



**Town Council Agenda  
Wednesday November 3, 2021  
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 and times 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**

1. 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/86775962929>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 867 7596 2929**

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.

**CALL TO ORDER – 5:30 PM**

**ROLL CALL & PLEDGE OF ALLEGIANCE**

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

**DECLARATION OF CONFLICTS OF INTEREST**

**PUBLIC COMMENT – 5:35 PM** *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.*

**CONSENT AGENDA – 5:40 PM** *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.*

1. October 19, 2021 Special Meeting Minutes Pg 4
2. October 20, 2021 Meeting Minutes Pg 7

3. October 27, 2021 Special Meeting Minutes Pg 17
4. Resolution 45 – Series 2021 a Resolution authorizing the Mayor to sign a service agreement with All Mountain Technologies Pg 25
5. Liquor License – Hotel and Restaurant License annual renewal application: Deutschman Family LLC, dba Kirby Cosmo’s BBQ Bar, Mark Tamberino, Owner/Manager 474 Main St Pg 41
6. Liquor License – Hotel and Restaurant License annual renewal application: Pizza Pub LLC, dba Magustos Pizza & Burger Pub, Eric Cregon, Owner/Manager 101 Main St Pg 45
7. Liquor License – Retail Liquor Store License annual renewal application: Gail Crowder, dba Minturn Mile Liquor Store, Gail Crowder, Owner/Manager 341 Main St Pg 50

**SPECIAL PRESENTATIONS – 5:45 PM** *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

**COUNCIL COMMENTS & COMMITTEE REPORTS – 5:45 PM**

**DISCUSSION / DIRECTION ITEMS – 5:50 PM**

1. Pine Street Repairs – Council to physically tour Pine Street from Norman Ave to Meek Ave followed by a discussion with Jeff Spanel, Inter Mountain Engineering in the Council chambers. – Metteer/Spanel Pg 54
2. Belden Place stormwater drainage improvement cost sharing – Metteer Pg 57

**BUSINESS ITEMS – 7:45 PM** *Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.*

1. Ordinance 11 – Series 2021 (Second Reading) an Ordinance Amending Chapter 11 to provide for excavations of public streets in conformance with state standards. – Peterson-Cremer Pg 60
2. Ordinance 12 – Series 2021 (First Reading) An Ordinance Amending Chapter 16 to provide for the rezoning of the Grouse Creek Commercial Zone District, the Old Town Character Area, and the South Town Commercial Zone District to address the Town’s desires for additional ground floor retail uses and provide greater opportunities for institutional uses. Pg 70
3. Ordinance 13 – Series 2021 (First Reading) An Ordinance Amending Chapter 18 to provide for additional notice, review, and site planning in the issuance of demolition permits – Richard Peterson-Cremer Pg 81
4. Ordinance 14 – Series 2021 (First Reading) An Ordinance extending the 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 District of the Old Town Character Area. – Richard Peterson-Cremer Pg 86
5. Ordinance 15 – Series 2021 (First Reading) An Ordinance extending the moratorium on the acceptance and processing of applications for development permits authorizing demolition within the 100 Block Commercial Zone District of the Old Town Character Area – Richard Peterson-Cremer Pg 90
6. Public Hearing on Proposed Town of Minturn Fiscal Year 2022 Budget – Brunvand Pg 93

7. Public Hearing on Proposed FY2022 General Improvement District and related items –  
Brunvand Pg 99

A) Administrative Matters

- Approve Agenda PG 100
- Discuss and Consider appointment of new member(s) to the Board of Directors:
  - Earle Bidez, Mayor/GID President
  - Terry Armistead, Mayor Pro Tem
  - Lynn Feiger, Elect
  - Tom Sullivan, Elect
- Approve Minutes of November 4, 2020, Board Meeting Pg 103

B) Legislative Matters

C) Financial Matters

- Discuss and consider ratifying appointment of Town Staff to prepare the 2022 GID Budget
- Discussion/Action – 2022 General Improvement District Budget: Public Hearing and Board Comments
- Discussion/Action – Consider adoption of Resolution No. 2021-11-01 a Resolution to adopt the Fiscal Year 2022 Budget Pg 106
- Discussion/Action – Consider adoption of Resolution No. 2021-11-02 a Resolution to appropriate sums of money for the Fiscal Year 2022 Budget Pg 110

D) Other Business

- Discuss and set future meeting dates
  - i. Board Meeting to consider budget approval set for November 2, 2022 5:30pm at the Minturn Town Hall, 302 Pine Street, Minturn, CO 81645
  - ii. Alternative Date: This item closely follows the State and the Town of Minturn’s budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

E) Adjournment

**STAFF REPORTS – 9:15 PM**

1. Town Manager Update Pg 111

**FUTURE AGENDA ITEMS – 9:20 PM** Pg 112

**EXECUTIVE SESSION – 9:25 PM**

1. Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain and request to adjourn the regular meeting at its conclusion.

**ADJOURN**

**INFORMATIONAL ONLY ITEMS**

- a) Council Meetings:
- November 17, 2021, December 1, 2021 & December 15, 2021



## OFFICIAL MINUTES

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

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

**Tuesday October 19, 2021**

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

<https://us02web.zoom.us/j/86813136541>

**Or join by phone:**

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

**Webinar ID: 868 1313 6541**

### **EXECUTIVE SESSION – 5:30pm**

**MAYOR – Earle Bidez**

**MAYOR PRO TEM – Terry Armistead**

#### **COUNCIL MEMBERS:**

George Brodin

Lynn Feiger

Eric Gotthelf

Gusty Kanakis

Tom Sullivan

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### **Regular Session – 5:30pm**

**The Minturn Town Council will open the Regular Meeting at 5:30 for the purpose of convening into Executive Session. The Regular Meeting will adjourn after the Executive Session.**

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

- Roll Call

The meeting was called to order by Mayor Earle Bidez at 5:30pm using a hybrid in-person and ZOOM on-line meeting format.

Those present include: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members George Brodin, Eric Gotthelf (Via Zoom), Gusty Kanakis, Lynn Feiger, and Tom Sullivan.

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

- Pledge of Allegiance

## 2. Approval of Agenda

- Items to be Pulled or Added

Motion by Gusty K, second by George B., to approve the agenda of October 19, 2021. Motion passed 7-0.

- Declaration of Conflicts of Interest

## EXECUTIVE SESSION

3. **Executive Session:** An executive session to conference with the Town attorney for the purpose of consulting with the Town Attorney(s) under CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain

Motion by Terry A., second by George B., to convene in executive session to conference with the Town attorney for the purpose of consulting with the Town Attorney(s) under CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain.

Those present in the executive session included the Council present, Town Manager Michelle Metteer, and via Zoom Attorneys Michael Sawyer, Meghan Winokur, Christy Radabaugh, and Geoff Anderson.

Direction given Staff as a result of the Executive Session:

- Staff and Legal to communicate w/ERWSD
- Lynn F., Earle B., and Michelle M. to meet with Battle Mtn representatives
- Completion of complaint

**OPEN SESSION**

**4. Adjournment**

Motion by Gusty K., second by Earle B., to adjourn the meeting at 9:00. Motion passed 7-0.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk



## OFFICIAL MINUTES

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### MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday October 20, 2021

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

<https://us02web.zoom.us/j/82713677686>

Or join by phone:

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

Webinar ID: 827 1367 7686

**Regular Session – 5:30pm**

**MAYOR – Earle Bidez**

**MAYOR PRO TEM – Terry Armistead**

#### COUNCIL MEMBERS:

George Brodin

Lynn Feiger

Eric Gotthelf

Gusty Kanakis

Tom Sullivan

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**Regular Session – 5:30pm**

#### 1. Call to Order

- Roll Call

The meeting was called to order by Mayor Earle Bidez at 5:32pm using a hybrid in-person and ZOOM on-line meeting format.

Those present include: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council

members George Brodin, Lynn Feiger, Eric Gotthelf, Gusty Kanakis, and Tom Sullivan.

Staff present: Town Manager Michelle Metteer, Town Planners Scot Hunn and Madison Harris, Town Attorney Richard Peterson-Cremer (via Zoom), and Town Treasurer/Town Clerk Jay Brunvand.

- Pledge of Allegiance

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

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

**3. Approval of Agenda**

- Items to be Pulled or Added

Motion by Terry A., second by George B., to approve the agenda of October 20, 2021 as presented. Motion passed 7-0.

- Declaration of Conflicts of Interest

**4. Approval of the Consent Agenda**

- October 6, 2021 Meeting Minutes
- Liquor License – Shop N Hop #12, annual renewal of a Fermented Malt Beverage (Off Premises-City) Liquor license; 401 Main St; Terry Marcum, Owner/Operator
- Resolution 39 – Series 2021 A Resolution to approve the national opioid settlement agreement

Motion by Eric G., second by Gusty K., to approve the Agenda of October 20, 2021 as presented. Motion passed 7-0.

**5. Special Presentations**

- Council Comments/Committee Reports (10 min)

Gusty K. reminded all of Minturn's Halloween on October 30<sup>th</sup> and for a safe event.

Eric G. attended a Community Action Board meeting and updated. He attended the Eagle County Housing Authority meeting and updated. During that meeting Accessory Dwelling Unit housing was discussed.



Earle B. noted several meetings regarding RAISE Grants for continuing the sidewalks, they met with the Colorado US Senators who are in support of the funds for Minturn.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

**6. Public Hearing/Action Item:** Ordinance 10 – Series 2021 (Second Reading) an Ordinance rezoning 504 Eagle River St and 502 Main St - Hunn

Scot H. laid forth the item for consideration and noted a change in the Ordinance from First Reading to identify the current zoning from South Town Residential to Old Town Mixed Use Zone. The Applicants, Mr. Michael Boyd and Mr. Casey Rietz, propose to rezone their properties, located at 504 Eagle River Street and 502 Main Street, respectively, from Old Town Character Area Residential Zone District, to Old Town Character Area Mixed Use Zone District. The request was reviewed by the Planning Commission on September 22, 2021 with a forwarded recommendation to the Town Council of approval without conditions.

Summary of Discussion at September 22, 2021 Meeting:

Two adjacent neighbors spoke at the hearing in opposition to the proposed zone change. Their concerns included the potential impact of changing the residential character and nature of the existing residential neighborhood as well as concern over the existing and future uses of the subject properties. The Planning Commission voted unanimously to recommend approval of the rezoning request.

Staff and the Planning Commission are recommending approval without conditions.

Public Hearing Opened  
No Public Comment.  
Public Hearing Closed.

Motion by Gusty K., second by George B., to approve Ordinance 10 – Series 2021 (Second Reading) an Ordinance rezoning 504 Eagle River St and 502 Main St as amended. Motion passed 7-0.

**7. Public Hearing/Action Item:** Resolution 35 – Series 2021 A Resolution approving VAR 21-01 for 261 Main St regarding lot coverage – Hunn

The Applicant, Heather Faircloth, owner of 261 Main Street, requests continued review of the variance to allow for an increased amount of lot and impervious coverage. The variance was first reviewed by the Town Council on October 6, 2021 and was continued to October 20, 2021. The Applicant's Representative is Mr. Tom Warzecha.

Summary of Discussion at October 6, 2021 Council Meeting: There was concern about the parking situation, as well as concern expressed about the living area below the new garage becoming a separate unit and being rented out as a short-term rental which would exacerbate the parking situation. The Applicant's Representative received instructions to remove the kitchen from the

plans and provide confirmation from the property owner that she will not rent out this living space on a short-term basis.

The Applicant's Representative submitted new plans that have removed the kitchen, as well as provided a letter from the property owner stating that there are no intentions to rent any part of the lot. Staff is recommending approval.

Public Hearing Opened  
No Public Comment.  
Public Hearing Closed.

George B. thanked the applicant for the changes but still had a concern that the house has an existing driveway and a garage on Main St but that was going to be abandoned and was concerned of the additional water use. Scot H. noted the increased lot density would incentivize off street parking. Discussion ensued as to the water fees that may apply. He felt this would be a disservice to this area by increasing this type of use. Mr. Warzecha outlined the intent and direction from Staff he had received that it was better to remove the vehicle impact off of Main St to a side street such as Boulder. He outlined the discussion and steps taken to get to this point.

Gusty K. expressed his concern that when we increased the lot coverage that owners would come in asking to exceed that too. He stated this will take away from public parking because the Boulder St side will now become private parking access.

Tom S. felt the request improved the parking in the area on both Main and Boulder.

Earle B. agreed the parking proposed was a better solution than what currently exists.

Lynn F. felt the Boulder St parking was most likely already being used.

Motion by Terry A., second by Eric., to approve Resolution 35 – Series 2021 A Resolution approving VAR 21-01 for 261 Main St regarding lot coverage as presented. Motion passed 5-0. Note: Gusty K. and George B. voted nay.

**8. Public Hearing/Action Item: Union Pacific Conditional Use Permit renewals – Metteer/Harris**

As agreed, upon in the terms attached to each Conditional Use Permit held on the Railroad Property that was issued in 2018 and 2020, there is an “*Annual report by the Code Compliance Officer to Council*”. The last one was held on October 21, 2020. Also, part of terms is “*Lessees to meet with Town Council every 3 years for CUP review.*” It has been 3 years since the approval of the CUPs.

Michelle M. noted Staff has been asked about the storage of personal recreational vehicles but felt that was a Council discussion. She noted aspects of this change would be difficult to enforce. She reviewed other changes proposed and how those would affect the current status. Staff suggests that there be a review of the Conditional Use Permits that are held on the Railroad

Property and for it to be determined whether or not the proposed new conditions are clear and communicative on how to address any issues that should arise for both the CUP holders as well as Staff. Staff is recommending each Resolution be approved with the stated conditions.

Gusty K. felt some of the terminology was misleading and confusing and proposed clearer language.

Terry A. clarified the proposed changes of allowing personal recreational vehicle storage. She felt that was something that should be allowed but would be difficult to enforce.

Discussion ensued as to recreational trailers vs construction trailers. He noted his UPRR lease does not allow overnight sleeping trailers/campers. Mr. Reed Phillips, leasee noted the issues and conflicting uses he faces. He noted the efforts made with Staff to make the leases more uniform and workable.

