments made by the Town to the county must be made out to the Eagle County Motor Pool Fund.

4. INDEMNIFICATION/HOLD HARMLESS:

To the extent allowed by law the Town shall hold the County harmless from all claims by the Town or by third parties asserted against the County arising out of the County's maintenance service of the Town vehicles.

5. MISCELLANEOUS:

- A. The Town recognizes that the County is merely providing a service for the Town and that County vehicles are the number one priority of the Eagle County Fleet Mechanics.
- B. Either party may terminate this Agreement with or without cause upon thirty (30) days' notice in writing to the other party.
- C. All written notices shall be given by certified mail to the following address:

Eagle County Motor Pool
P. O. Box 250
Eagle, CO 81631

Town of Eagle
P. O. Box 609
Eagle, CO 81631

- D. The provisions of this agreement shall extend to and be binding upon the respective parties hereto, their successors and assigns. Notwithstanding the foregoing, financial obligations of the Town and the County, respectively, payable after the current fiscal year, are contingent upon funds for the purposes set forth in this Agreement being appropriated, budgeted and otherwise made available.
- E. No modification or waiver of this Agreement or of any covenant, condition, or provision herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

F. This written Agreement embodies the whole agreement between the parties hereto and there are no inducements, promises, terms, conditions, or obligations made or entered into either by the Town or the county other than that contained herein.

G. All agreements and covenants herein are severable, and in the event that any of them shall be held invalid by a court of competent jurisdiction, this Agreement shall be interpreted as if such invalid agreement or covenant were not contained herein.


H. The Town has represented to the County and, likewise, the County has represented to the Town that it possesses the legal ability to enter into this Agreement. In the event that a court of competent jurisdiction determines that either of the parties hereto did not possess the legal ability to enter into this agreement, this Agreement shall be considered null and void as of the date of such court determination.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 23 day of January, 2007.

THE COUNTY:

COUNTY OF EAGLE, STATE OF
COLORADO, By and Through Its
BOARD OF COUNTY COMMISSIONERS

ATTEST:

By: 
Clerk of the Board of
County Commissioners

By: 

ATTEST:

By: 
Clerk

By: 
Mayor, Town of Eagle

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into as this ____ day of _____, 202_ (the "Effective Date") by and between the Town of Eagle, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, CO 81631 (the "Town"), and the Board of County Commissioners of the County of Eagle, State of Colorado, a body corporate and politic (the "County") (each a "Party" and collectively the "Parties").

WHEREAS, the Town utilized a local mechanic for maintenance of the Town's fleet vehicles until their recent retirement, and now wishes to use the Eagle County Fleet Management's services for such maintenance; and

WHEREAS, the Parties are authorized to enter into this Agreement by Article XIV, § 18 of the Colorado Constitution and C.R.S. § 29-1-203, which allow governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and sufficient consideration, the Parties agree as follows:

1. Purpose. The purpose of this Agreement is to provide for the maintenance of Town police department vehicles by the County.
2. Services. The County, through Eagle County Fleet Management, agrees to diligently provide all services, labor, personnel and materials necessary to perform and complete the service or work described in **Exhibit A**.
3. Term. This Agreement shall commence upon the Effective Date and shall continue through _____.
4. Termination. This Agreement may be terminated by either Party, with or without cause upon 30 days' prior written notice to the other party. The County shall be entitled to compensation for services performed prior to such termination, and both Parties shall thereafter be relieved of all duties and obligations under this Agreement.
5. Hold Harmless. The Town shall hold the County harmless for any claims from third parties arising out of the County's maintenance of the Town's vehicles.
6. Miscellaneous.
 - a. *Governing Law and Venue*. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

b. *No Waiver.* Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

c. *Integration.* This Agreement and any attached exhibits constitute the entire Agreement between the Parties, superseding all prior oral or written communications.

d. *Third Parties.* There are no intended third-party beneficiaries to this Agreement.

