



## AGENDA

### Town Council Regular Meeting

**Executive Session: 4:30PM**

**Regular Session: 5:30PM**

**Wednesday, October 18, 2023**

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

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The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

#### **MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:**

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87334536361>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 87334536361

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

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

#### **1) CALL TO ORDER**

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.

#### **2) EXECUTIVE SESSION (4:30PM)**

- a) For discussion of a personnel matter under CRS Section 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. – Town Administrator review.

**3) ROLL CALL AND PLEDGE OF ALLEGIANCE**

**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.

- a) Meeting Minutes – October 4, 2023 Meeting Minutes Pg 4
- b) Liquor License – Retail Liquor Store License annual renewal application; Minturn Mile Liquor Store, 341 Main St, Gail Crowder, Owner/Manager Pg 11

**5) APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletion to the agenda.

**6) DECLARATION OF CONFLICTS OF INTEREST**

**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) COUNCIL COMMENTS & COMMITTEE REPORTS**

**9) MANAGER'S REPORT Pg 14**

**10) SPECIAL PRESENTATIONS**

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

**11) BUSINESS ITEMS**

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

- a) Ordinance 14 – Series 2023, An Ordinance Amending the 2021 International building code to exempt sprinkler systems from single family residential units less than 6000sf. Pg 20
- b) Resolution 30 – Series 2023 A Resolution Approving the Update of the Minturn Snow Removal Plan Pg 24

**12) DISCUSSION / DIRECTION ITEMS**

- a) Water Treatment Plant alternatives analysis – Water Rates (Metteer)
- b) Budget Review
  - (i) 2024 Water Rates Pg 39
  - (ii) Council Wage

**13) FUTURE AGENDA ITEMS Pg 43**

**14) ADJOURN**

**INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- Nov 1, 2023
- Nov 15, 2023
- Dec 6, 2023
- Dec 20, 2023



## OFFICIAL MINUTES

### Town Council Regular Meeting

Wednesday, October 4, 2023 at 5:30 PM

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

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**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 885 4973 5230

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

#### 1) CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:31pm.

#### 2) ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Staff present: Attorney Michael Sawyer (zoom), Town Manager Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

- 3) **APPROVAL OF CONSENT AGENDA:** Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.
- a) Meeting Minutes – October 4, 2023
  - b) ~~759 Main St – Bianchi Driveway~~
  - c) Liquor License: El Fraile, DBA The Mexican Bar and Grill annual renewal of a Hotel and Restaurant Liquor License, Juan Estrada, Owner/Manager, 160 N Railroad Ave.
  - d) Liquor License: Deutschman Family LLC, DBA Kirby Cosmos BBQ Bar annual renewal of a Hotel and Restaurant Liquor License, Mark Tamberino Owner/Manager, 474 Main St
  - e) Liquor License: The Bunkhouse annual renewal of a Lodging and Entertainment (City) Liquor License, Nancy Richards Owner/Manager, 175 Williams St.

Gusty K. requested to pull for further review the 759 Main St-Bianchi Driveway. This will be considered separately as Item 11D.

Motion by Terry A., second by Tom S., to approve the Consent Agenda of October 4, 2023 as amended. Motion passed 7-0.

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

Motion by Kate S., second by Lynn F., to approve the Agenda of October 4, 2023 as amended. Motion passed 7-0.

5) **DECLARATION OF CONFLICTS OF INTEREST**

Terry A. will recuse from 759 Main St-Bianchi Driveway discussion.

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

7) **COUNCIL COMMENTS & COMMITTEE REPORTS**

Lynn F. reported on the Market Committee noting they are working on ideas to reinvigorate the event.

Terry A., updated on the success of the Hometown Throwdown held throughout the town last weekend reporting it was a tremendous success and that it was very well attended, this event is sponsored by the Town of Minturn. She noted the town wide Halloween Party, it will be held at

the Saloon on Oct 28 to support the Minturn Community Fund. She noted Tom Priest has made some changes to the Minturn Fitness Center and it looks great. Lots of locals are attending and attending classes.

Earle B. asked Council about Council compensation. He asked if the Council was interested in reviewing Minturn pay rates. This will be further discussed at the 10/18 meeting.

## **8) STAFF REPORTS**

### **a) Manager's Report**

#### **Concrete Tank Completion**

John Volk is installing the baffling apparatus inside the new concrete water tank (tank #3) to provide the town with maximum contact time credits. Once this is completed, along with a new operations plan for the steel bolted tank (tank #2), the concrete tank will be brought online. A final aspect of the tank project includes a security fence at the town's property line closing the area to the public. This has been a critical safety element that has been missing for years and public works is excited for this important security measure finally installed. The goal of the fence is to keep all members of the public out of the water treatment plant and tank area.

#### **(More) Sidewalk Repairs**

There are several areas along Main Street where the sidewalk is bulging. Three sections of the sidewalk have been identified for repairs which are scheduled to take place later this fall. The total project cost is under \$20,000 and 360 Construction, the same company who conducted repairs to Pine Street recently, will be handling the work.

#### **Snowplow Contractors Notice**

As part of the snow removal discussions, it was identified that a majority, although not all, of the issues stemming from snow removal are due to private snowplow contractors. Staff is preparing letters to current snowplow contractors along with public notices for future snowplow contractors on expectations for snowplow operations within the town of Minturn. We anticipate several changes to the system in the coming months and hope to provide a more thorough update at the October 18<sup>th</sup> Council meeting.

Michelle M. updated how this would work as part of the discussion.

#### **Wells 3 & 4 Volumetric Testing**

Testing is scheduled for October 23<sup>rd</sup>. The water team is requesting everyone remain clear of this area while the testing is in progress. Updates will be provided on an ongoing basis. Staff appreciates everyone's cooperation.

#### **Minturn North Application Process**

The Minturn North project continues to move forward behind the scenes. Staff tentatively anticipates the final plat to go before the planning commission on October 11<sup>th</sup>. Following the final plat recommendation, all first reading documents are expected at Council on November 1<sup>st</sup> with

second readings tentatively planned for November 15<sup>th</sup>. This is a conceptual timeline and subject to change.

### **Bianchi Driveway & Medina Property Service Line**

Staff will be working this fall/winter with the contractor for the Bianchi driveway to draft a cost share agreement. With the Bianchi driveway receiving informal support from the council for the relocation of the current easement, a review will take place to understand costs associated. This will be done in conjunction with the updating of the Medina water service line and this work will lend itself to some form of cost share agreement. I originally indicated at the September 20<sup>th</sup> Council meeting that costs would be covered by the developer, which was not accurate or appropriate given the need for the town to relocate the Medina water service line due to tank #2 not being fully utilized. For this reason there will need to be a cost share agreement which the Council will either approve, edit, or deny.

- 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.
  - a) Eagle Valley Community Foundation

Katlyn Halsey of the Foundation gave a presentation regarding the Eagle Valley Community Foundation programs and stood for questions. Discussion ensued how important this organization is.

- 10) **BUSINESS ITEMS:** Items and/or Public Hearings listed under Business may be old or new and may require review or action by the Council.
  - a) Ordinance 13 - Series 2023 (Second Reading) an Ordinance Amending Chapter 16 Article 16 of the Minturn Municipal Code; Amending Section Titles (only) of the Parking Code

Michelle M. presented.

Staff noticed that in Article 16 - *Parking* it was not apparent that there were certain sections that were not applicable in the 100 Block Commercial Zones due to the update done several months ago. Staff brought forward this ordinance correcting section titles only, not affecting the content of those sections, to make clear that the parking requirements were applicable everywhere except for the 100 Block Commercial Zones. The Planning Commission reviewed this ordinance at their September 13, 2023 regular meeting and forwarded a recommendation of approval to the Town Council. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, and following Section 16-21-610 Public notice.