Amendment condition #2 to eliminate the word RV and add the term Camper.

- Resolution 40 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 01-2018 for Minturn Builders Alliance

Motion by Terry A., second by Tom S., to approve Resolution 40 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 01-2018 for Minturn Builders Alliance as amended. Motion passed 7-0.

- Resolution 41 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 02-2018 for Cozzens Construction

Motion by Terry A., second by Tom S., to approve Resolution 41 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 02-2018 for Minturn Builders Alliance as amended. Motion passed 7-0.

- Resolution 42 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 03-2018 for Burk Harrington Construction

Motion by Eric G., second by Gusty K., to approve Resolution 42 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 03-2018 for Minturn Builders Alliance as amended. Motion passed 7-0.

- Resolution 43 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 01-2020 for Burk Harrington Construction and Darin Tucholke

Motion by Gusty K., second by Tom S., to approve Resolution 43 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 01-2020 for Minturn Builders Alliance as amended. Motion passed 7-0.

**9. Public Hearing/Action Item:** Resolution 44 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 04-2018 for Minturn Mountain Motel – Harris/Metteer

As agreed, upon in the terms attached to the Conditional Use Permit held by the Minturn Mountain Motel that was issued in 2018, there is an “*Annual report by the Code Compliance Officer to Council*”. The last one was held on October 21, 2020. Also, part of terms is “*Lessees to meet with Town Council every 3 years for CUP review.*” It has been 3 years since the approval of the CUP.

Staff suggests that there be a review of the Conditional Use Permit that is held by the Minturn Mountain Motel and for it to be determined whether or not the proposed new conditions are clear and communicative on how to address any issues that should arise for both the CUP holder as well as Staff. Staff is recommending approval with the stated conditions.

Terry A. stated she had received positive feed-back on Railroad Rocks

Motion by Gusty K., second by Tom S., to approve Resolution 44 – Series 2021 a Resolution approving the renewal of Conditional Use Application CU 04-2018 for Minturn Mountain Motel as presented. Motion passed 7-0.

**10. Public Hearing/Action Item:** Ordinance 11 – Series 2021 (First Reading) an Ordinance Amending Chapter 11 to provide for excavations of public streets in conformance with state standards. – Peterson-Cremer

The Town Public Works Supervisor has worked with the Town Engineer to update standards for excavations on Town property – most importantly within Town right-of-way. Minturn's harsh climate requires that higher standards for fill be used in order to protect the Town's investments in its roads. These revisions reflect a more up-to-date and protective standard that will ensure that the fill used around water lines and in other types of excavations is durable and matched to the town's conditions. Unlike some towns, Minturn's Public Works Manual is codified in the municipal code, instead of being amendable by resolution.

Public Hearing Opened.

No Public Comment.

Public Hearing was Closed.

Motion by Terry A., second by Tom S., to approve Ordinance 11 – Series 2021 (First Reading) an Ordinance Amending Chapter 11 to provide for excavations of public streets in conformance with state standards as presented. Motion passed 7-0.

## DISCUSSION / DIRECTION ITEMS

### **11. Discussion/Direction Item:** Water Treatment Plant Mitigation Plan – Metteer/Fairfield-Smith

Michelle M. introduced Wildfires are an increasing threat on the Colorado western slope and causing communities to identify and mitigate vulnerabilities. Recently, the Eagle River Fire Protection District in partnership with the Greater Eagle Fire Protection District proposed the “Eagle Valley Wildland Program” to the municipalities of Eagle County. This program is aimed at “reducing wildfire risk through mitigation, suppression and community education.” Minturn has budgeted to support this program in 2022. The Eagle Valley Wildland Program identifies initial steps that can be taken within each municipality to further the goals of the program. Minturn’s initial step identified mitigation around the Two Elk Target Range (Minturn Shooting Range). Much of Minturn is surrounded by United States Forest Service land which makes wildfire mitigation on the local level cumbersome due to the “federal red tape.” This includes the Two Elk Target Range parcel. Although the USFS parcels will need to be addressed, for the ability of taking immediate action, mitigating parcels owned by the Town is more viable. Of particular interest is fortifying areas around the town’s major infrastructure. Minturn’s current, and future water treatment plant as well as future water tanks will all be located in the Maloit Park area. This 18-acre parcel where the infrastructure will be housed is owned by the Town and therefore provides the ability for crews to begin work immediately. I contacted representatives of the Wildland Program and asked if we could review and possibly propose a new action step for Minturn’s mitigation efforts outlined in the Wildland Program and the Wildland team was immediately supportive of moving in this new direction.

Michelle M. participated in a site visit of the 18-acre Maloit Park parcel with the Wildfire specialists including Jeff Zechman, Hugh Fairfield-Smith and Katie Jenkins for review of mitigation options. The included “Town Water treatment Mitigation Project” is the proposed result of that visit.

Michelle M. introduced Chief Karl Bauer and Mr. Hugh Fairfield-Smith. She stated the Eagle County Fire District has helped with identifying burn materials and fuels such as dead trees and slash as well as a long-term fire management plan. Discussion ensued as to the positive merits of this work.

Council was very positive with this and direction was to continue forward.

### **12. Discussion/Direction:** Short Term Rental Policy Review – Metteer

Since 2017 and the incorporation of the short-term rental policy, Council has annually reviewed the Ordinance and been given an update on the status of short-term rentals in Minturn. Minturn adopted key provisions early on in the short-term rental evolution. Requiring a 2-year proof of ownership has proven successful in eliminating much of the speculation buying of housing stock. Additionally, limiting the number of short-term rentals to 10% of the housing stock or 50 total

units, whichever is fewer, will eventually come into play.

Moving forward, staff does not see the elimination of short-term rentals as the solution to the town's housing problems. There are currently 18 short-term rental licenses in town, however it's suspected there are additional STR's in Minturn which are not properly licensed and rent their units "under the radar." Staff is now seeking estimates from three different short term rental enforcement companies to understand our ability to identify these illegal units.

In the last year, several communications have been received from long-term renters who have been displaced from their rental units in favor of the landlord short-term renting. Additional minor complaints have been received from neighbors of short rental units who complain about a variety of issues from the visitors parking in the wrong location and leaving trash bins open.

Michelle M. felt our current code/policy is working well limiting to 10% or 50 units and the two-year ownership among other requirements.

Discussion ensued as to how our policy is shared with the neighbors.

A secondary discussion ensued as to repairs to trailer/mobile homes. It was recommended this be discussed at a future meeting.

Direction was to continue as currently administered. It was asked to research how to inform adjacent neighbors of the management company via a certified letter to the adjacent neighbors at license or renewal.

### **13. Discussion/Direction Item: Regulation of Livestock – Peterson-Cremer**

Richard P-C outlined the issue and the codes. The question for Council is to discuss and give direction on what codification should be considered noting there has been an increased interest by residents in having chickens, other fowl, and livestock living on residential lots within Minturn. Many municipalities in the state permit chickens and other livestock with certain conditions. Due to the relative density of the town, there are several considerations that Council should consider. These include:

1. Number and type of animals
2. Zone districts
3. Residential building types (single-family, duplex)
4. Lot sizes
5. Layout and design to prevent nuisances and predators
6. Permitting system

Richard P-C discussed an example of the ordinance we worked with Glenwood Springs to adopt several years ago that addresses many of the above issues. We think this can help guide a conversation about how to best address this popular accessory use.

Terry A. stated she owns chickens but sees a need to codify this.

Direction was to have the Planning Commission review this and bring forward direction but that

this was not a strong priority.

**14. Discussion/Direction Item:** Council Committee assignments – Metteer

Minturn is represented regionally on several boards and committees which with the turnover of Council requires filling of vacant seats. Currently there is a vacancy on the Minturn Education Fund Board and the Regional Transit Authority Formation Committee. Minturn holds representation on certain boards/committees which may want to be considered for elimination in the future. The Compact for Colorado Communities is one such board. With the recent focus of government officials representing the Climate Action Collaborative at the board level, the Compact for Colorado which has gone silent.

Additionally, at some point, Council may wish to consider elimination of certain sub-committees in favor of more regional representation.

Discussion ensued as to the appointment of the various seats and the updated Committee Assignment sheet is attached to these Minutes

**15. Discussion/Direction Item:** Discussion regarding Fiscal Year 2022 Budget – Brunvand/Metteer

Michelle M. and Jay B. presented a brief PowerPoint presentation and answered questions as needed. The remaining budget calendar was discussed noting the Public Hearing on the budget will be held on November 3<sup>rd</sup>, and First Reading of the Ordinances will be on November 17, with second reading on December 1.

**COUNCIL INFORMATION / UPDATES**

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

- Manager's Report

Michelle M. noted the joint meeting with Planning Commission on next Wednesday October 27, 2021 at 6:30.

- Future Agenda Items

Review of preexisting nonconforming mobile homes and continuation of the Livestock process.

**MISCELLANEOUS ITEMS**

**17. Future Meeting Dates**

- a) Council Meetings:
  - November 3, 2021
  - November 17, 2021
  - December 1, 2021
  - December 15, 2021

**18. Other Dates:**

- Minturn Halloween October 30, 2021
- Veteran's Day November 11, 2021 – Office Closed (Thursday)
- Thanksgiving November 25, 2021 – Office Closed (Thursday)
- Thanksgiving November 26, 2021 – Office Closed (Friday)

**19. Adjournment**

Motion by Terry A., second by Tom S., to adjourn at 8:19pm. Motion passed 7-0.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk





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**Webinar ID: 897 5069 7730**

**EXECUTIVE SESSION – 5:30pm**

**PLANNING COMMISSION-TOWN COUNCIL JOINT SESSION – 6:30**

**MAYOR – Earle Bidez**

**MAYOR PRO TEM – Terry Armistead**

#### **COUNCIL MEMBERS:**

George Brodin

Lynn Feiger

Eric Gotthelf

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

- Roll Call

The meeting was called to order by Mayor Earle Bidez at 5:31pm using a hybrid in-person and ZOOM on-line meeting format.

Those present include: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger, Eric Gotthelf (via Zoom), Gusty Kanakis, and Tom Sullivan.

Staff present: Town Manager Michelle Metteer, Town Planners Scot Hunn and Madison Harris, and Town Attorney Richard Peterson-Cremer (via Zoom).

- Pledge of Allegiance

## 2. Approval of Agenda

- Items to be Pulled or Added

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

- Declaration of Conflicts of Interest

## EXECUTIVE SESSION

3. **Executive Session:** An executive session to conference with the Town attorney for the purpose of consulting with the Town Attorney(s) under CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain

Motion by George B., second by Terry A., to convene in executive session to conference with the Town attorney for the purpose of consulting with the Town Attorney(s) under CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Eagle River Water and Sanitation District, Battle Mountain as presented. Motion passed 7-0.

Those present in the Executive Session included the Council present, Town Manager Michelle Metteer, and Town Attorney Richard Peterson-Cremer (via Zoom), Meghan Winokur (via Zoom), and Geoff Anderson (via Zoom).

## OPEN SESSION

Note: at this time, approximately 6:30pm, the Council was joined by the Planning Commission for a joint session. The Planning Commission members were Chairwoman Lynn Teach, Jeff Armistead, Elliot Hovey, Tom Priest, Christopher Manning, and Jena Skinner. The Council and

Planning Commission ran as a joint meeting with both formally called to order as their separate entities.

#### **4. Planning Commission-Town Council Joint Session – Historic Preservation**

Scot H. introduced the presentation. With the concerns brought up about the buildings in the 100 Block, staff was given direction to look into how to become a certified Town and what it takes to be designated historic.

Ms. Lindsey Flewelling, Coordinator with History Colorado, presented that historic preservation is the study documentation, designation, protection, and physical preservation of: buildings, structures, districts, sites, and objects. The reason to preserve is to increase community identity and pride, reduce waste, revitalize downtowns, heritage tourism, generate jobs, increase property values, support small businesses, and create affordable housing. The National Historic Preservation Act set a national policy for preserving our heritage, created a partnership program between the Federal Government and the States and Tribes, established the National Register of Historic Places and the National Historic Landmarks programs, defined a process of review of Federal projects, and has a local partnership through the Certified Local Governments (CLG) program. Eligibility is based on Significance (why is this property important, what association does it have with important people, architecture, movements) and integrity (how much of it is original to have significance). Neither National or State registers have automatic protections, protections only happen on the local level through ordinances. Treatment of Historic Properties: Preservation, Restoration, Rehabilitation, and Reconstruction. Secretary of the Interior's Standards: Preservation planning, identification, evaluation, registration, historical documentation, architectural and engineering documentation, archeological documentation, and professional qualifications. Key principles for a preservation ordinance: must promote a valid public purpose, must not be so restrictive as to deprive a property owner of all reasonable economic use of property, must honor a citizen's constitutional right to "due process", and must comply with relevant state laws.

Basic elements of a preservation ordinance:

- Statement of purpose
  - Protection and preservation of the Town's architecture, culture, and heritage
  - Enhancement of property values and stabilization of neighborhoods
  - Establishment of the Town's Historic Register
  - Civic Pride in art, architecture, and the past
  - Utilization of historic properties
  - Thoughtful community planning and design
  - Economic benefits based on the area's unique heritage
- Establishment of Preservation Commission
  - Required minimum of 5 members
  - Must have a least 4 meetings a year
  - Term limits
  - Potential to combine with other town commissioners
- Commission Powers and Duties
  - Survey and Inventory

- Designation of historic properties
- Conduct design and demolition review
- Provide for public participation
- Advise Town Council
- Assist Property Owners
- Pursue financial opportunities
- Propose/manage local incentives
- Develop educational programs
- Promote heritage tourism
- Review National Register nominations
- Participate in Federal Section 106 Review
- Develop by-laws
- Criteria for Designating Historic Properties
  - Buildings, structures, sites, objects, districts
  - Age
  - Significance criteria: Architecture, event, person, geography, archaeology
  - Integrity criteria: location, design, setting, materials, workmanship, feeling, association
- Procedures for Designating Landmarks and Districts
  - Nominators: Owner, commission, council, non-owner resident, non-profit, city official/staff
  - Owner Consent considerations: required, not required, for a district – percentage required
  - Designation Authority: Council, Commission
- Reviewable Actions and Procedures
  - Reviewable Actions: Alteration, relocation, demolition, new construction, maintenance
  - Standards and Guidelines:
  - Non-Designated Property Review: Non-contributing, 50 years and older, demolition
  - Other considerations: review authority, administrative review, exemptions, appeals, Stay of Demolition, and Minimum Maintenance
- Standards for Review
  - Secretary of the Interior Standards only, Citywide Guidelines, and/or District Guidelines
- Enforcement and Penalties
  - Compliance: Mandatory or Voluntary
  - Fines: In preservation ordinance and/or in Municipal Code
  - Penalties in Ordinance: Building permit moratorium, imprisonment, restoration, injunction, lien, and/or repair expense
- Appeals

#### Incentives, Advocacy, and Public Education

- Local Incentives: sales tax rebate, low/zero interest loans, exemptions and variances, technical assistance, easements, property tax rebates, and/or grants

- State and Federal Incentives: State Historic Preservation Tax Credit, State Historical Fund, Revolving Loan Fund, and/or Federal Rehabilitation Tax Credit
- Advocacy and Public Education: Foster community pride and ownership, form relationships with historic property owners and contact property owner, and/or public outreach (publicize each event, host events/workshops, use social media, and celebrate preservation month)

Lynn F. asked if there needs to be a large percentage owner buy in if there is a small district. Dr. Flewelling said that it does not, it just needs to be clearly laid out in the ordinance.