e. *Notice.* Any notice under this Agreement shall be in writing and shall be deemed sufficient when directly presented or sent prepaid, first-class United States Mail to the Party at the address set forth on the first page of this Agreement.

f. *Severability.* If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

g. *Modification.* This Agreement may only be modified upon written agreement of the Parties.

h. *Assignment.* Neither this Agreement nor any of the rights or obligations of the Parties shall be assigned by either Party without the written consent of the other.

i. *Governmental Immunity.* The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

j. *Subject to Annual Appropriation.* Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year are subject to annual appropriation, and thus any obligations of the Town hereunder shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement or liability beyond the current fiscal year.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

EAGLE COUNTY, COLORADO

ATTEST:

County Clerk

EXHIBIT A

1. *Rate.* The Town agrees to pay the County a rate of \$110.00 an hour for mechanic's time performing maintenance services.
2. *Payment.* The County shall bill payment on the first of every month. Payment is due from the Town by the 30th of the same month.
3. *Scope of Maintenance Services.* The County shall be responsible for routine maintenance of Town police vehicles, including without limitation regular oil changes, proper tire inflation, engine operation, transmission, air conditioning and any other repairs or major components necessary for the safe operation of police vehicles.



To: Minturn Town Council
From: Michelle Metteer
Date: August 17, 2022
RE: Manager Report

Minturn Market

I have been acutely familiar with the Minturn Market since I started working at the Town of Minturn in 2009, and although this is only (approximately) half of the market's lifespan as this summer we're celebrating its 25th season, I believe it is time to rethink the summer market. With both visitor and vendor numbers down for the last several seasons and competition from other (newer) markets in the area, Minturn should embrace the inevitable evolution of the summer market.

As with the original creation of the market, I recommend creating a community visioning committee to consider how the market might grow and evolve into a fresh and exciting new version of the Minturn market. I look for Council to ask questions and provide feedback on this consideration.

Congressionally Directed Spending

Minturn applied for \$2,000,000 toward the new water treatment plant in the 2023 round of Congressionally directed spending applications. Unfortunately, we heard from Senator Bennet's office this week that the subcommittee in the House did not approve Minturn's or many other western slope projects for funding as they're looking to spread the funds around to new communities. The Town of Minturn will continue our efforts toward grants in support of the water treatment plant costs.

Historic Preservation – Public Notices

Minturn has executed three historic preservation public notices thus far. There is limited time to nominate a structure once the public notice is published. More information on historic preservation public notices can be found at: <https://www.minturn.org/home/news/historic-preservation-public-notice-pursuant-mmc-sec-19-9-10>.

CDPHE – Funding Water & Wastewater Improvements

I virtually attended a webinar on funding for water and wastewater projects presented by the Colorado Department of Public Health and Environment. It was beneficial in understanding the Town's chances in being awarded any construction grants (it won't be impossible but because Minturn is not a "Disadvantaged Community" it will be more difficult). We learned about additional opportunities through the Colorado Water Conservation Board which may be an option and worth exploring.

Bear/Wildlife Garbage Issues

Minturn continues to see too many violations of unlocked or broken trash bins. More care must be taken to protect the local wildlife. Fines will start being issued for violations in relation to the improper use of bear-proof containers.

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



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

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

REGULAR TOWN COUNCIL MEETINGS
August 17, 2022
Ordinance __ - Series 2022 (First Reading) an Ordinance amending the landscaping standards – Hunn
Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris
Ordinance 12 – Series 2022 (Second Reading) an Ordinance modifying Article 19 regarding Political Sign codes – Harris
Executive Session – Holland & Hart
Discussion/Direction – Downtown Colorado Inc. – Bill Shrum
Discussion/Direction – Preliminary Budget Review
September 7, 2022
DATE TO BE DETERMINED
Community Plan Update
Chapter 16 Zoning Amendments
Discussion/Direction - Eagle County School Dist Cash in Lieu Fee
Joint Session – HPC/Minturn Town Council
Assessment of UPRR property and possible purchases
Potential legislation regarding Mobile homes
Car Idling