It was noted that there were no changes from First Reading.

Public Hearing Opened

No Public Comment  
Public Hearing closed.

Motion by Terry A., second by Gusty K., to approve Ordinance 13 - Series 2023 (Second Reading) An Ordinance amending Chapter 16 Article 16 of the Minturn Municipal Code; Amending Section Titles (only) of the Parking Code as presented. Motion passed 7-0.

- b) Resolution 29 - Series 2023 A Resolution exempting Minturn from live streaming municipal court

Michael S. reported that this year, the legislature adopted HB23-1182 which provides that all courts in Colorado must provide remote access for the public to observe any criminal court proceedings conducted in open court. The new law contains some exceptions from the mandate including: (a) unless the court does not have the technology to do so; (b) the court has ordered that the public is excluded from the proceeding; and (c) technology, staffing, or internet issues limit or prevent remote observation.

The Town of Minturn municipal court only meets once per month. The Court has only one employee who is assigned to the Municipal Court as the Clerk. The Municipal Court Clerk is only allocated 0.15 of her FTE to dedicate to Court matters. As Council is aware, to stream meetings in Council chambers requires a second person to run cameras and sound equipment. The Town of Minturn only has four administration employees, none of whom have time to undertake work to stream Court proceedings in lieu of performing other assigned duties.

Staff has prepared the attached resolution to opt out of the streaming requirement for municipal court proceedings.

Motion by Gusty K., second by Tom S., to approve Resolution 29 – Series 2023 a Resolution exempting Minturn from live streaming municipal court as presented. Motion passed 7-0.

- c) Council motion to formally accept the FY2024 Preliminary Budget – Brunvand
  - i) Budget Review and acceptance

Michelle M. and Jay B. presented the budget for acceptance, reviewed salient points, and stood for questions.

As required by Colorado State law, the Council must accept the proposed budget for the following year no later than October 15 of the preceding year.

This budget recognizes revenues and expenses for the forthcoming year in a manner responsive to Council direction as of the Work Session held September 20, 2023. Over the coming meetings, Council will have other discussions on this budget as well as Public Hearings before it is finalized and approved during the December 6, 2023 Council Meeting.

On November 7, 2023 a statewide election will be held to decide how to calculate property taxes in light of inflationary housing prices seen statewide that have somewhat skewed statewide projected property tax revenues. This ballot question is referred to as “HH” and over the coming



month or so we will hear much more on this matter. This budget reflects passage of this ballot measure however it appears that the impact on Minturn will be responsible.

The second Council meeting in October will include a budget presentation reviewing proposed special projects and Enterprise Fund water fees and then allow time for Council questions and discussion. This will give Staff the necessary time review the material and prioritize your concerns.

Please reference the Budget Schedule and Calendar included on pages 70-74. This will give you a clear vision of which meetings will include budget discussions, public hearings, and approvals. We all know the budget includes the operational items like electric bills and general day-to-day items. My intent during the first meeting in October is not to review that material in detail, rather to highlight some of the recent items of note in our General Fund revenues and expenses and allow for council and public questions. I have listed a few of the accounts below to show the Council that we do have money to perform some of the items we have recently discussed that are not Special Projects.

Budget Review during upcoming meetings (Budget page 70):

- 10/18/23
  - Session under Discussion and Direction for Council to discuss the budget as relates to water rates in the Enterprise Fund and consider questions or direction from Council. This will begin with a short presentation and then discussion of major projects scheduled.
  - Q&A
- 11/01/23
  - Public Hearing on FY2024 Budget (this is the ONLY public hearing)
  - GID public hearing and approval
  - Q&A
- 11/15/23
  - Discussion of revenue changes as a result of the statewide general election
  - First Reading of Budget approval Ordinances
    - Review of 2023 Supplemental Appropriations
  - Q&A
- 12/6/23
  - Second and final reading of Budget approval Ordinances

Motion by Gusty K., Second by Kate S., to accept the Fiscal Year 2024 Draft Annual Budget and set Public Hearing at 5:30pm on November 1, 2023 to be held in the Council Chambers and via ZOOM at 302 Pine St, Minturn as presented.

## **11) DISCUSSION / DIRECTION ITEMS**

- a) 759 Main St – Bianchi Driveway

Note: Terry A. stood recused due to a conflict of interest.

Mr. Jeff Armistead, Development representative, clarified to questions that this only allows the owner to proceed on a limited scope. They will need various permits and future approvals before they can begin digging, etc.

Mike S. stated there is a Draft Development Agreement that will still come before the Council. Gusty was concerned this was approving everything, it is not, it is only allowing the driveway and private improvements up to a point when they and we are ready to approve a development agreement. Mr. Armistead clarified what they want to do and how his intention is to not hold up work on the lot that does not have to do with the water line easement. He noted if they did work it is at the property owner's risk.

Mike S. stated it would come back to council for vacating an existing easement and documents to approve the new easement and development agreement.

Council directed they did not have any further issues and unanimously expressed should proceed as proposed.

## **12) FUTURE AGENDA ITEMS**

- Snowplow update
- Plow driver business licenses
- Town Managers review

## **13) ADJOURN**

Motion by Kate S., second by Tom S., to adjourn at 6:44pm.

## **INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- Oct 18, 2023
- Nov 1, 2023
- Nov 15, 2023
- Dec 6, 2023



To: Mayor and Council

From: Jay Brunvand

Date: October 18, 2023

Agenda Item: Annual renewal of Retail Liquor License

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**REQUEST:**

Staff is requesting Council to review and approve the attached annual renewal of a Retail Liquor License for Gail Crowder, DBA The Minturn Mile Liquor Store located at 341 Main St.

**INTRODUCTION:**

This establishment has an existing Retail License and this is the annual renewal.

**ANALYSIS:**

Not Applicable

**COMMUNITY INPUT:**

Not Applicable

**BUDGET / STAFF IMPACT:**

The applicant has submitted the required fee of \$87.50.

**STRATEGIC PLAN ALIGNMENT:**

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

This item is approved on the Consent Agenda, no separate motion is required.

**ATTACHMENTS:**

- Application and supporting documentation for the license renewal.

**Submit to Local Licensing Authority**

**MINTURN MILE LIQUORS**  
**PO BOX 1603**  
**Vail CO 81658**

Fees Due	
Renewal Fee	352.50
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
<b>Amount Due/Paid</b>	<b>\$</b>

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

## Retail Liquor License Renewal Application

**Please verify & update all information below**

**Return to city or county licensing authority by due date**

Licensee Name CROWDER GAIL W		Doing Business As Name (DBA) MINTURN MILE LIQUORS	
Liquor License # [REDACTED]	License Type Liquor Store (city)		
Sales Tax License Number [REDACTED]	Expiration Date 11/15/2023	Due Date 10/01/2023	
Business Address 341 MAIN ST Minturn CO 81645			Phone Number 9708275220
Mailing Address PO BOX 1603 Vail CO 81658		Email	
Operating Manager	Date of Birth	Home Address	Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented*      *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  Yes  No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  Yes  No

**Affirmation & Consent**

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

Type or Print Name of Applicant/Authorized Agent of Business <i>GAIL CROWDER</i>	Title <i>OWNER</i>
Signature <i>Gail Crowder</i>	Date <i>10/11/23</i>

**Report & Approval of City or County Licensing Authority**

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

**Therefore this application is approved.**

Local Licensing Authority For	Date
Signature	Title
	Attest

To: Minturn Town Council  
From: Michelle Metteer  
Date: October 18, 2023  
RE: Town Manager Update

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### **UPRR/Colorado Midland Pacific**

Colorado Midland Pacific (CMP) has begun diligence work on the Tennessee Pass rail line. The start of this work has included the removal of the Lionshead Rock from the tracks. It is my understanding that CMP has up to 10 years to conduct their diligence process. I have reached out to Sara Thompson Cassidy, CMP Representative at [srtcassidy@rgpc.com](mailto:srtcassidy@rgpc.com) for an update on this work and have yet to receive a response.