Earle B. asked about funding. Dr. Flewelling said that there can be up to 35% tax credits for both residential and commercial properties as long as it is a local landmark or district. For CLG there are educational programs that are options. CLG funding is for planning, not construction. State Historical Fund handles funds for construction which only requires being a landmark.

Lynn F. asked if the simplest thing would be to start with an ordinance and put it under the purview of the existing Planning Commission. Asked if the historic district would be by block and then everything older than a certain time would be designated. Dr. Flewelling said that it would all be a historic district and then would have a Time Period of Significance.

Earle B. asked what happens when something is designated historic, but the property owner decides to remodel. Dr. Flewelling said that it would be based on the Design Review Process. There is a Certificate of Appropriateness after the review.

Tom P. clarified whether a CLG is appropriate. Dr. Flewelling said it isn't necessary, but can always move to that later on.

Terry A. asked about owner consent and educational outreach that would happen with the CLG rather than just implementing an ordinance. Dr. Flewelling said that owner consent requirements are typically 50/50 with communities. For educational purposes it would be best to identify who is best to reach out.

George B. asked if there are small towns who designate the whole town as a historic district and then sort through the buildings by age. Dr. Flewelling said that Central City and a lot of Leadville operate under that. You would want a majority of the properties to be contributing.

Tom S. asked if there was a risk of being sued by instating this. Dr. Flewelling said that this is not typically considered a taking, and more considered zoning, and so should not have a case. Richard P.-C. said that the cases that have been won was because the ordinance implemented was not followed.

Jena S. asked about the economic viability with the expensive costs and impacting owners. Dr. Flewelling said that the Town does not have to permit the highest economic value, just some economic value. Richard P.-C. said that any use is considered an economic use. Local governments have a lot of power here.

Jeff A. asked about the length of time to go through the CLG process to get qualified. Dr. Flewelling said that it depends on how long it takes to get the ordinances passed and the commission appointed. Need to work out what the general idea that you are working towards is. Could be done in a year.

Terry A. asked if we just did landmark designation, then would they still be able to apply for state grants and tax credits. Dr. Flewelling said that State Historic funds can be applied for through the government or a non-profit, but the tax credits are just for CLG.

Lynn T. asked about saving buildings while being able to build on other portions of the lot. Dr. Flewelling said that there are governing documents for additions.

Public Comment was opened.

Mr. Kit Austin, Pierce Austin Architects, should consider what property rights will look like in Minturn. Encourage “spot zoning” rather than a blanket historic district. Dr. Flewelling said that the review criteria for demolition is up to the Town for what is appropriate to your area.

Mr. Kelly Toon, 531 Main Street, stated our community used to be that of workers, but now is seen as an investment. Some people from outside Minturn say that the buildings are old but not significant, but they are significant to the people who live here. Would like to have a review of old buildings before it is demolished. Would advise people looking to come here to invest somewhere else, and the community should invest in itself.

Mr. Greg Sparhawk, 245 Pine Street, spoke in favor of a district. It provides people flexibility in implementing guidelines which could allow us to preserve the character while allowing for development that compliments the existing structures.

Lynn F. suggested a citizen committee.

Mr. Larry Stone, 152 Main Street, discussed there is redeeming value in taking heed to what exists. Believes in the vision of great architects. People in this community can take down an old structure and rebuild a great product. We try to hold onto the material things, but what we are really trying to hold onto is what people bring to the community. Having something simple that preserves the idea that we revere the past is supported. If buildings are taken down, it would be nice for the property owner to allow others to utilize some of the materials from those buildings.

Ms. Susan Morrison, 272 Main Street, should keep and preserve why Minturn is Minturn. Need to realize why it is special and preserve that for the community.

Mr. Kit Austin, Pierce Austin Architects, felt he needed to defend MR Minturn because the Mountain Peddler building was unsalvageable. Property owners should not be shoehorned. Tom S. asked if we should allow property owners to come in and demolish every building. Mr. Austin said that not everyone has to build to the volume.

Public comment closed.

Terry A. does not want to infringe on property rights, but people come here for a reason and it is the visual eye candy. Sometimes property owners look to their future. Are they looking to invest in the community? The Council needs to look to the future. Why do people come to Minturn? They come to the historic, funky town and if you get rid of that, then people stop coming. The people want this district so we should be looking into this. If it is just a couple of ordinances then opportunities could be missed. A CLG would be beneficial. There are people in this town that could serve in this role.

Lynn T. thinks there are a lot of options concerning the CLG. The community public and the tourism public would be supportive of this. People love that we are different.

Tom P. wants to know what the objective is. Terry A. said the Historic Preservation Commission is the goal. Lynn F. believes that we need to start tackling this now and cannot wait for the Community Plan Steering Committee. Tom P. believes that there should be some synergy.

Richard P.-C. advised that the moratoria cannot be extended forever and so this should be moved along. Michelle M. suggested that a sub-committee could report to the Steering Committee. Terry A. suggested that the committee report to Planning Commission as well on a monthly basis.

Jena S. said that part of the problem with development in Minturn is that there isn't clear direction. Would like a hybrid form-based code for existing and new. The most profitable form of tourism is historical tourism. Would like to look at uses. Would like to look into flexibility in the code to preserve really cool things. Need to make sure that the Town has accepted what the repercussions are. The Town should have first rights to purchase when historic buildings go up for sale.

Tom S. thinks it is very important to think about how the historic district will affect everyone. Would like to extend the district from the 100 Block to at least the 500 Block.

Direction was given to establish a committee to look into establishing a historic district and/or a CLG reporting to the Planning Director and making recommendations to the Planning Commission and Town Council and should be formed by a Planning Commissioner and interested citizens.

*Note: 5-minute recess called at 8:46 pm. Terry A. excused herself from the meeting and the Council quorum stood at 6.*

##### **5. Moratorium Extension – Joint Discussion between Planning Commission and Town Council with Regard to 100 Block Development Moratorium**

Richard P.-C. introduced the topic. We have two emergency moratoria in place that expire in a little over a month so we should look into extending the moratoria for 6 months – one year. Seeking direction from Council and Planning Commission. We do have a demolition ordinance teed up.

Gusty K. would be in favor of extending it.

Tom S. thinks we need longer than 6 months.

Scot H. said that 9 months is reasonable. Need to determine what the end goal is. Is it definition on Chapter 18 and the demo, or is it after the CLG/historic district has been formed? Richard P.-C. said that amending Chapter 18 would be a Town wide change, while the moratorium is specific to the 100 Block. In terms of duration, he would recommend that we start with an additional 6 months. Don't want to leave it open ended. Michelle M. asked about the reasonability of 9 months given all of the topics that are being juggled. Richard P.-C. said that 9 months is reasonable. It would be 9 months from when it is passed.

Direction given was a 9-month extension to the moratorium.

A recess was called at 9:03pm for the Planning Commission.

## **6. Adjournment**

Motion by George B., second by Gusty K., to adjourn at 9:03pm. Motion passed 6-0. Note: Terry A. was excused absent. The Planning Commission Meeting did not adjourn and continued on with the balance of their agenda.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk





To: Mayor and Council  
From: Jay Brunvand  
Date: November 3, 2021  
Agenda Item: Resolution 45 – Series 2021

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**REQUEST:**

Council is asked to approve Resolution 45 – Series 2021

**INTRODUCTION:**

Currently the town uses Yarmony Technologies for our computer support contract. Yarmony is merging with All Mountain Technology in Edwards. The town will continue to received support as we have in the past and with the same key individuals. The major difference will be in the ability to get our system back up and running in the event of an emergency in a timely manner and that we will have a larger support system when questions arise on our system.

Staff recommends approval of this management agreement as presented.

**ANALYSIS:**

N/A

**COMMUNITY INPUT:**

N/A

**BUDGET / STAFF IMPACT:**

The 2021 budget is set at approximately \$22,000 this new agreement will run approximately \$32,000 and will be reflected beginning with the 2022 budget.

**STRATEGIC PLAN ALIGNMENT:**

N/A

**RECOMMENDED ACTION OR PROPOSED MOTION:**

This item will be approved in the Consent Agenda, no specific approval is necessary.

**ATTACHMENTS:**

- Resolution 45 – Series 2021

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 45 – SERIES 2021**

**A RESOLUTION PROVIDING DIRECTION TO PROCEED AND  
AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO  
SIGN ANY AND ALL DOCUMENTS REQUIRED TO ACCEPT THE  
PROPOSED ALWAYS-ON MANAGED SERVICES AGREEMENT  
BETWEEN ALL MOUNTAIN TECHNOLOGIES AND THE TOWN OF  
MINTURN AS SET FORTH HEREIN**

**WHEREAS**, The Town Council of the Town of Minturn recognizes the need and desire to continue to support our computer support and maintenance; and,

**WHEREAS**, Our current IT provider, Yarmany Technology, has merged with All Mountain Technology and we desire to remain with a provider that knows our needs and systems; and,

**WHEREAS**, The Town has as requested a proposal and has received this proposal to fulfill these identified needs from All Mountain Technologies.

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

1. The Minturn Town Council accepts the attached proposal as presented in Attachment "A" for computer and technology systems management and authorizes the Mayor or his designee to sign on behalf of the town of Minturn any and all documents required to reasonably ensure completion.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this  
3<sup>rd</sup> day of November, 2021.**

**TOWN OF MINTURN**

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

**ATTEST:**

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

Always-On Managed Services

Date:10-18-2021		Services Agreement Term: 90 days	CLIENT Name: Town of Minturn
CLIENT INFORMATION			
Primary Contact:		Primary Contact Address Information	
Title:		Address 1:	
Phone:		Address 2:	
Cell:		City:	
Fax:		State:	
Email:		Zip Code:	

This Statement of Work (“**SOW**”) is in conjunction with the Services Agreement Terms of Service “Terms” or Master Services Agreement Terms of Service “Terms”. This SOW does not replace the Services Agreement or Master Services Agreement (“SA”) but incorporates all the provisions and obligations set forth in the Services Agreement. Should any provision of the SA and this SOW conflict, the SOW shall take precedence. **ALL MOUNTAIN TECHNOLOGIES, LLC** provide the Services described below to the standards stated in the SA (see SA link on signature page).

This SOW dated November 1, 2021 (“**SOW Effective Date**”) supplements the SA (the “**Agreement**”) by and between **ALL MOUNTAIN TECHNOLOGIES, LLC (“MSP”)** and Town of Miturn (“**CLIENT**”). This SOW consists of the terms below, the signature page, and any unique attachments to this SOW, which are all incorporated into the Agreement by this reference and are made a part of the Agreement by all intents and purposes.

Services will be provided and limited as indicated in the checked boxes below. Further service offerings may only be secured via subsequent SOW’s.

Most of the Service Offerings are based on the NIST (or other National Standard). However, services offered or contracted alone will not achieve compliance with NIST and **CLIENT** should review the National Standard at <https://www.nist.gov/cybersecurity> to review the broader requirements. **MSP** does not provide any National Standard/Law/Regulation compliance services and services offered are limited to those selected below or as agreed in subsequent SOW’s.

Capitalized terms used herein, unless otherwise defined, will have the meanings given to them in the Agreement.

