



## **AGENDA**

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 and times of agenda items listed are approximate and intended as a guideline for the Town Council.

### **SPECIAL MEETING OF THE MINTURN TOWN COUNCIL**

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

**Tuesday September 7, 2021**

**The public is welcome to join the meeting in person or using the following methods:**

<https://us02web.zoom.us/j/87579045523>

**Or join by phone:**

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

**Webinar ID: 875 7904 5523**

**Regular Session – 7:00pm**

**MAYOR – John Widerman  
MAYOR PRO TEM – Earle Bidez**

#### **COUNCIL MEMBERS:**

Terry Armistead  
George Brodin  
Eric Gotthelf  
Gusty Kanakis  
Tom Sullivan

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

**Regular Session – 7:00pm**

#### **1. Call to Order**

- Roll Call
- Pledge of Allegiance

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

**3. Approval of Agenda**

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

**4. Special Presentations**

- Council Comments/Committee Reports (10 min)

**PUBLIC HEARINGS AND/OR ACTION ITEMS**

- 5. Public Hearing/Action Item:** Ordinance 08 - Series 2021 an Emergency Ordinance regarding Demolition Permits – Sawyer

**COUNCIL INFORMATION / UPDATES**

**6. Staff Updates (5 Min)**

- Manager's Report
- Future Agenda Items

**MISCELLANEOUS ITEMS**

**7. Future Meeting Dates**

- a) Council Meetings:
- September 15, 2021
  - October 6, 2021
  - October 20, 2021
  - November 3, 2021
  - November 17, 2021

**8. Other Dates:**

**9. Adjournment**

*Glenwood Springs – Main Office*  
201 14<sup>th</sup> Street, Suite 200  
P. O. Drawer 2030  
Glenwood Springs, CO 81602

*Aspen*  
323 W. Main Street  
Suite 301  
Aspen, CO 81611

*Montrose*  
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*\*Direct Mail to Glenwood Springs*

DATE: September 3, 2021  
TO: Town of Minturn Town Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Emergency Ordinance for 100 Block Demolition Permits

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The zoning for the 100 Block Commercial Zone in the Old Town Character Area provides that the primary purpose for this area of Town is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail area in order to generate sales tax. Many of the Town's small businesses that generate a meaningful portion of the Town's sales tax are located within historic structures located within the 100 Block Commercial Zone. Based upon recent inquiries, there is concern that an alarming number of historic structures located within the 100 Block could be demolished in the near future. This could have a detrimental impact on the Town's business community, tourism, and generation of sales tax to maintain the functioning of the Town's budget.

Due to the emergency created by this situation, the Council is presented with an emergency ordinance enacting a moratorium on the acceptance and processing of development permits seeking to demolish structures in the 100 Block. The moratorium would last through December 6, 2021.

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 08 – SERIES 2021

AN EMERGENCY ORDINANCE OF THE TOWN OF MINTURN, COLORADO ENACTING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DEVELOPMENT PERMITS AUTHORIZING DEMOLITION 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 Minturn Municipal Code 100 Block Commercial Zone District Design Guidelines describes the zone district character as “History meets Present Day” and includes examples of historic buildings and artifacts integrated into present day development; and

**WHEREAS**, the 2009 Minturn Community Plan includes the Community Character/Urban Design goal “CCS 1.5 - Investigate methods to preserve and protect historic structures” that would facilitate the Economic Development goal “(EDS 1.9) Promote the town’s unique history to capitalize on the heritage tourism market”; and

**WHEREAS**, historic structures located within the 100 Block Commercial Zone house small retail businesses which meet the Town’s commercial needs and generates sales tax for the use by municipal government; and

**WHEREAS**, the Town expects to receive applications for demolition of existing historic structures which would negatively impact the historic character and existing retail and commercial spaces within the 100 Block Commercial Zone; and

**WHEREAS**, the Town deems the demolition of historic structures in the 100 Block Commercial Zone to be a material threat to the Town’s ability to meet the goals of the Municipal Code, the Community Plan, and meet commercial and retail needs of its citizens and to generate sales tax revenue; and

**WHEREAS**, all new development projects including a demolition component require administrative review and approval pursuant to Division 2, Article 21, Chapter 16 of the Minturn Municipal Code to ensure that the proposal is in conformance with the regulations adopted by the Town; and

**WHEREAS**, the Town Council desires to review and invite public comments on Code provisions relating to the preservation of historic structures, the retail vitality of the 100 Block

Commercial Zone, and demolition of historic structures 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 historic character, loss of retail sales tax base, and as such constitutes an emergency; 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; and

**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 development permits authorizing demolition within the 100 Block Commercial Zone of the Told Town Character Area.

SECTION 3. A moratorium until December 6, 2021 is hereby imposed on the acceptance and processing by the Town of development applications for demolition within the 100 Block Commercial Zone of the Old Town Character Area.

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 7<sup>th</sup> day of September,

2021, 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

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John Widerman, Mayor

ATTEST:

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