### **Trash Removal RFP**

The Town of Minturn's contract with Vail Honeywagon expired some time ago. It is time to update the Town's refuse contract through the Request for Proposal (RFP) process. Staff anticipate beginning this process later this winter and will come to the Council with recommendations. We can accommodate up to two Council members taking part in the RFP interview process if anyone is interested. The Refuse Removal contract will require the approval of the town council prior to implementation.

### **Town Prosecutor RFP**

Minturn will begin the RFP process for a new town prosecutor in the coming months. Legal representation is hired by the Town Council, so final candidates will be interviewed by the Council prior to a public decision and offer taking place. More to come.

### **River View Cemetery Fence Update**

Minturn general counsel Mike Sawyer and I participated on a call with Cemetery representatives Kendra Carberry, attorney and Sidney Harrington, administrator in hopes of finding common ground pertaining to the multiple wildlife impalements on the Cemetery fence. The disagreements were wide ranging and extensive. The conversation did not find opportunities to move forward collaboratively in removing the spears on the top of the fence posts. However, the Cemetery representatives offered the Council the opportunity to pay for the remainder of the fence remediation. The Cemetery representatives said if this opportunity is of interest to the Council, they will take the option back to their board for consideration.

### **Colorado Open Records Act (CORA) Policy Update**

Minturn has updated the CORA request process. The updated policy is attached for the Council's review. This update is in line with the state statute. Schedule A is forthcoming along with the updated CORA request form.

### **New Council Packet Process & Document Starting November 1, 2023**

Staff have been in training for the last three weeks learning the updated Council packet and website access process. This will go live for the November 1, 2023, Council meeting. This new process will bring significant efficiencies to the Council packet creation process and provide an increased level of transparency to the public by having the Zoom video of the meetings uploaded to YouTube and accessible to the public directly from the Council packet webpage on the Town's website. We ask for your patience while we work through this transition.

### **Emergency Preparedness Planning**

I continue to work on emergency preparedness for Minturn in the event of natural disaster or other event requiring a town-wide emergency response. I am currently updating the Minturn Evacuation Plan and have sent it to corresponding agencies for their review before finalization and approval by Council.

**Town of Minturn, Colorado**  
**Open Records Policy**

Adopted by Town Clerk, Jay Brunvand, on 10/13/2023

- I. AUTHORITY.** The policy of the State of Colorado and the Town of Minturn requires all public records to be open for inspection by any person at reasonable times, except as provided in the Colorado Open Records Act codified in C.R.S. § 24-72-201 et seq. ("CORA") and as otherwise provided by law. CORA grants the official custodian of any public records the authority to make such rules with reference to the inspection of such records which protect the integrity of the records and prevent unnecessary interference with the duties of the custodian and their office.
- II. PURPOSE OF POLICY.** The purpose of this Policy is to set forth general guidelines for providing the public with timely, orderly, efficient and appropriate access to public records maintained by the Town in compliance with the standards and requirements of CORA and to establish general procedures and standardized fees for producing copies and providing information from public records (CORA does not require the Town to create a record in response to a request for information). Please review this Policy in its entirety prior to submitting a request.
- III. SCOPE.** This Policy shall apply to all public records, as defined in CORA, except, criminal justice records and records kept and maintained by Eagle County under the custody of the Eagle County custodian of records (release of which shall be governed by Eagle County policies). This Policy is subject to modifications to CORA or other Colorado Revised Statutes, which shall supersede any conflicting provisions in this Policy.
- IV. DEFINITIONS.** The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall apply to this Policy unless the context requires a different meaning.
- a. Non-Public Record** means any writing made, maintained, or kept by the Town that does not constitute a Public Record under the provisions of CORA.
  - b. Public Records** means and includes all writings made, maintained, or kept by the Town for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.
  - c. Public Records Request Form** means the form attached to this Policy as **Exhibit A**, which shall be utilized for all records requests, and which may be amended from time to time by the Records Custodian.
  - d. Records Custodian** means the Town Clerk or their designee who shall be the Custodian as defined by C.R.S. § 24-72-202.

- e. **Writings** means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics. "Writings" includes digitally stored data, including without limitation electronic mail messages, but does not include computer software.

V. **RESPONSIBILITIES.** It is the responsibility of the Records Custodian to implement and oversee compliance with this Policy. It is the responsibility of each Town employee and contractor to become familiar with the standards and requirements of this Policy.

VI. **GENERAL PROCEDURES.**

- a. All requests for Public Records shall be delivered to the Records Custodian in writing using the Public Records Request Form provided by the Town. If a Public Records request is made in some other form, the requestor will be instructed to submit the request in writing using the Public Records Request Form provided by the Town. The date and time of receipt of a request shall be documented by the Records Custodian.
- b. Inspection of Public Records shall be in the Town offices at 301 Boulder St. #309 in Minturn from 8:30 a.m. until 4:30 p.m., Monday through Friday, except on holidays observed by the Town.
- c. No original Public Records shall ever leave the possession or control of the Records Custodian.
- d. The Town will fulfill a Public Records request within three business days unless extenuating circumstances exist, as defined by C.R.S. §24-72-203(3)(b). If extenuating circumstances are deemed to exist, then seven business days may be added to the permitted timeframe to fulfill a Public Records request. The Records Custodian shall notify the requester in writing of extenuating circumstances within the initial three day period. Regardless of whether extenuating circumstances are deemed to exist, the period of time to fulfill a request for Public Records may be extended upon mutual agreement of the individual submitting the Public Records request and the Records Custodian.

"Extenuating circumstances" shall apply only when:

- A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three-day period; or
- A broadly stated request is made that encompasses all or substantially all of a



large category of records and the agency is unable to prepare or gather the records within the three-day period because the agency needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or

- A request involves such a large volume of records that the custodian cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.

- e. In all cases in which a person has the right to inspect any Public Record pursuant to this Policy, copies, printouts or photographs of such records may be furnished to the requestor if, prior to reproduction, such requester pays the applicable fee(s) in accordance with this Policy.
- f. When fees or costs are assessed pursuant to this Policy, payment must be received by the Records Custodian prior to releasing copies of the Public Records to the requestor or permitting inspection of the Public Records.
- g. All fees collected hereunder shall be deposited into the general fund of the Town.

**VII. PROCESSING OF REQUESTS.** The Records Custodian, in consultation with other Town personnel and, when applicable, the Town Attorney's Office, shall determine if access to the requested Public Record(s) should be denied within the guidelines of CORA. The Records Custodian, in consultation with other Town personnel and, when applicable, the Town Attorney's Office, may determine that disclosure of the contents, in whole or in part, of any Public Record would be (a) contrary to the public interest, (b) contrary to any state statute, federal statute or regulation issued thereunder, or (c) prohibited by rules promulgated by the supreme court or by the order of any court.