## Always-On Managed Services

**1. Service Offerings (Services will be provided directly by You or as indicated.) [Items NOT checked have been OPTED OUT by CLIENT.]**

**Note: The word "via" in the section below indicates any Third-Party Provider.**

- Always-On Service 3-month trial, guarantee (Exhibit A)**
- Always-On Plus Service (AO Plus)**
  - Maintenance, management, recommendations for IT environment**
  - Reactive and Proactive Onsite and Remote Support**
  - Help Desk Services with Guaranteed Response and Resolution**
    - Priority 1 and Priority 2 after-hours remote included with Always-On
    - Priority 1 and Priority 2 after-hours onsite included with AO Ultimate
  - Installation of new printers and workstations purchased through MSP
  - Dedicated Account Manager and System Administrator
  - Access to Full MSP Team and Resources
  - Access to Always-On™ 24/7/365 Emergency On-Call Support
  - PC Protection with Malware detection Tools/Antivirus
  - Ticketing System with Data/Time Tracking and Reporting
  - Remote Connection Support and Chat
  - Strategic Planning and Budgeting
  - Asset Inventory Management (Hardware/Software/Licensing)
  - Access to MSP Loaner Inventory
  - Vendor Management
  - DNS Filtering via Cisco Umbrella
  - Antivirus software and management of software via Webroot Inc.
  - Vulnerability assessments and remediation
  - Installation of all computers, printers purchased through MSP
  - Management of AMT provided Cyber Security Solutions, VoIP solutions, etc.
  - Solution Generation and Procurement Services
  - Staff Technology Education and Training
  - Documentation as required for MSP Management
  - Industry Standards and Best Practice Recommendations
  - Business Continuity Planning
  - CLIENT** Portal Providing Access to Tickets and Invoicing
  - Connectwise Manage
    - Documentation, Inventory Management, CRM (ticket portal, ticket tracking, reporting)
  - Connectwise Automate
    - Automated and manual maintenance of computers and servers (including software updates, patch management, and database management)
  - Connectwise Control
    - Secure Remote access and management of production technology
    - \***CLIENT** IT Team remote access and management
- Always-On Ultimate Service (AO Ultimate)**
  - Per above AO Plus
  - Planned Project Services included in monthly agreement
- \*Project Services – design, quoting, implementation, and management via bid/acceptance process**

## Always-On Managed Services

- [X] \*Backup & Disaster Recovery Services - via proprietary VEEAM based solution  
See **Exhibit B**  
Initial **Server Selection Addendum** from **Exhibit B** required for pricing estimate
- [ ] \*SOC (Security Operation Center) Cyber Threat detection via. BlackPoint Cyber  
Cyber Security Management, Detection, and Remediation Services  
Additional endpoint threat prevention and detection via Sophos Intercept-X  
Breach Detection/Persistent Threat  
Ransomware Detection, Remediation, Mitigation
- [X] \*Microsoft Office 365 Services (Email, Teams, Sharepoint, etc.) via Microsoft
- [X] \*Microsoft Tenant backup via Datto Backupify
- [ ] \*VoIP Managed PBX Services via 3CX hosted solution  
Requires separate **CLIENT** engagement for VoIP Services with Flowroute or similar
- [ ] \*\*Drive Encryption via Microsoft Bitlocker
- [ ] \*\*Email Encryption via Microsoft or via Zix
- [ ] \*\*Phishing Detection via Microsoft
- [ ] \*\*Email Archiving via Microsoft
- [ ] \*\*Multi-Factor Authentication
- [ ] \*Cyber-Security and Phishing Training –via Breach Secure Now
- [ ] \*Dark Web Monitoring via Breach Secure Now
- [ ] \*Password Management via LastPass
- [ ] \*Remote Work Force security
- [ ] \*Cyber Insurance Compliance
- [ ] \*HIPAA Compliance
- [ ] \*PCI Compliance
- [ ] \*Employee Cyber Training
- [ ] \*Identity Management
- [ ] \*Hardware-As-A-Service or Rental Equipment **Exhibit C**
- [ ] \*MFA SSO tools via DUO or via LastPass

- indicates additional billing based on actual utilization monthly
- \*\* may require particular Microsoft 365 license or may require additional Microsoft charges

**2.0 Advice; Instructions.** From time to time, we may provide you with specific advice and directions related to our provision of the Services or the maintenance or administration of the System. Should these services be declined, you hereby acknowledge that this is against the advice if the MSP and **CLIENT** agrees to hold MSP harmless from any business interruption, data loss, system recovery costs, or other adverse consequences due to **CLIENT** decision. If your failure to follow or implement our advice renders part or all of the Services economically or technically unreasonable to provide in our discretion, then we may terminate the applicable SOW for cause by providing notice of termination to you.

**2.1 Response.** MSP warrants and represents that MSP will provide the Services, and respond to any notification received by MSP of any error, outage, alarm or alert pertaining to the System, in the manner defined in the applicable SOW except for (i) periods of delay caused by **CLIENT** Downtime (defined below), Vendor-Side Downtime (defined below) or (ii) periods in which MSP is required to suspend the Services to protect the security or integrity of **CLIENT** System or MSP's equipment or network, or (iii) delays caused by a force majeure event.

**2.2 Scheduled Downtime** - For the purposes of this Agreement, Scheduled Downtime will mean those hours, as determined by MSP which will not occur between the MSP's normal business hours of 9:00 AM and 5:00 PM Monday through Friday without **CLIENT** authorization or unless exigent circumstances

## Always-On Managed Services

exist, during which time We will perform scheduled maintenance or adjustments to **CLIENT** System. MSP will use it's best efforts to provide **CLIENT** with at least twenty-four (24) hours of notice prior to scheduling Scheduled Downtime.

**2.3 CLIENT Downtime.** MSP will not be responsible under any circumstances for any delays or deficiencies in the provision of, or access to, the Services to the extent that such delays or deficiencies are caused by **CLIENT** actions or omissions ("**CLIENT** Downtime").

**2.4 Vendor-Side Downtime.** MSP will not be responsible under any circumstances for any delays or deficiencies in the provision of, or access to, the Services to the extent that such delays or deficiencies are caused by third-party service providers, third-party licensors, or "upstream" service or product vendors.

**CLIENT** and MSP expressly agree that this paragraph is intended to be as broad as permitted by the laws of the State of Colorado and that this paragraph shall be governed by and interpreted in accordance with the laws of the State of Colorado.

## Always-On Managed Services

### Availability & Hours of Operation

Description:	Priority:	Target Response Time	Target Resolution Plan:
<b>Business Down;</b> CLIENT's IT network is not available (all users and functions unavailable). All business down impact.	1	Within one business hour	Work immediately and continuously during business hours until resolved.
<b>Business Element Down;</b> Significant degradation of CLIENT's IT network (large number of users or business critical functions affected).	2	Within one business hour	Work immediately and continuously during business hours until resolved.
<b>Limited Service Degraded;</b> limited number of users or functions affected, business processes can continue with a minor departure from normal operations (possible workaround).	3	Within two business hour	Workaround within two business days; resolution within five business days.
<b>Single user issue (default);</b> Business processes can continue, workaround possible.	4	Within two business hour	Resolution within ten business days.

### Help Desk Support Business Hours\*

Weekdays, 8:00 a.m. to 5:00 p.m. MST, excepting MSP Holidays and associated official Federal weekday holidays. MSP will respond to CLIENT's Tickets during Business Hours and with best efforts after hours or on holidays. All Tickets will be assigned a priority based on impact and urgency, and the priority will dictate response times, and CLIENT shall allow MSP the amount of time defined in the response time matrix above to respond to a service request. Tickets that are assigned higher priorities will receive on-site service when necessary on a first-come, first-serve basis.

### MSP Holidays\*

New Year's Day  
 Memorial Day  
 Independence Day  
 Labor Day  
 Thanksgiving Day and Friday after Thanksgiving  
 Christmas Day

### Service Rates & Information\*

Reactive "Engineer" and "System Technician" work	Included
"Project Services" work (change requests)	Standard Rate
Emergency and After-Hours Service, two-hour minimum	1.5x Standard Rate
Holiday Service, four-hour minimum	1.5x Standard Rate

**\*Service Rates, Support Business Hours and Holidays may be updated from time to time. For current rates and business hours, please contact our offices or your account representative. Current MSP Rates and Holiday supersede any Rates in this Addendum.**

**CLIENT agrees that all support services requested by CLIENT outside of regular business hours will be billable from the time that MSP's staff is contacted and/or engaged by CLIENT or MSP on-call service.**

**Response times above apply only to reactive work submitted to the Help Desk team through approved channels listed previously.**

## Always-On Managed Services

1. **Billing** – CLIENT has the option of billing by credit card or automatic withdrawal from checking at the beginning of each month. In the event customer requires invoicing for services, Any late payments for invoiced services beyond the 1st of the month will be accessed a daily late charge based on an annual rate of 15% of the amount outstanding. Non-payment will result in temporary stoppage of services; CLIENT will have 30 days to make payment or services will be suspended until all payments are made in full. In the event payment is not received within 60 days, member will forfeit the last month's payment and all MSP services will be removed from CLIENT network. All outstanding invoices will be owed in full.

**Fees-** Fees will be \$1850.00 per month plus applicable taxes, invoiced to CLIENT on a monthly basis, and will become due and payable on the first day of each month. Services may be suspended if payment is not received within 10 days following date due.

**Fee Increases-** This contract has an automatic 5% increase yearly and ALL MOUNTAIN TECHNOLOGIES, LLC reserves the right to revise fees at any time based on environmental changes. Generally, Always-On Service fixed monthly pricing is determined based on anticipated resource draw from CLIENT reviews. Annual reviews to are to be scheduled near the end of each contract and pricing set for the upcoming term based on actual resource usage and anticipated workload. Barring a different result from that annual review or if this service review does not take place then the Always-On Managed Service fee will increase 5% annually.

**Taxes-** It is understood that any Federal, State or Local Taxes applicable shall be added to each invoice for services or materials rendered under this Agreement. CLIENT shall pay any such taxes unless a valid exemption certificate is furnished to ALL MOUNTAIN TECHNOLOGIES, LLC for the state of use.

**\*Third-Party Providers-** Service billing will not be inclusive of Third-Party Charges incurred in provision of the services unless indicated otherwise in this SOW. Third-Party Provider resources delivered through AMT will be invoiced based on billing cycle of Third-Party Provider and may be in advance or in arrears. CLIENT is liable for all Third-Party Services MSP engages on their behalf and, based on Third-Party Provider billing cycle, CLIENT may have further Third-Party Provider invoicing subsequent to termination of Services. Pricing from Third-Party Providers is subject to change. CLIENT will be notified by us with 30-day advanced notice of price changes by the Third-Party Providers and the invoicing will be modified to reflect the change.

**Discount:** The prices above, as well as, all SOWs, proposals, and invoices include an assumed 3% cash payment discount. Cash, Checks, or ACH are considered cash payments and will keep discount. Invoices paid for by any means other than cash, check, or ACH, will forfeit their 3% discount.

2. **Limitation of Liability-** ALL MOUNTAIN TECHNOLOGIES, LLC aggregate liability arising from or out of or relating to services rendered under this SOW shall be limited to the fees paid under this SOW for the previous three (3) months.

3. **Scheduled Equipment/Products Included (Hardware and/or Software)**

**Scheduled and Managed Equipment Hardware shall be limited to the hardware under MSP RMM and/or in an attached Exhibit provided by CLIENT. MSP shall provide CLIENT with a Supported Equipment/Products or IT Asset Report upon request.**

It is agreed that the Scheduled Equipment covered under this agreement may change from time to time during the course of the agreement term as the CLIENT's needs dictate and that either new machines are added or old machines are decommissioned from the CLIENT's network. Any systems ADDED must be On-boarded by the MSP by installing



## Always-On Managed Services

the RMM software onto it and any systems REMOVED must be off-boarded by the MSP by uninstalling the RMM software.

- 4. Third Party Providers(s)** – To enhance the Service Offerings provided by **ALL MOUNTAIN TECHNOLOGIES, LLC** to **CLIENT**, we may utilize third-party providers for certain services. In addition to **ALL MOUNTAIN TECHNOLOGIES, LLC**, **CLIENT** MAY BE legally bound to the third-party provider's Terms and Conditions. The third-party provider and link is available at our web site at <https://www.allmntntech.com/legal-thirdparty/> **CLIENT** may also be subject to and any other agreements and documents presented by the third-party provider that are required to provide the services, each as amended by the third-party provider from time to time.

The links are being provided by MSP best effort and as a courtesy, **CLIENT** should monitor the links for the 3<sup>rd</sup> Party Providers to determine if they have the most current Terms and Conditions.

Third Party Providers may be changed/replaced during the service period. We will inform you via e-mail of the change and advise of the new terms and conditions link for such services.

- 5. Term:** The term of the Service Agreement shall be for an initial period of 12 months or 1 year, with the option for renewals. The Service Agreement will, without any further act or formality on the part of either Party, on the expiration of the Initial Term or any renewal term, be automatically renewed for a subsequent one-year term beginning on the day immediately following the end of the Initial Term and each successive renewal term. Fees and payment terms for subsequent renewal terms shall be assessed at MSP's rates then in effect. Each party shall give the other written notice of its intent to terminate this Agreement no later than sixty (60) days prior to the current term's end date. Failure to provide written notice of termination not less than sixty (60) days prior to the current term's end date shall constitute intent to renew this SOW.

If 90-day Trial option for this SOW then Initial Term is 90 days per Exhibit A.

- 6. Cancellation-**

MSP may: (a) terminate a specific Order if **CLIENT** fails to pay any applicable fees due for that Order within 30 days after receipt of written notice from MSP of non-payment; and/or (b) terminate this Agreement or an Order if **CLIENT** commits any other material breach of this Agreement and fails to cure such breach within fifteen (15) days after receipt of written notice from MSP. If an Order for Services is terminated, **CLIENT** will promptly pay MSP for Services rendered, and expenses incurred through the termination date.

**CLIENT** may (a) terminate this Agreement or an Order if MSP commits any other material breach of this Agreement and fails to cure such breach within fifteen (15) days after receipt of written notice from **CLIENT**; and/or (b) terminate for any reason with ninety (90) days of end of any term with written notice to MSP.

**Always-On Managed Services**

This SOW is effective only upon execution by **ALL MOUNTAIN TECHNOLOGIES, LLC** and **CLIENT**. Each party hereto warrants and represents that this SOW and the Terms of Service constitute the legal, valid, and binding obligation of such party as of the SOW Effective Date.

The Services Agreement with its provisions and obligations incorporated into this SOW can be accessed at: <https://www.allmntech.com/legal-msa/> Sign below to indicate your acceptance, of both the Service Agreement and SOW and we'll do the same.

<b>CLIENT SIGNATURE</b> (by authorized representative)	
Signature:	
Name:	
Title:	
Date:	
<b>INSERT YOUR NAME USE ONLY</b> (by authorized representative)	
Signature:	Sales Rep:
Name:	Sales Rep Email:
Title:	Region:
Date:	Division:

**Always-On Managed Services**  
**EXHIBIT A – 90 Day Trial Period**

MSP may offer a 90-day trial of services to prospects to foster engagement.

MSP will offer an estimated monthly support price to **CLIENT**, Installation of Services/Onboarding will be equal to one month and **CLIENT** will be onboarded/supported under the Terms of Always-On-Plus for three (3) months.

The purposes of the trial are:

1. For MSP and **CLIENT** to work together quickly
2. For MSP to better understand how **CLIENT** works
3. To foster **CLIENT** engagement in AMT Always-On Services without long term commitment
4. For MSP to gather hardware information without pre-engagement charged audit
5. For **CLIENT** and MSP to confirm they are aligned in intangibles (culture, etc.)

At or near the end of the 90 day trial, MSP and **CLIENT** will schedule a review in which the following will be discussed:

- Service review – what resources from MSP did **CLIENT** consume, is agreement right-sized?
- Projects discussion – Recommendations MSP may have for **CLIENT** to improve supportability or function of IT environment given better understanding the Trial Period allows

MSP may suggest a rate change or MSP may suggest Project Services

Only if **CLIENT** and MSP are in agreement on moving forward together will rate will be finalized for the remainder of the first Term and the SOW be finalized. Term is then defined as one year from start date of Trial Service.

After or before the end of the Trial Period or subsequent to Trial Period Review discussion both **CLIENT** and MSP may give 30 days notice for termination of services for any reason at any time.

## Always-On Managed Services

### EXHIBIT B – Business Continuity/Backup/Disaster Recovery Services

This **Exhibit B** applies to any Back Up and Disaster Recovery Services identified in an SOW. The services described in this Exhibit are “**Back Up Services**” Capitalized terms used in this Exhibit that are not defined in this Exhibit have the meaning given to the term elsewhere in the Agreement or another Exhibit.

#### 1.0 Services Description

**1.1** The service is designed to provide a complete Backup and Disaster Recovery ("BDR") solution for all Windows Servers running currently supported operating systems per the “Server Selection Detail Addendum” attached hereto as Addendum 1. The solution is fully managed and monitored to help ensure successful outcomes in the event of a disaster.

**1.2** The service is provided by the installation of an on-site Network Attached Storage Server device ("NAS") that acts as a local storage device and stand-by server in the event of a server failure.

**1.3** Incremental backups of protected servers are sent to the NAS every hour Monday-Friday 8am-5pm or per defined **CLIENT** Business Hours and, minimally, at least daily throughout the nights and weekends (or hours not defined as **CLIENT** Business Hours).

**1.4** Files are compressed to save storage space and ensure that backup times remain as short as possible.

**1.5** The data is 256-bit encrypted and stored locally on the NAS to enable fast local restores. Only MSP and the **CLIENT** (through MSP) have access to the encrypted data.

**1.6** The data is also 256-bit encrypted and transmitted off-site to remote storage facilities for disaster recovery purposes.

**1.7** Full recovery of data as of the last successful off-site transfer will be available for recovery from the off-site remote storage facility in the event of a total site catastrophe, where both the NAS device and protected servers are lost or destroyed.

**1.8** The NAS unit has a full hardware warranty and is guaranteed to be free of defects and will be repaired or replaced at no cost to the **CLIENT** as long as this Exhibit remains in effect.

**1.9** Backup successes and failures are monitored by MSP 24x7x365 and **CLIENT** shall be notified if backups fail due to device failure. MSP will take corrective action at the next time available to perform backup troubleshooting and resolution services pursuant to the Order Form being signed in conjunction with this service.

#### 1.10 Remote Storage Facility Features:

- Highly redundant storage with backup images stored at the data center at the primary facility, and for server instances hosted in the data center by MSP, backups are then replicated to the secondary location.
- Connectivity is provided by multiple providers with automatic failover capabilities.
- Facilities provide multiple fiber optic network drops for our backbone.
- Network is secured with high-end redundant, automatic failover firewalls.
- Fire suppression and environmental control provided.
- Automatic backup power provided by on-site generators and UPS systems.

#### 1.11 Retention Periods:

- Base Image – offsite and local
- 120 most recent successful Restore Points – approximately 30 days - stored off-site

## Always-On Managed Services

- 7 days Incremental Backups successful Restore Points (usually up to 4 Restore Points daily but at a minimum 1 daily) – on local NAS device.
- The Off-Site **Recovery Point Objective (RPO)** will be the last data uploaded successfully from **CLIENT** site.

### 1.12 Routine Testing:

- Images of protected servers are verified weekly to ensure integrity.
- All protected server's images undergo a backup image and backup chain integrity test process monthly, where the initial image and existing subsequent backup images are tested for corruption.
- Any protected servers with image integrity verification failures will be investigated and troubleshoot for backup problems and resolved. Resolution may require starting over with a new initial seed image. The cost of this service is identified in the Order Form being signed in conjunction with this service.

### 1.13 Recovery Time Objective (RTO):

- Small amounts of individual files on protected servers can typically be restored within minutes. Larger amounts of files or files that are larger in size can take longer.
- In the event of a server failure, the NAS typically can have a failed server running on the most recent backup image within 30 minutes. Sometimes complications can result in additional time to recovery, but every effort to recover the failed server shall be made as quickly as possible.
- Total server restores can be performed from the NAS back to a new virtual machine or new "bare metal" server instance. The amount of time to perform a restore will depend on the transfer rate of the data and the environment it is being transferred within and can take days for the data transfer to complete.
- In the event of a site disaster, the off-site remote storage facility allows same day provisioning and virtualization of protected servers for up to 30 days per year at a cost of \$400 to configure and network each server in the environment. Additional hours beyond the included amount are \$250/day per server.
- For an additional cost, a new NAS can be configured with data from the off-site remote storage facility using the most recent image if the NAS is destroyed in a site disaster.

### 1.14 Loaned Equipment

- **CLIENT** agrees that the NAS unit utilized by MSP in the execution of this service shall remain the property of MSP, and must be returned if requested and is considered HAAS rental equipment. **CLIENT** further agrees to cease the use of any technology that remains the property of MSP upon termination of this service.
- If the NAS unit is stolen, damaged or destroyed, the **CLIENT** must pay MSP up \$5000.00 based on MSP then cost of replacement. **CLIENT** should ensure that their insurance will cover this and any other recovery costs.

## 2.0 Termination

**CLIENT** or MSP may terminate this service with 30 days written notice at any time. If prior to the effective date of termination of this Order Form, **CLIENT** delivers to MSP a written request to have MSP deliver **CLIENT**'s data to **CLIENT**, then MSP shall deliver **CLIENT**'s data to **CLIENT** in a raw

## Always-On Managed Services

NTFS "files and folders" format copied to an external hard disk purchased by **CLIENT**. Any databases will be exported via file level backups. Any costs or MSP engineer labor required by **CLIENT** or third-party agent of **CLIENT** to provide this data are not included in this Order Form and will be billable to the **CLIENT**.

1. Upon termination of this Order Form all **CLIENT** data will be deleted and destroyed in accordance with MSP's standard process, unless alternative arrangements are made by **CLIENT** with MSP in writing.

Always-On Managed Services

**Addendum 1**  
**Server Selection Detail Addendum**

Server Selection Detail indicates servers and devices backed up by this SOW.

**CLIENT** environments inevitably change over time and changes in this data set should be expected.

**CLIENT Responsibility:** **CLIENT** is responsible for ensuring that MSP current Server Selection Detail contains all needed data. The Current Server Selection Detail is reflected in the monthly invoice from the MSP. If the Server Selection Detail data set is in error, missing anything, or in any way **CLIENT** is responsible for creating a Service Ticket so MSP can properly address. Changes to the Server Selection Detail may incur additional or different costs.

Backed up Devices (name)	Included Data Partitions (default is ALL)	Description
Main server	all	estimated
Web server	all	Total 1 TB
Laser Fiche Server	all	Per CA

- Estimated monthly:
- \$200 backup server device
  - \$150 3x \$50 Veeam backup license (per server)
  - \$200 1000GB data offsite to data center @ \$.20/GB
  - \$550 subtotal

Always-On Managed Services

**allmountain**  
technologies





To: Mayor and Council

From: Jay Brunvand

Date: November 3, 2021

Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

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**REQUEST:**

Staff is requesting Council to review and approve the attached annual renewal of a Hotel and Restaurant Liquor License for Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar located at 474 Main St.

**INTRODUCTION:**

This establishment has an existing H&R 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 \$125.00.

**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**

**KIRBY COSMO'S BBQ BAR  
 PO BOX 93  
 Minturn CO 81645**

Fees Due		
Renewal Fee		Waived due to 20B-001
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	Waived due to 20B-001
Related Facility - Campus Liquor Complex	\$160.00 per facility	Waived due to 20B-001
Amount Due/Paid		\$ <del>0</del>

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

## Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <b>DEUTSCHMAN FAMILY LLC</b>		Doing Business As Name (DBA) <b>KIRBY COSMO'S BBQ BAR</b>		
Liquor License # <b>42-43371-0000</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>42433710000</b>	Expiration Date <b>12/04/2021</b>	Due Date <b>10/20/2021</b>
Business Address <b>474 MAIN ST Minturn CO 81645</b>		County <b>Eagle</b>	Phone Number <b>9708279027</b>	
Mailing Address <b>PO BOX 93 Minturn CO 81645</b>		Email		
Operating Manager <b>Mark Tamborino</b>	Date of Birth <b>5/27/76</b>	Home Address <b>381 Black Bear bypsum CO 81637</b>		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. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

<b>Affirmation &amp; Consent</b>		
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>Mark Tamberino</i>		Title <i>Owner</i>
Signature <i>[Signature]</i>		Date <i>10/16/21</i>
<b>Report &amp; Approval of City or County Licensing Authority</b>		
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. <b>Therefore this application is approved.</b>		
Local Licensing Authority For <i>Town of Manitou</i>		Date <i>10/13/2021</i>
Signature	Title <i>Mayor</i>	Attest



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

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

**MEMORANDUM**

To: Mike Sawyer, Attorney  
Scott Peterson, ECSO/Minturn  
CC:  
Date: 10/27/21 4:53 PM  
RE: Liquor License

Attached please find a copy of a Hotel and Restaurant Liquor License application for Deutschman Family LLC, Mark Tamberino, owner/manager, located at 474 Main St. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval on the Consent Agenda to Council at the November 3, 2021 Council Meeting.

There have been no issues at all at this location including passing all "stings" that have been administered of which this location was a part of.

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

Thanks, jay



To: Mayor and Council

From: Jay Brunvand

Date: November 3, 2021

Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

---

**REQUEST:**

Staff is requesting Council to review and approve the attached annual renewal of a Hotel and Restaurant Liquor License for the Pizza Pub LLC, dba Magustos located at 101 Main St.

**INTRODUCTION:**

This establishment has an existing H&R 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 \$125.00.

**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.

**MAGUSTOS PIZZA & BURGER PUB**  
**PO BOX 1043**  
**Minturn CO 81645**

Fees Due		
Renewal Fee		Waived due to 20B-001
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	Waived due to 20B-001
Related Facility - Campus Liquor Complex	\$160.00 per facility	Waived due to 20B-001
Amount Due/Paid		\$

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

## Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <b>PIZZA PUB LLC</b>		Doing Business As Name (DBA) <b>MAGUSTOS PIZZA &amp; BURGER PUB</b>		
Liquor License # <b>03-12271</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>313431350000</b>	Expiration Date <b>10/27/2021</b>	Due Date <b>09/12/2021</b>
Business Address <b>101 MAIN STREET Minturn CO 81645</b>		County <b>Eagle</b>	Phone Number <b>9708275450</b>	
Mailing Address <b>PO BOX 1043 Minturn CO 81645</b>		Email <b>ERIC@PIZZAPUB@GMAIL.COM</b>		
Operating Manager <b>ERIC CREGAN</b>	Date of Birth <b>10/07/70</b>	Home Address <b>987B MAIN ST MINTURN CO 81645</b>		Phone Number <b>9703900861</b>
1. Do you have legal possession of the premises at the street address above? <input checked="" type="radio"/> Yes <input type="radio"/> No Are the premises owned or rented? <input type="radio"/> Owned <input checked="" type="radio"/> 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. Yes <input type="radio"/> No <input checked="" type="radio"/>				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes <input type="radio"/> No <input checked="" type="radio"/>				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes <input type="radio"/> No <input checked="" type="radio"/>				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. Yes <input type="radio"/> No <input checked="" type="radio"/>				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				

<b>Affirmation &amp; Consent</b>		
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	Title	
ERIC CREGAN	managing member	
Signature	Date	
<i>Eric Cregan</i>	10/21/21	
<b>Report &amp; Approval of City or County Licensing Authority</b>		
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.		
<b>Therefore this application is approved.</b>		
Local Licensing Authority For	Date	
Signature	Title	Attest

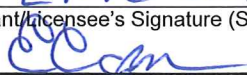
## Tax Check Authorization, Waiver, and Request to Release Information

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

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

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

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

Name (Individual/Business) <u>PIZZA PUB LLC</u>		Social Security Number/Tax Identification Number	
Address <u>101 MAIN ST MINTURN CO 81645</u>			
City <u>MINTURN</u>		State <u>CO</u>	Zip <u>81645</u>
Home Phone Number <u>9703900861</u>		Business/Work Phone Number <u>9708275450</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>ERIC CREYON</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>10/21/21</u>

### Privacy Act Statement

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





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

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

**MEMORANDUM**

To: Mike Sawyer, Attorney  
Scott Peterson, ECSO/Minturn  
CC:  
Date: 10/25/21 11:11 AM  
RE: Liquor License

Attached please find a copy of a Hotel and Restaurant Liquor License application for Pizza Pub LLC, Magustos, Erick Cegon, owner/manager, located at 101 Main St. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval on the Consent Agenda to Council at the November 3, 2021 Council Meeting.

There have been no issues at all at this location including passing all "stings" that have been administered of which this location was a part of.

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

Thanks, jay



To: Mayor and Council  
From: Jay Brunvand  
Date: November 3, 2021  
Agenda Item: Annual renewal of Retail Liquor License

---

**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**

Fees Due	
Renewal Fee	227.50
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>\$ 227.50</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 or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <i>Crowder, Gail</i>			Doing Business As Name (DBA) <i>MINTURN Malt LIQUOR</i>		
Liquor License # <i>26-35881-0000</i>	License Type <i>LIQUOR STORE</i>	Sales Tax License Number <i>84-1579516</i>	Expiration Date <i>11/15/21</i>	Due Date <i>10/1/21</i>	
Business Address <i>341 MAIN ST. MINTURN, CO. 81645</i>			Phone Number <i>970-827-5200</i>		
Mailing Address <i>P.O. BOX 1603 VAIL, CO.</i>			Email		
Operating Manager <i>JEAN CROWDER</i>	Date of Birth <i>05/26/75</i>	Home Address		Phone Number <i>970-827-5220</i>	
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

<b>Affirmation &amp; Consent</b>		
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	Title	
<i>Garrett Crowder</i>	<i>OWNER</i>	
Signature	Date	
<i>Garrett Crowder</i>	<i>10/26/21</i>	
<b>Report &amp; Approval of City or County Licensing Authority</b>		
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.		
<b>Therefore this application is approved.</b>		
Local Licensing Authority For	Date	
<i>Town of Montrose</i>	<i>11/3/2021</i>	
Signature	Title	Attest
<i>Town of Montrose</i>	<i>Mayor</i>	



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

---

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

**MEMORANDUM**

To: Mike Sawyer, Attorney  
Scott Peterson, ECSO/Minturn  
CC:  
Date: 10/27/21 5:12 PM  
RE: Liquor License

Attached please find a copy of a Retail Liquor Store Liquor License application for Gail Crowder DBA Minturn Mile Liquors, Gail Crowder, owner/manager, located at 341 Main St. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval on the Consent Agenda to Council at the November 3, 2021 Council Meeting.