- a. If the requested record is determined to be a Non-Public Record or is otherwise not subject to inspection within the guidelines of CORA, the Records Custodian shall issue a written statement to the requestor identifying the basis for the denial.
- b. If the requested record is determined to be a Public Record subject to inspection within the guidelines of CORA but the subject record is not available (lost, non-existent, etc.), the Records Custodian shall inform the requestor in writing of this fact.
- c. If the requested record is determined to be a Public Record subject to inspection within the guidelines of CORA and the subject record is in the custody and control

of the Town but is in active use or in storage and not available at the time the requester asks to inspect, the Records Custodian shall inform the requester in writing of this fact and set a date and hour when the subject record will be available for inspection.

- d. If the requested record is determined to be a Public Record subject to inspection within the guidelines of CORA and the subject record is in the custody and control of the Town, the Records Custodian shall generate a cost estimate to complete the request.
  - i. The first hour of research and retrieval time is free. After the first hour, the Records Custodian may charge a fee for the research and retrieval of Public Records, which shall not exceed \$30.00 per hour.
  - ii. If the cost estimate exceeds \$60.00, the total estimated amount shall be collected by the Records Custodian in advance of proceeding with the request. The requestor shall be advised that such amount is only a deposit and that necessary adjustments to such amount will be made at the time the request is ready for pickup.
  - iii. The Records Custodian shall contact the requestor to inform them of any adjustments to the original cost estimate.
  - iv. If the actual cost of generating the subject record exceeds the amount paid by the requestor based on the cost estimate, the requestor shall pay the difference. If the actual cost of generating the subject record is less than the amount paid by the requestor based on the cost estimate, the Records Custodian shall refund the difference.

**VIII. PRODUCTION OF RECORDS IN A DIGITAL OR ELECTRONIC FORMAT.** If a Public Record is stored in a digital format, the Records Custodian shall provide a copy of the subject record, subject to appropriate redactions, in the digital format in which it is stored, except if:

- a. releasing the record would violate terms of any copyright or licensing agreement with a third party or result in the release of a third party's proprietary information,
- b. after making reasonable inquiries, it is not technologically or practically feasible to permanently remove information permitted to be withheld, or
- c. the Records Custodian would be required to purchase software or create additional programming or functionality of its existing software to permanently remove information.

If the Records Custodian is not technologically or practically able to generate a record in a requested format, the Records Custodian shall produce the record in an alternative format and provide, in writing, a statement as to the reasons for not being able to provide the information in the requested format.

- IX. FEES.** The Town may charge for its time researching and retrieving requested Public Records. The fees for the production of Public Records are set forth in **Schedule A**. Fees shall not be waived except with the approval of the Town Manager or their designee.
- X. EFFECTIVE DATE.** This Policy shall be effective upon signature.
- XI. ADOPTION AND AMENDMENT.** This Policy shall be adopted by the Town Clerk and any amendment shall comply with the requirements of C.R.S. § 24-72-201 et seq.

  
\_\_\_\_\_  
**Jay Brunvand, Town Clerk**

10/13/2023  
\_\_\_\_\_  
**Date**



To: Mayor and Council  
From: Madison Harris, Planner I  
Date: October 12, 2023  
Agenda Item: Ordinance 14 - Series 2023 Amending Chapter 18, Building Regulations  
Regarding the Removal of Sprinkling Residential Structures under 6000sf

---

**REQUEST:**

Review and approve Ordinance 14 - Series 2023 on first reading amending Chapter 18 of the Minturn Municipal Code to amend the 2021 International Residential Code regarding the sprinkling of single family and duplex dwelling units.

**INTRODUCTION:**

Minturn adopted the 2021 Building Codes via Ordinance 5 - Series 2023 earlier this year, however requirements for the sprinkling of all residential structures were not eliminated from the code during this process. Staff is bringing forward an ordinance to correct this oversight and limit the sprinkling of one and two-family dwellings to those whose total aggregate fire area exceeds 6,000 square feet.

**COMMUNITY INPUT:**

Residents and builders are encouraged to provide feedback.

**BUDGET / STAFF IMPACT:**

TBD.

**STRATEGIC PLAN ALIGNMENT:**

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

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

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance 14 - Series 2023 Amending Chapter 18, Building Regulations Regarding Sprinkling Residential Structures under 6000sf

**ATTACHMENTS:**

- Ordinance 14 - Series 2023

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 14 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING  
CHAPTER 18 OF THE MINTURN MUNICIPAL CODE TO AMEND THE 2021  
INTERNATIONAL RESIDENTIAL CODE CONCERNING THE SPRINKLING OF  
RESIDENTIAL BUILDINGS UNDER 6000 SF

**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 2023-2025 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 18, Building Regulations; and

**WHEREAS**, by Ordinance No. 05 – Series 2023 the Town Council adopted and amended the 2021 versions of the International Building Code, International Residential Code, International Fuel Gas Code, International Energy Conservation Code, International Plumbing Code, International Mechanical Code, International Property Maintenance Code, and International Fire Code, and National Electrical Code (collectively, the “International Codes”); and

**WHEREAS**, section 11.11 of the Home Rule Charter and Section 31-16-202, C.R.S. provides the Town the authority to adopt and amend building and energy codes to suit local conditions; and

**WHEREAS**, on October 18, 2023, the Minturn Town Council approved this ordinance on first reading; and

**WHEREAS**, the Town Council has determined, based on evidence and testimony presented at the public hearing, that the adoption of this amended code, will further the health, safety, and welfare of the inhabitants of Minturn.

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 18 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike-through~~ text. Sections of Chapter 18 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

## CHAPTER 18 – Building Regulations

\* \* \*

### ARTICLE 3 – Residential Code

\* \* \*

#### Sec. 18-3-20. – Amendments.

~~(7) Section R313.2 One and two family dwelling automatic fire systems is amended to read:~~

**"R313.2 One and two family dwelling automatic fire sprinkler systems.**

~~An automatic residential fire sprinkler system shall be installed in one and two family dwellings as required by the Minturn Municipal Code and the Eagle River Fire Protection District.~~

**Exception:** ~~An automatic residential fire sprinkler system may be required, at the discretion of the Eagle River Fire Protection District, where *additions* or *alterations* are made to existing *One and two family dwellings* that do not have an automatic residential fire sprinkler system installed.~~

**R313.2.1 Design and installation.**

~~Automatic residential fire sprinkler systems for *one and two family dwellings* shall be designed and installed in accordance with Section P2904 or NFPA 13D and Eagle River Fire Protection District installation requirements."~~

**(7) 903.2.13 Buildings Constructed under the International Residential Code.**

**An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all detached one and two-family dwellings, complying with the requirements of the International Residential Code, whose total aggregate fire area exceeds 6,000 square feet (557 square meters). The fire area shall be listed on site plan submittal.**

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 18<sup>th</sup> DAY OF OCTOBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN

OF MINTURN, COLORADO ON THE 1<sup>ST</sup> DAY OF NOVEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 1<sup>ST</sup> DAY OF NOVEMBER 2023.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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



To: Mayor and Council  
From: Michelle Metteer  
Date: October 18, 2023  
Agenda Item: Resolution 30 – Series 2023; A Resolution Approving the 2023/24  
Minturn Snow Removal Plan

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**REQUEST:**

Approve Resolution 30 – Series 2023

**INTRODUCTION:**

At 7896' in elevation, snow removal operations consume the majority of our public work's wintertime schedule. With the addition of sidewalks along sections of Main Street to increase connectivity, town staff has adjusted how we will service snow plowing and removal operations in town.

The 2019/20 Winter season was the first year of Minturn's Snow Removal Plan. During the original approval process in 2019, the fluid nature of this document was identified to be ongoing - changes will continue to be made to improve the snow removal process and experience. This update is a continuation of that process which includes the allowance of hand shoveling snow from sidewalks onto town-owned roads between the hours of 4:00AM to 7:00AM in alignment with the snow removal street schedule. If approved, an Ordinance will be required to change the MMC and allow this activity.

Additional items that will not be included in the plan but rather are operational changes made in the field or informational efforts include:

- No Parking Pine Street & Boulder St (Norman to Toledo) starting at 8:00AM as requested by a town resident;
- Information to residents regarding the freeze/thaw cycle which includes water running down all town streets;
  - Shade caused by trees and tall buildings exacerbates this issue by re-freezing the thawed water
- Minturn Community Fund Shovel Squad

**COMMUNITY INPUT:** Requested

**BUDGET / STAFF IMPACT:** \$24,000 for additional snow removal support

**STRATEGIC PLAN ALIGNMENT:**

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



**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Resolution 30 – Series 2023; A Resolution Approving the 2023/24 Minturn Snow Removal Plan

**ATTACHMENTS:**

- Resolution 30 – Series 2023
- 2023/24 Snow Removal Plan



**20202023/20212024**  
**TOWN OF MINTURN**  
**SNOW REMOVAL PLAN**

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**A. Purpose**

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

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

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

**C. Policy Statement**

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

- f. Unforeseen emergencies.

**D. Scope of Responsibility**

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

**E. Level of Service**

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

**F. Implementation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**L. Sidewalk Snow Removal – Recommendations to Residents:**

1. Aim snow blowers into front yards away from sidewalks, the parking strip and the street. Ice and rocks, as well as powder snow are blown out many feet. This material can hit parked or passing cars, which can cause damage to those vehicles as well as possible accidents. Also, snow blown onto the street will freeze and become slick, which may easily cause accidents.
2. Snow left adjacent to your driveway by snowplows (known as a windrow) should be placed to either side of the driveway or the parking strip (if available), but, not into the street or gutter.
3. Remove snow from around fire hydrants near your home.
- ~~3.4.~~ Snow from a sidewalk along a Town-owned road may be hand shoveled into the street between the hours of 4:00AM and 7:00AM in accordance with the appropriate plowing schedule (Mon-Wed or Tues-Thurs).

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**M. Sidewalks: Snow removal Town responsibilities**

1. Sidewalks adjacent to Town property.
2. Due to the high volumes of pedestrian traffic along HWY 24, combined with the snow plowing operations of CDOT, the HWY 24/Main Street corridor is designated as a high priority for sidewalk snow removal.
  - i. Town sidewalk snow removal operations during times of snowfall will include HWY 24/Main Street. This additional snow removal is to address CDOT plows which continually push snow back onto sidewalks adjoining Main Street. This is in addition to the adjoining property owner shoveling the sidewalk, not in lieu of.
3. For a complete showing of the Town’s responsibilities please review the Sidewalk Snow Removal Map (*Appendix B*)

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

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

**O. Property Damage**

1. During the course of operations throughout any given winter, a certain amount of damage to Town and private property may be incurred by snow removal

forces. The Public Works Department will repair damages as soon as the weather

permits.

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

**P. Assistance to Motorists**

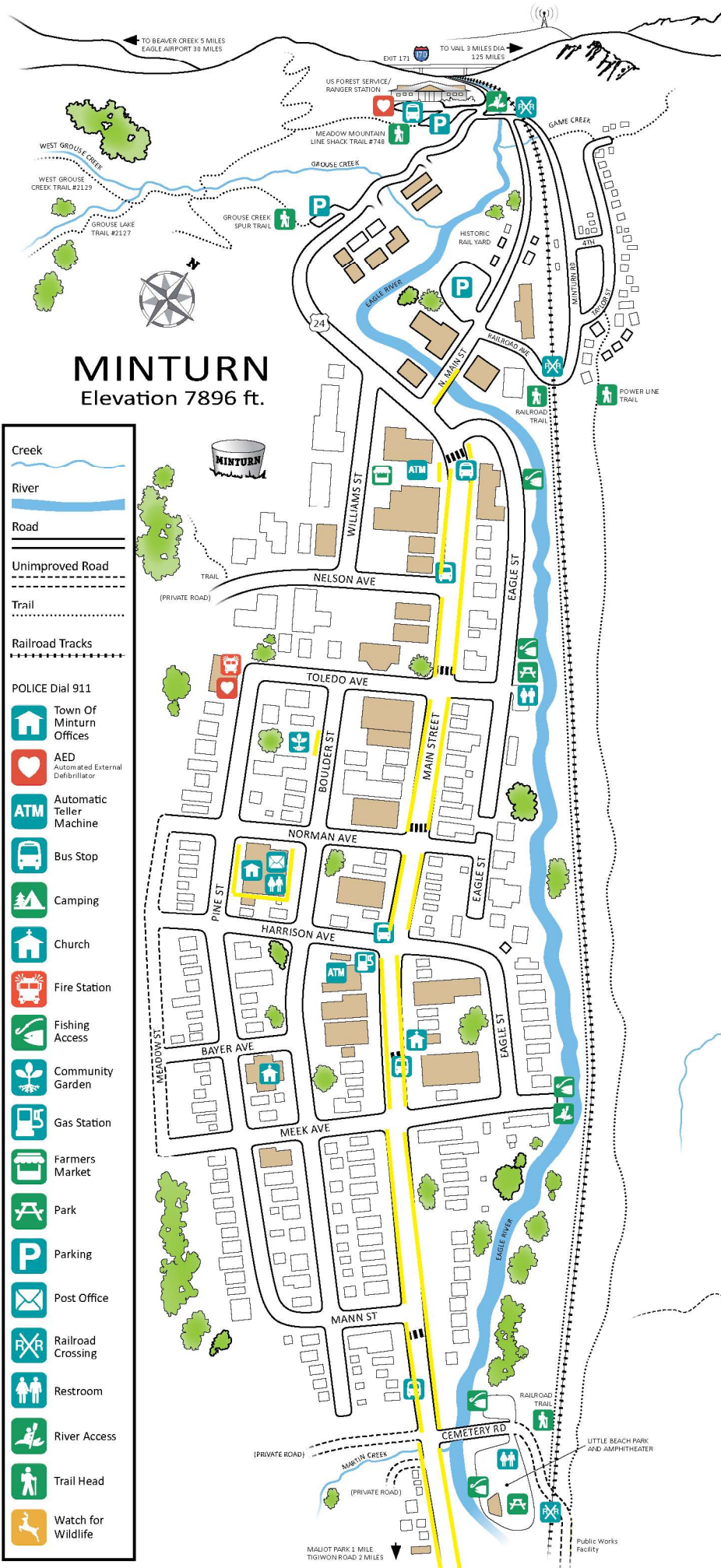
1. Under no circumstances will a Town employee be allowed to use a Town owned vehicle to push, pull, or tow a stranded vehicle from a roadway or parking lot.
2. The employee should notify their Supervisor of any emergency situation encountered and the Supervisor will notify the appropriate agency.
3.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