There have been no issues at all at this location including passing all “stings” that have been administered of which this location was a part of.

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

Thanks, jay



To: Minturn Town Council  
From: Michelle Metteer  
Date: Nov 3, 2021  
RE: Pine Street Repairs

---

**REQUEST:** Council to physically walk Pine Street and review road damage, drainage issues, right of way encroachments and on-street parking opportunities.

**INTRODUCTION:**

Pine Street, from Norman Ave to Mann Ave is in need of repairs. Stormwater drainage facilities are intermittent ([see Google satellite imagery](#)) driveway access is egregious in areas (a typical residential driveway cut is 16' wide and for commercial entities 24') with the property at 476 Pine Street utilizing a 150' street cut, which takes the public's ability for on street parking away.

Likewise, encroachments into the Pine Street right of way increase dramatically the closer to Mann Avenue you get. The encroachments combined with on street parking have essentially turned the southern portion of Pine Street into a single lane road, making winter travel difficult and at one point, with snow accumulation, impassable for the school bus.

**ANALYSIS:**

Public Works has identified on multiple occasions the need to reclaim the Pine Street right of way. Rather than moving forward with the original mill and overlay plan for Pine Street, Public Works is requesting the road be fixed with proper curb, gutter, drainage, right of way access and parallel parking. Staff is NOT recommending the addition of any sidewalks.

The "full repair" approach would require a multi-year phased plan due to the extensive costs associated. Jeff Spanel from Intermountain Engineering will be on hand for the on-site review of the road as well as the Council discussion back in chambers. The public is welcomed and encouraged to attend both the on-site review as well as the discussion.

**COMMUNITY INPUT:** Needed

**BUDGET / STAFF IMPACT:** TBD/Significant

**STRATEGIC PLAN ALIGNMENT:**

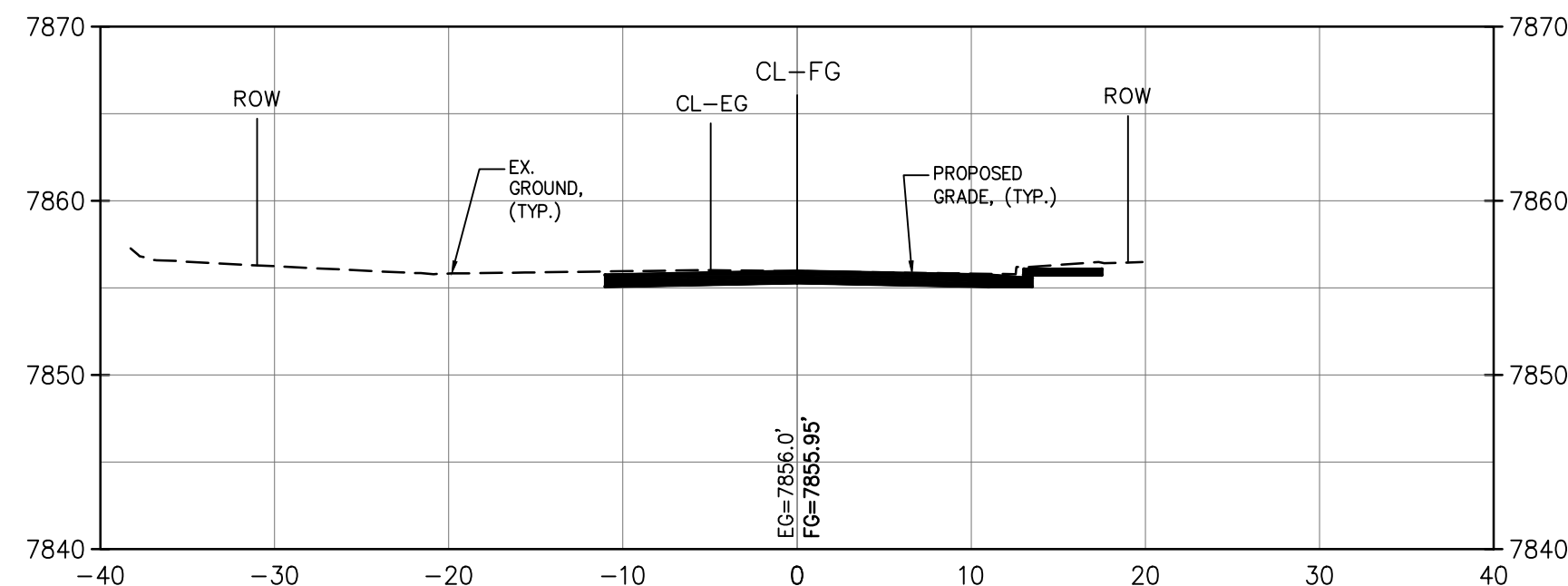
[Practice fair, transparent and communicative local government](#)