**Q. Appendices**

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



# Appendix B Minturn Sidewalk Snow Removal Map



### Sidewalk Snow Removal Legend

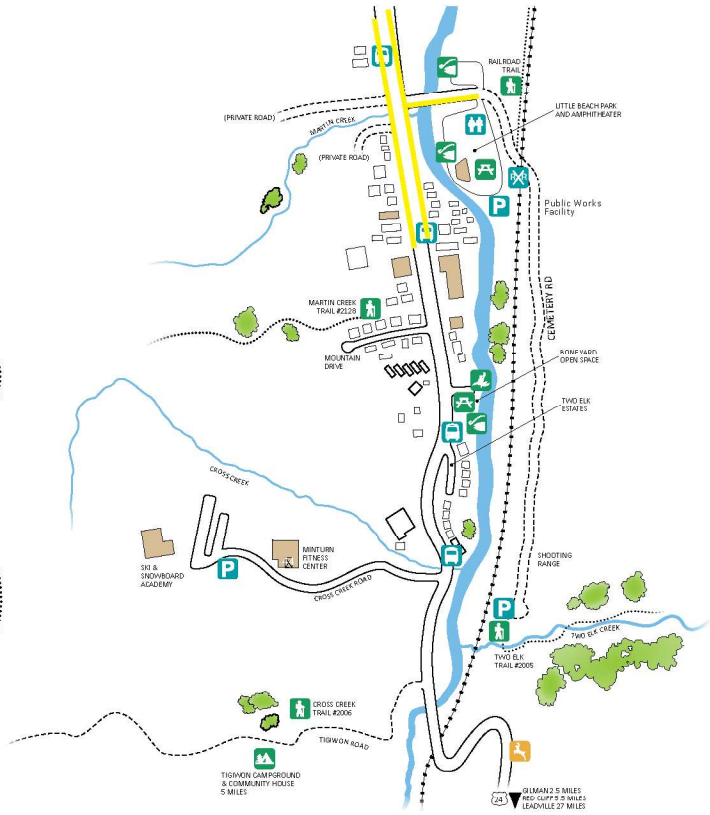
— Sidewalk Snow removal

#### Snow removal Town responsibilities

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

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

### Minturn Sidewalk Snow Removal Cemetery Rd South



**TOWN OF MINTURN  
RESOLUTION NO. 30 - SERIES 2023**

**A RESOLUTION SUPPORTING THE ADOPTION OF THE  
2023/2024 TOWN OF MINTURN SNOW REMOVAL PLAN**

**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 provides snow plowing and removal services with the town boundaries of Minturn; and

**WHEREAS**, the Town seeks to continually improve its level of service to the community; and

**WHEREAS**, the Town must keep certain roads accessible to emergency vehicles, school busses, vehicular and pedestrian traffic; and

**WHEREAS**, the Town Council seeks to increase connectivity as described in the 2023/24 Minturn Strategic Plan.

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

**THAT**, the 2023/2024 Town of Minturn Snow Removal Plan be approved.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 18<sup>th</sup> DAY OF OCTOBER, 2023.**

TOWN OF MINTURN

By: \_\_\_\_\_  
Earle Bidez, Mayor

ATTEST

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

# Memo

**To:** Michelle Metteer, Town Manager  
**From:** Nate Summers, Senior Vice President, UMBFSI  
**Date:** October 11, 2023  
**CC:**  
**Subject:** Minturn Water Project Impact Update

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In response to your request, we have assessed the impact of the overall water project spending plan as laid out in HDR’s “Treatment Process Alternatives Analysis” report dated March 10, 2023.

Before delving into CIP costs, we noted the water utility seems to have been operating at a deficit from FY2020 through FY2022. The Town increased water rates for FY2023, however our estimates show this increase is likely to fall short of closing the gap between current operating revenues and expenditures. In our base case analysis, we are estimating **rates should increase by around 12.5%** to shore up existing operations.

In summary of the three plan alternatives, the following are the anticipated expenditures under each, not including the annual main replacement projects:

- Alternative A: \$8,600,000 + \$100,000 annual O&M
  - Rehabilitation of Existing Slow Sand Filters
- Alternative B: \$19,700,000 + \$200,000 annual O&M
  - Packaged Conventional Water Treatment Plant
- Alternative C: \$14,800,000 + \$140,000 annual O&M
  - Membrane Water Treatment Plant

As a basis for comparison, the current user rates result in the average residential user paying approximately **\$143/month**, assuming 4,000 gallons of monthly usage.

The following CIP analyses assume a **30 year** SRF loan at **3.25%** with \$3,000,000 of loan forgiveness.

**Alternative A** results in an average residential user paying approximately **\$205/month** (2024 estimated rates). This equates to a **43% increase** to the current FY2023 user rates.

**Alternative B** results in an average residential user paying approximately **\$259/month** (2024 estimated rates). This equates to a **81% increase** to the current FY2023 user rates.

**Alternative C** results in an average residential user paying approximately **\$242/month** (2024 estimated rates). This equates to a **69% increase** to the current FY2023 user rates.

The following CIP analyses assume a **40 year** USDA loan at **3.875%** with \$3,000,000 of loan forgiveness.

**Alternative A** results in an average residential user paying approximately **\$203/month** (2024 estimated rates). This equates to a **42% increase** to the current FY2023 user rates.

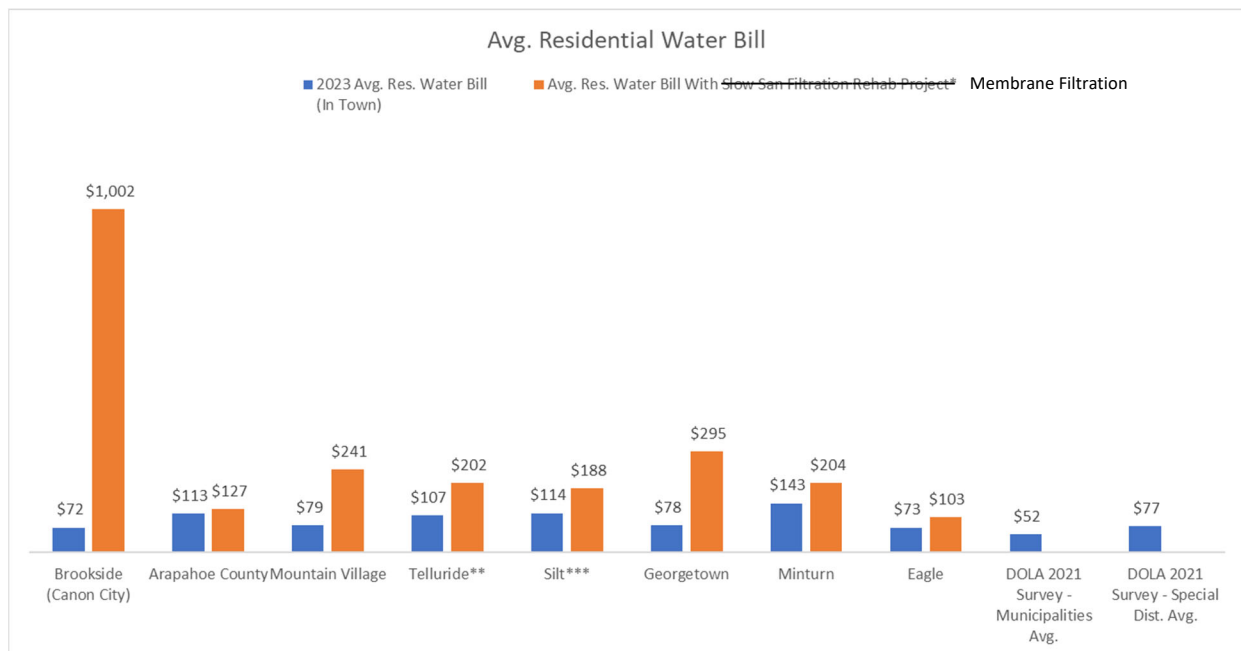
**Alternative B** results in an average residential user paying approximately **\$253/month** (2024 estimated rates). This equates to a **77% increase** to the current FY2023 user rates.

**Alternative C** results in an average residential user paying approximately **\$239/month** (2024 estimated rates). This equates to a **67% increase** to the current FY2023 user rates.

These analyses assume a straight-line increase in both base and user rates. However, if debt is incurred for CIP projects, we would consider urging a rate structure which has more of the increase built in to the base rate, or instituting a separate “Capital Project Surcharge” which captures much or all of the needed increase for debt as a fixed fee per connection to create a more stable revenue generation for purposes of making debt payments.

The above impact estimates are caveated that future increases to operating expenses are limited to 3% per year, and rates should continue small increases to keep pace with expense inflation. No growth is assumed in the number of users/connections. Additional analyses may be needed in future years with additional rate increases if baseline assumptions have changed over time. Each option accounts for a limited increase in operating costs due to the new plant as defined in the March 10, 2023 analysis.

In comparing rates with peer communities, we have discovered the following:



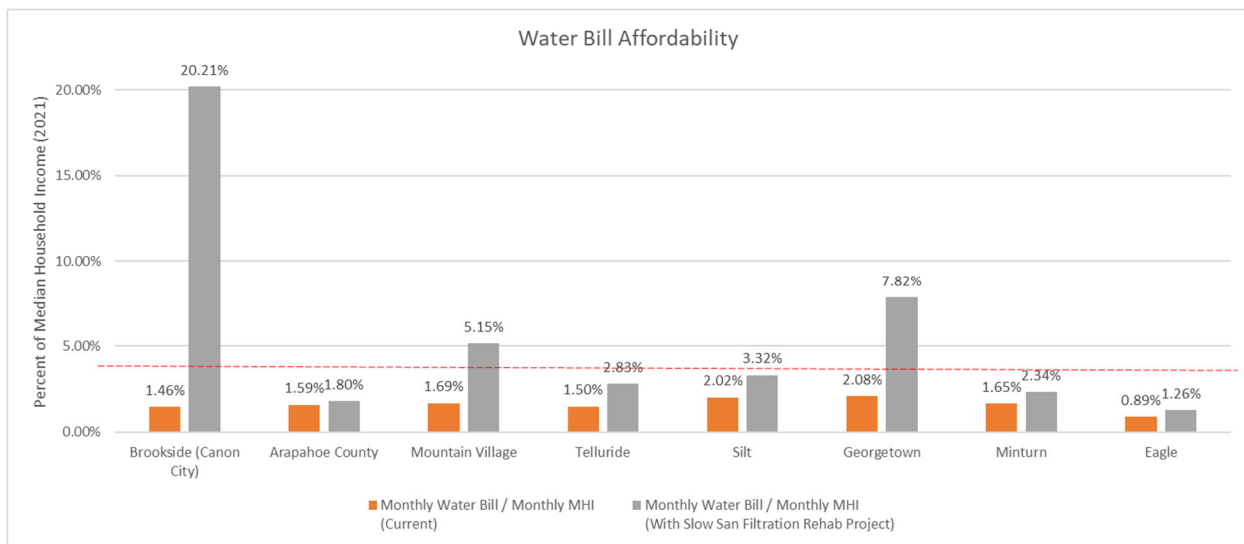
\* \$15M project is based on 30-year amortization and current market rates. Telluride increased rates 30% in 2019; does not include costs for estimated \$60M new water treatment plant. Silt reflects anticipated water rates with SRF loan. Source: Municipalities' websites, DOLA



Of the communities included above, Telluride may be the best example because the Town is currently working through how they will pay for a \$60M+ water treatment plant. These costs have not been reflected in their 2023 avg. residential bill and we would not be surprised if that figure sees a very significant increase, as well. This estimated bill is reflected in the orange bars for each community.

Generally speaking, smaller communities making larger improvements results in greater costs per connection due to economies of scale, and larger communities being able to spread cost more efficiently.

Additionally, the EPA’s guidance is that water rates generally become burdensome or unaffordable when the average monthly bill exceeds about 4% as a percentage of annual Median Household Income. We have shown in the following graph how each of these communities’ water affordability shows against vs. EPA guidance.



**US EPA sets affordability at 2.5% of MHI. Source: US Census Bureau and City-Data.com**

In summary, the impacts outlined above are significant. They are also subject to future variables such as final project costs, interest rates at time of fixing rates, and future revenue and expenditures. Our analyses also show these increases are not out of line with other communities when assessing water bill affordability as a percentage of Median Household Income, per EPA standards.

Once the Town has determined which project it would like to pursue, we are happy to provide further guidance on future rate setting and approach to obtaining financing for the project.