**RECOMMENDED ACTION OR PROPOSED MOTION:** Council to provide staff direction for Pine Street Road repairs.

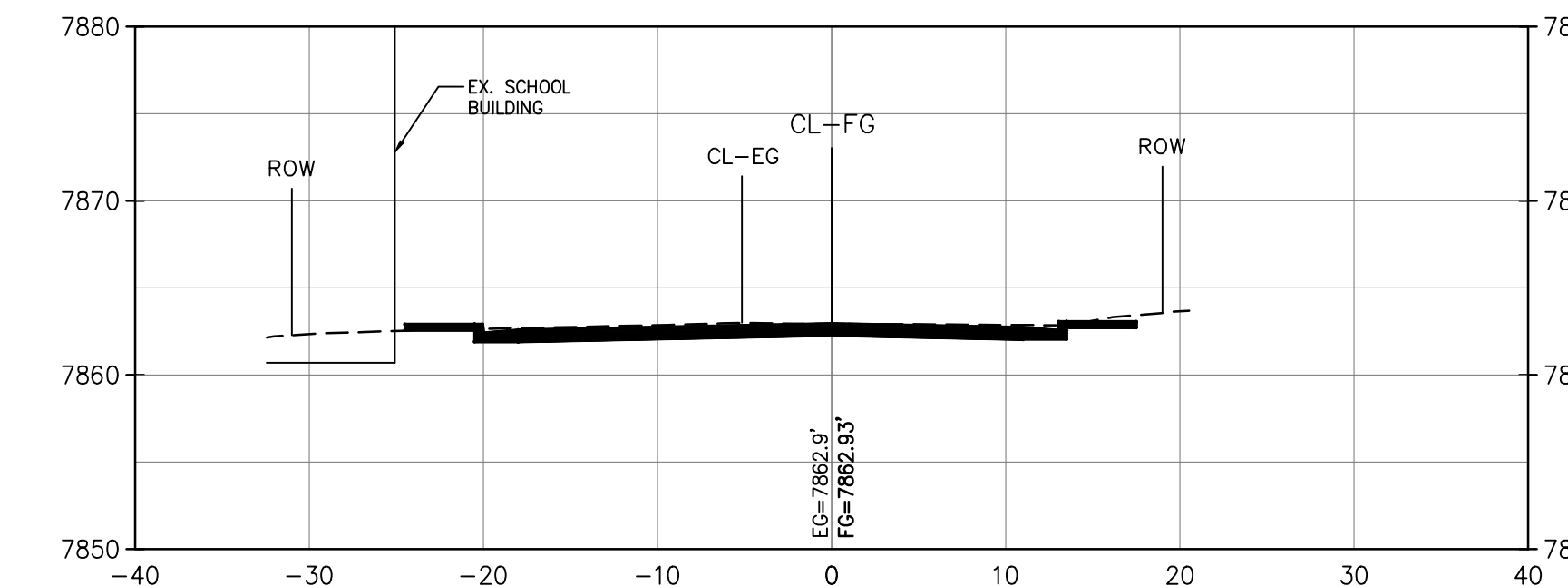
**ATTACHMENTS:**

- Pine Street preliminary road plan & sections

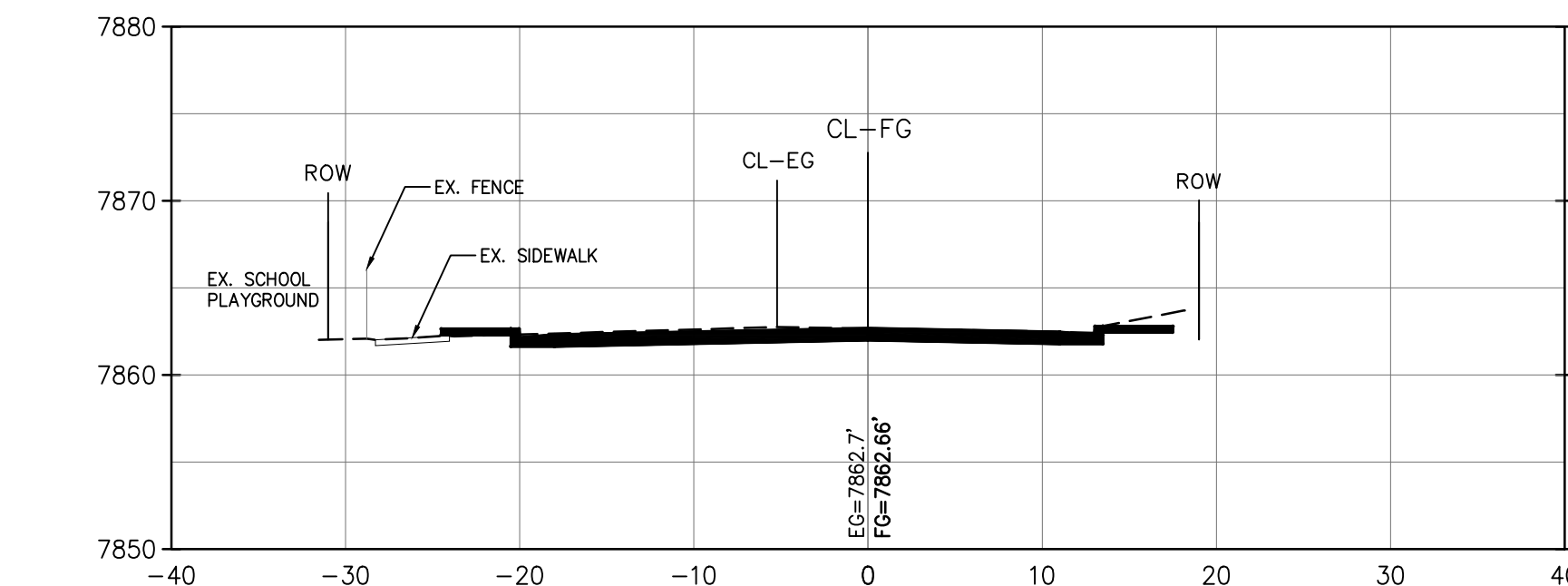




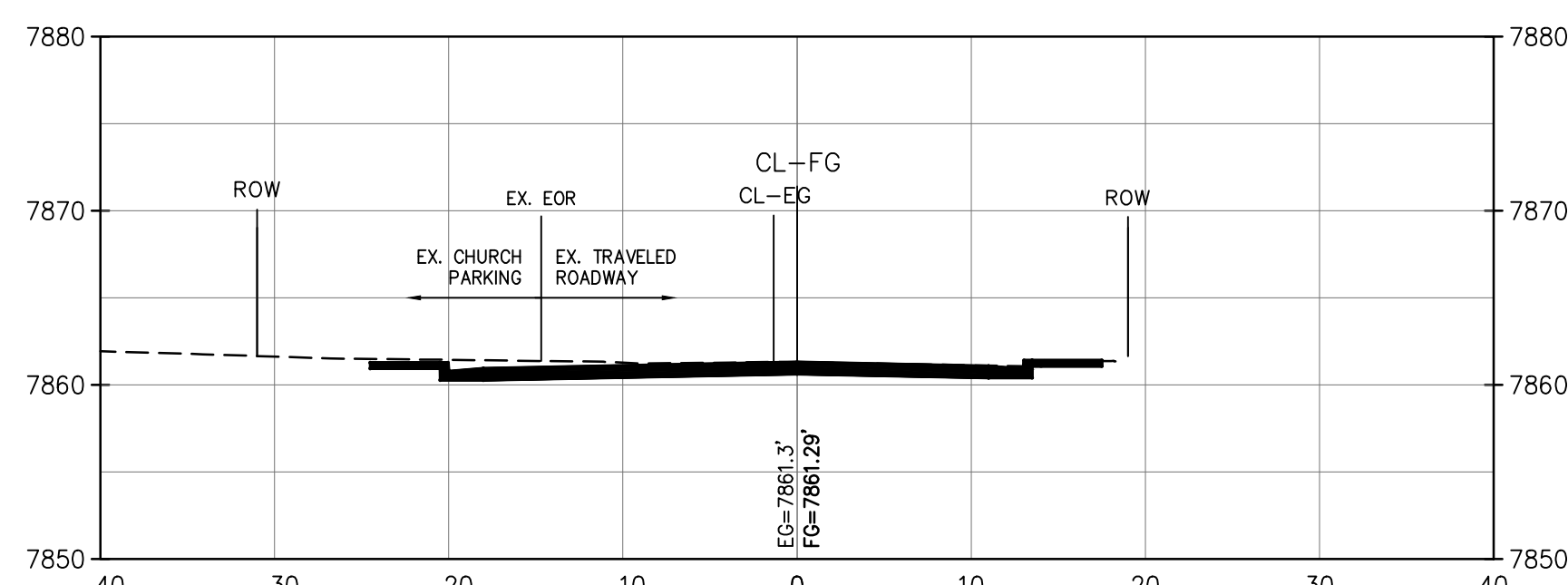
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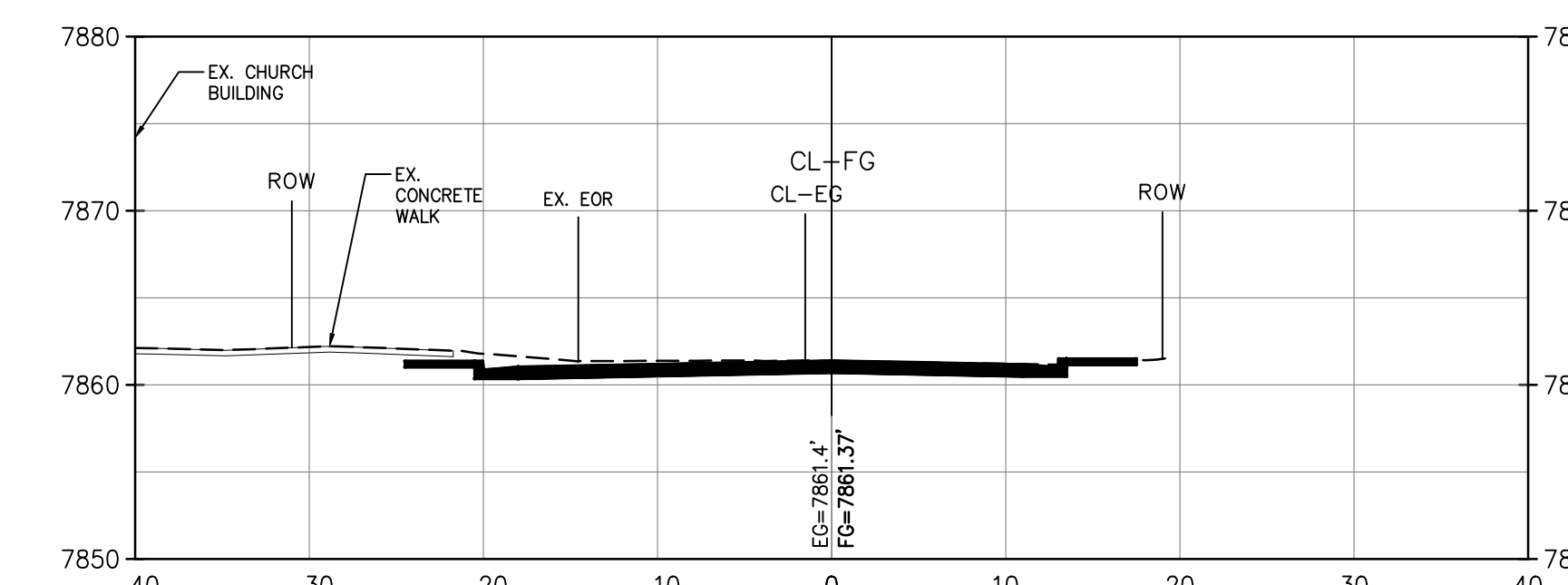
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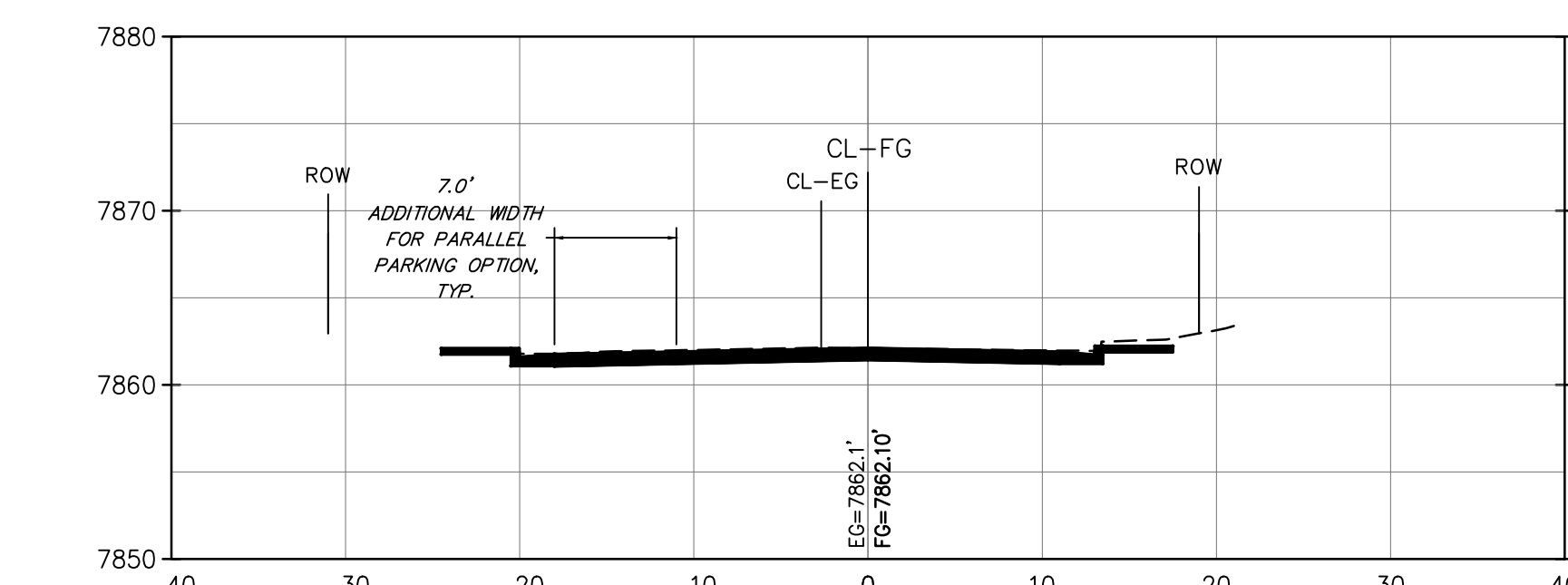
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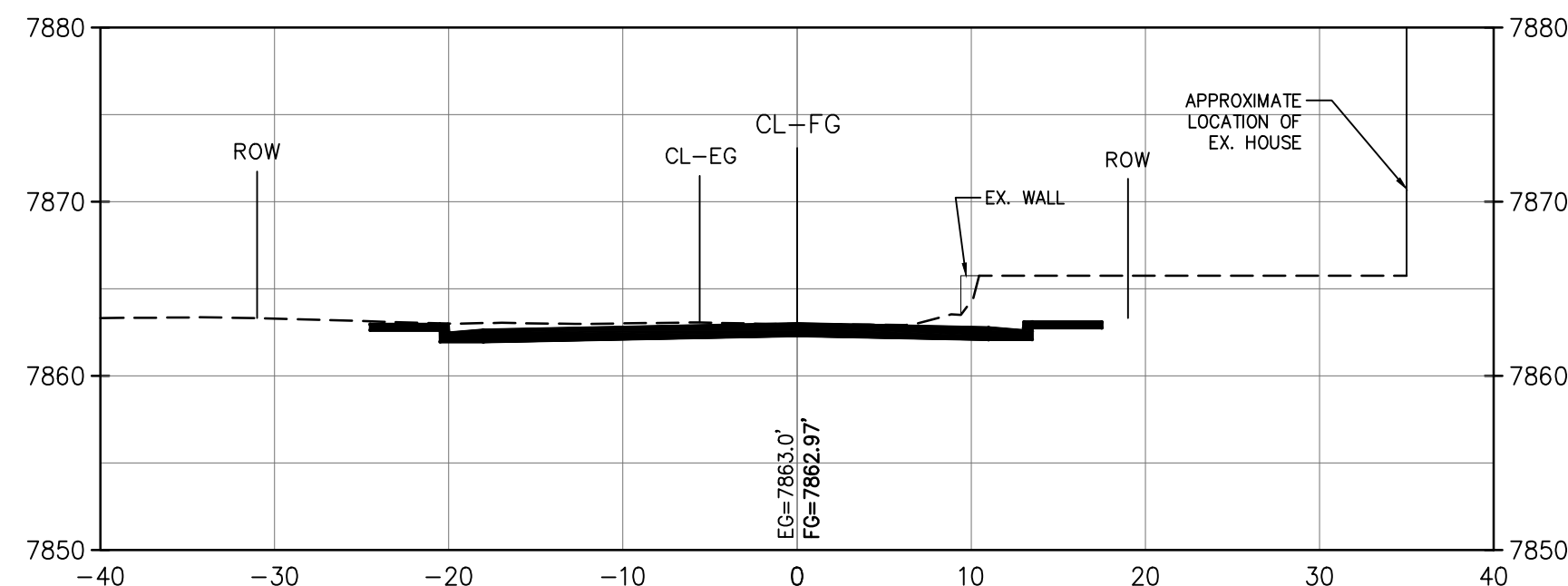
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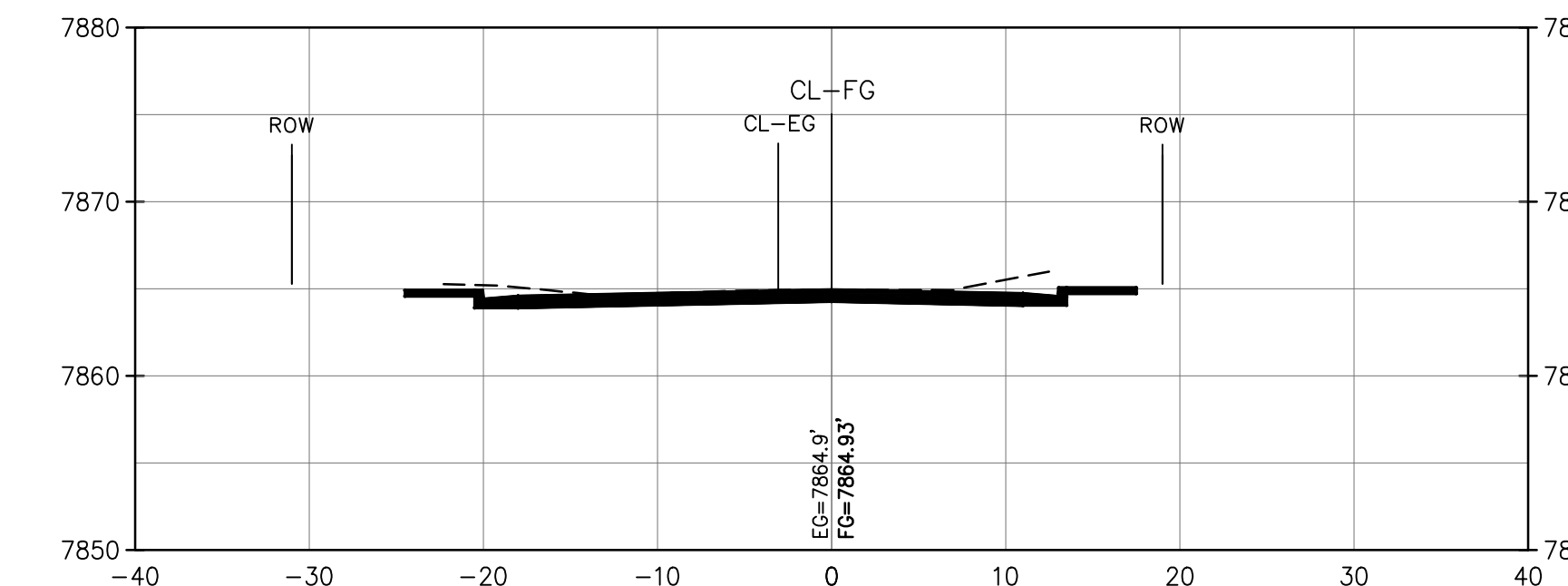
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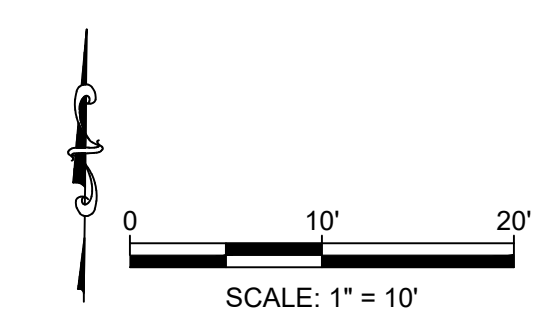
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STA.=12+25.00 525 PINE ST.  
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V: 1"=10'



**PRELIMINARY**  
NOT FOR CONSTRUCTION

C:\VIBORBOX (MFC)\CAD\CIVIL\_3D\200068\LINK\200068-5-CROSS SECTIONS.DWG 10/28/2021 4:12 PM



NO.	DATE	REVISION	BY

**Inter-Mountain**  
**ENGINEERS & SURVEYORS**  
Civil Engineers & Surveyors  
3001 W. 10TH AVE., SUITE 100, DENVER, CO 80202  
PH: (303) 733-5077 FAX: (303) 733-5078

CLIENT: TOWN OF MINTURN

This document was prepared for the use of the Town of Minturn. It is the property of Inter-Mountain Engineers & Surveyors, Inc. and its use is limited to the project and location specified herein. The user of this document or the information contained therein by any other person or entity is not authorized. In the event that any other person or entity does use this document or the information contained therein for any purpose they must first obtain written authorization from Inter-Mountain Engineers & Surveyors, Inc. This document is not to be used for any other purpose to be used within one year of the date hereof. Use after that period is not authorized.

**PRELIMINARY ROAD SECTIONS**  
PINE STREET  
TOWN OF MINTURN, COLORADO

DESIGNED BY: DES
DRAWN BY: DWN
CHECKED BY: CHK
DATE ISSUED: XX-XX-XX
PROJECT NO. 200068
SHEET NO. 2 OF 2





To: Minturn Town Council  
From: Michelle Metteer  
Date: Nov 3, 2021  
RE: Belden Place Drainage

---

**REQUEST:** Council to review and provide direction on the Belden Place cost share agreement.

**INTRODUCTION:**

The Belden Place project has been approved at the preliminary plan level. Staff is now working with the developer to iron out a variety of additional details prior to coming back to Town Council on approval for final plat. One of the items under review is the off-site drainage improvements. Council will need to consider the improvements proposed and determine financial support (if any) for installation of the needed infrastructure.