PRO FORMA OPERATING STATEMENT

Town of Minturn, CO | Water Utility

PRELIMINARY - SUBJECT TO CHANGE

Base Case - Rate Adjustment for Existing Operations

	A	C	D	E	F	G	H	I	J	K	L
			13.1%	12.7%	6.7%	21.8%	12.5%				
								<b>Estimates</b>			
		<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>		
5	<b>OPERATING REVENUES</b>	Estimated future revenue increase needed:				21.84%	12.50%	3.00%	3.00%		
6	Water Charges - Base Fee	831,300	916,491	984,318	968,607	1,180,199	1,327,723	1,367,555	1,408,582		
7	Water Charges - Debt/Capital Charge	14,840	65,921	67,146	65,724	80,081	90,092	92,794	95,578		
8	Water Charges - Volumetric Charge	-	-	-	-	-	-	-	-		
9	Water Charges - Meter Installs	-	-	-	-	-	-	-	-		
10	Water Tap Fees	20,000	4,855	66,495	141,538	172,457	194,014	199,834	205,829		
11	Other	19,000	13,827	9,989	27,117	33,041	37,171	38,286	39,434		
12											
13	<b>Total Operating Revenues</b>	<b>885,140</b>	<b>1,001,094</b>	<b>1,127,948</b>	<b>1,202,986</b>	<b>1,465,777</b>	<b>1,649,000</b>	<b>1,698,470</b>	<b>1,749,424</b>		
14											
15	<b>OPERATING EXPENDITURES</b>	Assumed future expenditure increase:				3.00%	3.00%	3.00%	3.00%		
16	Operating and Maintenance	675,524	1,053,838	1,136,859	1,353,526	1,394,132	1,435,956	1,479,034	1,523,405		
17	Added Production Cost from Growth	-	-	-	-	-	-	-	-		
18	New Plant Operational Costs	-	-	-	-	-	-	-	-		
19	Augmentation Costs (70 AF)	-	-	-	-	-	-	-	-		
20	O&M Capital Items (Leak & GIS)	-	-	-	-	-	-	-	-		
21	Depreciation - Water	128,943	104,516	101,495	106,993	110,203	113,509	116,914	120,422		
22											
23	<b>Total Operating Expenditures</b>	<b>804,467</b>	<b>1,158,354</b>	<b>1,238,354</b>	<b>1,460,519</b>	<b>1,504,335</b>	<b>1,549,465</b>	<b>1,595,949</b>	<b>1,643,827</b>		
24											
25	<b>Net Operations</b>	<b>80,673</b>	<b>(157,261)</b>	<b>(110,406)</b>	<b>(257,533)</b>	<b>(38,557)</b>	<b>99,535</b>	<b>102,521</b>	<b>105,597</b>		
26											
27	<b>NON-OPERATING REVENUES (EXPENSES)</b>										
28	Interest Income	-	-	-	-	-	-	-	-		
29	Interest Expense - Existing Debt	(8,957)	(8,266)	(8,042)	(7,942)	(39,263)	(65,192)	(62,362)	(59,468)		
30	Interest Expense - New Debt	-	-	-	-	-	-	-	-		
31	Costs of Issuance	-	-	(47,500)	-	-	-	-	-		
32											
33	<b>Total non operating revenue (expenses)</b>	<b>(8,957)</b>	<b>(8,266)</b>	<b>(55,542)</b>	<b>(7,942)</b>	<b>(39,263)</b>	<b>(65,192)</b>	<b>(62,362)</b>	<b>(59,468)</b>		
34											
35	<b>Net Increase (Decrease) in Resources</b>	<b>71,716</b>	<b>(165,527)</b>	<b>(165,948)</b>	<b>(265,475)</b>	<b>(77,820)</b>	<b>34,343</b>	<b>40,159</b>	<b>46,129</b>		
36											
37	Operating Transfer In (Out)	-	-	-	-	-	-	-	-		
38	Capital Contributions	-	-	-	-	-	-	-	-		
39	Cumulative Effect of Change in Acct Principal	-	-	-	-	-	-	-	-		
40	PILOT Payment	-	-	-	-	-	-	-	-		
41											
42	<b>Ending Net Assets</b>	<b>71,716</b>	<b>(165,527)</b>	<b>(165,948)</b>	<b>(265,475)</b>	<b>(77,820)</b>	<b>34,343</b>	<b>40,159</b>	<b>46,129</b>		
43											
44	Purchase of Capital Assets - Water	-	-	(500,000)	-	-	-	-	-		
45	Capital Contributions	-	-	-	-	-	-	-	-		
46	Principal Payments on Existing bonds	(5,885)	(6,575)	(6,799)	(6,899)	(71,465)	(125,080)	(127,910)	(130,804)		
47	Bonds Issued	-	-	-	-	-	-	-	-		
48	Future Debt Principal	-	-	-	-	-	-	-	-		
49											
50	<b>Beginning Cash</b>	<b>1,344,364</b>	<b>1,539,138</b>	<b>1,471,552</b>	<b>900,300</b>	<b>734,919</b>	<b>695,837</b>	<b>718,609</b>	<b>747,772</b>		
51	Add net operations (line 25)	80,673	(157,261)	(110,406)	(257,533)	(38,557)	99,535	102,521	105,597		
52	Add back depreciation (line 21)	128,943	104,516	101,495	106,993	110,203	113,509	116,914	120,422		
53	Add net non operating (line 33)	(8,957)	(8,266)	(55,542)	(7,942)	(39,263)	(65,192)	(62,362)	(59,468)		
54	Add capital and bond (lines 44-48)	(5,885)	(6,575)	(506,799)	(6,899)	(71,465)	(125,080)	(127,910)	(130,804)		
55	Add transfer in (out)	-	-	-	-	-	-	-	-		
56	Net change in balance sheet items	-	-	-	-	-	-	-	-		
57	<b>Ending Cash</b>	<b>1,539,138</b>	<b>1,471,552</b>	<b>900,300</b>	<b>734,919</b>	<b>695,837</b>	<b>718,609</b>	<b>747,772</b>	<b>783,518</b>		
58	<b>Restricted Cash</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		
59	<b>Unrestricted Cash</b>	<b>1,539,138</b>	<b>1,471,552</b>	<b>900,300</b>	<b>734,919</b>	<b>695,837</b>	<b>718,609</b>	<b>747,772</b>	<b>783,518</b>		
60											
61	<b>Ending Net Assets</b>										
62											
63	Target Unrestricted Cash (6 mo Operating + Following Year Debt Service)					942,439	965,004	988,246	1,012,186		
64	Unrestricted Cash Percent					74%	74%	76%	77%		
65											
66	<b>Debt Service Coverage</b>	<b>14.12x</b>	<b>-3.55x</b>	<b>-0.60x</b>	<b>-10.14x</b>	<b>0.65x</b>	<b>1.12x</b>	<b>1.15x</b>	<b>1.19x</b>		
67											
68	<b>Monthly Billing Estimates Summary</b>										
69	<b>RESIDENTIAL</b>										
70	Connections				509	509	509	509	509		
71	Basic monthly charge				90.41	110.16	123.93	127.65	131.48		
72	Use charge per 1,000 gallons				6.83	8.32	9.36	9.64	9.93		
73	25% discount for over 65 years of age				67.81	82.62	92.95	95.74	98.61		
74	50% higher charge for out of town residential				135.62	165.24	185.90	191.47	197.22		
75	75% higher charge for out of town commercial				158.22	192.78	216.88	223.38	230.09		
76	Capital Project Surcharge				0.00	0.00	0.00	0.00	0.00		
77	<b>Average Monthly Bill (assumes 4,000 gallon usage)</b>				<b>117.73</b>	<b>143.44</b>	<b>161.37</b>	<b>166.21</b>	<b>171.20</b>		

[1] No additional debt.

PRELIMINARY - SUBJECT TO CHANGE. UMBFSI makes no projections of growth. Accuracy of future expenditures is dependent upon budgeting and ongoing management of the Utility and may be impacted by unforeseen circumstances. Future rate increases may be necessary if baseline assumptions change.



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## FUTURE MEETING AGENDA ITEMS

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

### October 18, 2023

- Water treatment plant alternatives analysis – Utility Rates (Metteer)
- Ord\_\_\_ - Series 2023 – (First Reading) An Ordinance amending the Minturn Municipal Code to exempt Fire Sprinkler Systems for Single Family structures under 6000sf from the Residential Building Code.
- Resolution \_\_\_ -- Series 2023 A Resolution Updating the Minturn Snow Removal Plan
- Discussion/Direction – 2024 Budget Review

### November 1, 2023

- Ord\_\_\_ - Series 2023 – (Second Reading) An Ordinance amending the Minturn Municipal Code to exempt Fire Sprinkler Systems for Single Family structures under 6000sf from the Residential Building Code.
- Ord\_\_ - Series 2023 (First Reading) Minturn North PUD Final Plat
- Ord\_\_ - Series 2023 (First Reading) Minturn North Final Plan for PUD
- Ord\_\_ - Series 2023 (First Reading) An Ordinance Amending the Minturn Municipal Code to allow for Hand Shoveling of Snow from the sidewalk to a Town-Owned Street between the Hours of 4:00AM and 7:00AM.
- Ordinance\_\_ - Series 2023 (First Reading) An Ordinance Approving the Dissolution of the General Improvement District
- FY 2024 Budget – Public Hearing

### November 15, 2023

- Eagle County Gives Day Proclamation – Nov 15, 2023
- Special Presentation – November 2023 Election Review (as needed)
- Ord\_\_\_ - Series 2023 (Second Reading) Minturn North PUD Final Plat
- Ord\_\_ - Series 2023 (Second Reading) Minturn North Final Plan for PUD
- Ord\_\_ - Series 2023 (Second Reading) An Ordinance Amending the Minturn Municipal Code to allow for Hand Shoveling of Snow from the Sidewalk to a Town-Owned Street Between the Hours of 4:00AM and 7:00AM.
- Resolution \_\_\_ - Series 2023 Minturn North PUD Subdivision Improvement Agreement
- FY 2024 1<sup>st</sup> Reading of Budget Ordinances

### December 6, 2023

- Special Presentation – Bolts Reservoir Project Update (ERWSD)
- Discussion/Direction – Minturn Cemetery Fence & Wildlife Encounters/Deaths

- Discussion/Direction – Downtown Development Authority Feasibility Assessment
- FY 2024 2<sup>nd</sup> Reading of Budget Ordinances

**December 20, 2023 (TBD)**

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**Dates to be Determined:**

- (Pending) Resolution Approving the Belden Place Settlement