**ANALYSIS:**

In 2014 TST, Inc. created Minturn's Master Drainage Plan. In the Plan stormwater infrastructure is recommended for the southwest side of HWY 24, across from the Boneyard Open Space parcel with outflow traveling under HWY 24, across the Boneyard Open space via an easement and filtered prior to an outlet at the Eagle River. Significant runoff occurs from the Martin Creek drainage area and collects on the properties on and around the Belden Place parcel. Staff has been working with the developer to implement a more regional drainage approach that reflects the goals of the 2014 Master Drainage Plan.

Staff is asking Council to consider approval of a 50% cost share agreement for the drainage improvements with an option for cost recovery when additional development occurs in the area.

**COMMUNITY INPUT:** Needed

**BUDGET / STAFF IMPACT:** \$124,791 from the general fund (pg. 16 of the budget estimated at \$125k)

**STRATEGIC PLAN ALIGNMENT:**

[Practice fair, transparent and communicative local government](#)

**RECOMMENDED ACTION OR PROPOSED MOTION:** Council to provide staff direction for budget approval of Belden Place off-site infrastructure cost share agreement.

**ATTACHMENTS:**

- Belden Cost Estimate (see storm drain to Eagle River highlight)

**Engineer's cost estimate:**  
**Belden Place PUD**

Notes:

1. This Engineer's cost estimate is for the Final Submittal and the associated construction plans dated August 23, 2021
2. Cost/Unit values reflect the combined estimated cost to purchase materials and the labor required for construction/installation.
3. 10% Contingency is assumed for "For Construction" Submittals.
4. See pages following this summary for detailed cost breakdowns.
5. Standard rock clause applies.
6. Water & Sewer tap fees not included.
7. Hwy. 24 18" culvert crossing & culvert to river discharge. 50% of costs to be covered by Town of Minturn.

<b><u>Cost Item Summary</u></b>	<b><u>COST/UNIT</u></b>	<b><u>UNIT</u></b>	<b><u>QUANTITY</u></b>	<b><u>COST</u></b>
General Conditions	\$557,044	L S	1.0	\$557,044
Water	\$320,370	L S	1.0	\$320,370
Sanitary Sewer	\$171,743	L S	1.0	\$171,743
Shallow Utilities (gas, electric, telephone/internet, CATV)	\$372,509	L S	1.0	\$372,509
Roads & Sidewalks	\$294,963	L S	1.0	\$294,963
Landscaping	\$83,365	L S	1.0	\$83,365
<b>Storm Drain to Eagle River (50% of estimated cost)</b>	<b>\$249,582</b>	<b>L S</b>	<b>0.5</b>	<b>\$124,791</b>

<b>TOTAL</b>	<b>\$1,924,785</b>
--------------	--------------------

	DESCRIPTION	COST/UNIT	UNIT	QUANTITY	TOTAL COST
	<b>Belden PUD - 18" STORM DRAIN TO EAGLE RIVER - HWY 24 CROSSING &amp; BONEYARD OPEN SPACE CROSSING</b>				
155	Mobilization (included in Item 1 Belden PUD mobilization by same contractor)	\$10,000	L S		
156	Clearing and grubbing	\$1,000	L S	1	\$1,000
157	Removal of Debris	\$600	L S	1	\$600
158	Erosion Log Type 1 (12 inch)	\$8	LF	20	\$160
159	Erosion Bales (Weed Free)	\$25	EACH	20	\$500
160	Silt Fence	\$2.25	LF	270	\$608
161	Sawing Asphalt Mat (Highway 24)	\$50	LF	50	\$2,500
162	Removal of Asphalt Mat (Highway 24)	\$20	SY	27	\$533
163	Potholing	\$275	HOUR	10	\$2,750
164	Trench Box for excavation at open space	\$5,000	L S	1	\$5,000
165	18-Inch Reinforced Concrete Pipe (Hwy 24 Crossing - complete in place)	\$200	LF	206	\$41,120
166	18-Inch Reinforced Concrete Pipe Flared End Section w/Trash Grate	\$1,000	EACH	2	\$2,000
167	Insulate existing utility crossings in Hwy 24	\$1,000	EACH	1	\$1,000
168	Inlet Type R L5 (5 Foot)	\$5,000	EACH	2	\$10,000
169	Inlet Type D Inlet (5 Foot)	\$7,000	EACH	1	\$7,000
170	Hydrodynamic Separator (Cascade 4)	\$11,000	EACH	1	\$11,000
171	Flow Fill Culvert Backfill (@Highway 24)	\$400	CY	19	\$7,407
172	Aggregate Base Course (Class 6) (@highway ROW)	\$60	CY	48	\$2,889
173	Hot Mix Asphalt	\$100	TON	14	\$1,400
174	Stabilized outlet protection - RipRap (9 inch)	\$140	CY	20	\$2,800
175	Geotextile @ RipRap (Drainage) (Class 1)	\$6	SY	44	\$267
176	Proof Rolling	\$100	HOUR	4	\$400
177	Blading	\$250	HOUR	10	\$2,500
178	Backhoe	\$160	HOUR	10	\$1,600
179	Combination Loader	\$150	HOUR	10	\$1,500
180	Laborer	\$60	HOUR	80	\$4,800
181	Topsoil	\$20	CY	43	\$852
182	Concrete Washout structure (included in Belden PUD staging area)	\$2,500	EACH		
183	Vehicle Tracking Pad	\$3,000	EACH	1	\$3,000
184	Removal and Disposal of Sediment (Labor)	\$60	HR	2	\$120
185	Removal and Disposal of Sediment (Equipment)	\$150	HR	2	\$300
186	Erosion Control Mangement	\$95	DAY	10	\$950
187	Soil Conditioning	\$2,500	ACRE	1	\$2,500
188	Seeding (Native) (Hydraulic)	\$2,000	ACRE	1	\$2,000
189	Sanitary Facility	\$500	EACH	1	\$500
190	Surveying as-builts	\$5,000	L S	1	\$5,000
191	Epoxy Pavement Marking	\$120	GAL	10	\$1,200
192	Flagging	\$35	HR	160	\$5,600
193	Traffic Control Inspection	\$300	DAY	14	\$4,200
194	Traffic Control Management	\$900	DAY	14	\$12,600
195	Flashing Beacon (Portable)	\$1,400	EACH	4	\$5,600
196	Construction Traffic Sign (Panel Size A)	\$50	EACH	16	\$800
197	Construction Traffic Sign (Panel Size B)	\$80	EACH	44	\$3,520
198	Portable Message Sign Panel	\$3,000	EACH	2	\$6,000
199	Advance Warning Flashing or Sequencing Arrow Panel (C Type)	\$600	EACH	2	\$1,200
200	Drum Channelizing Device	\$60	EACH	10	\$600
201	Barrier (temporary)	\$50	LF	100	\$5,000
202	Rumble Strip (Portable)	\$2,000	EACH	6	\$12,000
203	Traffic Signal (Temporary)	\$7,100	EACH	2	\$14,200
204	Night Work Lighting	\$2,200	L S	1	\$2,200
205				<b>SUBTOTAL</b>	<b>\$201,276</b>
206	N, PERIODIC CONSTRUCTION INSPECTION, AS-BUILTS & TRAFFIC CONTROL PLAN (12% OF COSTS)				\$24,153
207	CONSTRUCTION STAKING (2% OF COSTS)				\$4,026
208	CONSTRUCTION CONTINGENCY (10% OF COSTS)				\$20,128
209				<b>TOTAL COST</b>	<b>\$249,582</b>

# Karp Neu Hanlon<sup>PC</sup>

ATTORNEYS AT LAW

[www.mountainlawfirm.com](http://www.mountainlawfirm.com)

*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*  
1544 Oxbow Drive  
Suite 224  
Montrose, CO 81402

Office: 970.945.2261  
Fax: 970.945.7336

*\*Direct Mail to Glenwood Springs*

DATE: October 15, 2021  
TO: Minturn Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Ordinance No. 11 - Excavations

---

Under cover of this memo is an ordinance to amend Article 2, of Chapter 11, Minturn Municipal Code. The Town Public Works Director has worked with the Town Engineer to update standards for excavations on Town property – most importantly within Town right-of-way. Minturn’s harsh climate requires that higher standards for fill be used in order to protect the Town’s investments in its roads. These revisions reflect a more up-to-date and protective standard that will ensure that the fill used around water lines and in other types of excavations is durable and matched to the town’s conditions.

Unlike some towns, Minturn’s Public Works Manual is codified in the municipal code, instead of being amendable by resolution.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 11 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO PROVIDING FOR THE AMENDMENT OF  
THE MINTURN MUNICIPAL CODE RELATING TO  
EXCAVATIONS ON TOWN PROPERTY.**

**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**, Minturn Municipal Code (the “Code”) Chapter 11, Streets, Sidewalks and Public Property contains rules and standards relating to the public’s use of Town property, including the excavation of such property from time to time; and

**WHEREAS**, the Town Public Works Director and Town Engineer have determined that certain standards contained in Article 2, Chapter 11 require revisions; and

**WHEREAS**, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Municipal Code to provide for the amendment of Article 2, Chapter 11 of the Minturn Municipal Code relating to excavations on Town 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. Article 2, Chapter 11 of the Minturn Municipal Code is hereby amended read as set forth in **Exhibit A** to this Ordinance, with additions shown in double underlined text and ~~strike-through language~~ is deleted. Sections of Chapter 11 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20TH DAY OF OCTOBER 2021. 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 NOVEMBER 2021 AT 6 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl 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 3<sup>rd</sup> DAY OF NOVEMBER, 2021.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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

## *ARTICLE 2 Excavations*

### **Sec. 11-2-10. Permit required.**

It is unlawful for any person, other than an officer or employee of the Town in the course of his or her employment, to make, cause or permit to be made any excavation or opening in or under the surface of any street, alley, sidewalk, road or other public place within the Town without first obtaining a permit therefor, or to make any such excavation in any manner which does not comply with the permit issued therefor. Each and every opening in a block of a street or sidewalk, as defined above, shall be considered an excavation, and each lateral from each original opening shall be considered an additional excavation for the purposes of this Article.

### **Sec. 11-2-20. Permit application.**

Any person desiring a permit to excavate in any street, alley, sidewalk or road area shall make application therefor to the Public Works Director upon forms furnished for that purpose. Such application shall state the exact nature and location of the proposed work and the time required for its completion. No permit shall be issued except on order of the Town Administrator.

### **Sec. 11-2-30. General regulations.**

- (a) All work shall comply with Town of Minturn and CDOT requirements.
- (b) Permittee shall engage the services of a Licensed Professional Engineer to provide observations and testing of the work. Soils and/or materials testing shall be done from time to time at intervals deemed appropriate by the Engineer. Observation & test reports shall be provided to the Town prior to acceptance of the work.
- (c) At all times, representatives of the Town shall have the right to enter and inspect any and all parts of the Work for compliance with the Permit & Town requirements. Observations or testing shall in no way excuse the Contractor for defects discovered in the work.
- (d) Uninterrupted access by Emergency vehicles shall be provided at all times.
- (e) Permittee shall provide a drawing showing the location and limits of the proposed opening. The opening which may be made in a street at any one (1) time shall be no greater than will permit the reasonable use of such street by the public and will not cause substantial hazards in said use.
- (f) ~~All utility facilities~~ ~~All Property, including but not limited to utilities, pipes, drains, culverts and other private property~~ shall be located and exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary. ~~(e) — Pipe drains, pipe culverts or other facilities encountered~~ All Property shall be protected from damage by the permittee. Property damaged by the Permittee during the course of the work shall be repaired or replaced, and left in as good condition as found at the sole expense of the Permittee.
- (g) Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, a precise survey reference point or

a permanent survey bench mark within the Town shall not be removed, disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Public Works Director. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

- (h) When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Public Works Director. Inlet protection devices shall be provided to intercept and/or filter sediment before it can be transported from the site into the storm drain system.
- (i) All construction debris, trash and excess excavated material shall be removed from the site and disposed of properly by the permittee after the work has been completed. When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street within four (4) hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Public Works Director shall cause such removal and the cost incurred shall be paid by the permittee.
- (j) Every permittee shall comply with the requirements of the Manual of Uniform Traffic Control Devices (MUTCD). Every permittee shall provide adequate warning lights for each opening during the night. Every permittee shall provide a suitable barricade for each opening. Additional safety regulations may be prescribed by the Public Works Director. Whenever any person fails to provide or maintain adequate safety devices, such devices may be installed and maintained by the Town and the amount of the cost thereof shall be paid by the holder of the permit. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with this Subsection.
- (k) Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.
- (l) Excavated materials shall be laid compactly along the side of the trench in a manner so as to cause as little inconvenience as possible to public travel. In order to expedite flow of traffic or to abate a dirt or dust nuisance, the Public Works Director may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Public Works Director.
- (m) Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the permittee obtains written consent from the Building Official to do the work earlier or later than the stated hours or on a weekend. Except in the case of an emergency, no permit authorized in this Article shall be issued so as to allow a street opening or pavement cut between October 15 and April 15.
- (n) In granting any permit, the Public Works Director may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to, the following:



- (1) Restrictions as to the size and type of equipment;
  - (2) Designation of routes upon which materials may be transported;
  - (3) The place and manner of disposal of excavated materials;
  - (4) Requirements as to the cleaning of streets, prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof;
  - (5) Regulations as to the use of streets in the course of the work; and
  - (6) Minimum depth of any service line shall be eighteen (18) inches below grade.
- (o) No cleated or track equipment shall work on or move over asphalt surfaces without mats. Backhoes, cranes or other heavy equipment with outriggers must be equipped with rubber pads on the outrigger before it is allowed to dig on said street or public right-of-way. Special provisions can be made by the Public Works Director in the event of emergencies or where special circumstances exist.

**Sec. 11-2-40. Backfilling.**

All pavement cuts, openings and excavations shall be backfilled, surfaced and restored, as follows and depicted on Figure 11-1:

- (a) Backfilling under paved streets shall be made in accordance with the following specifications:
- (1) Materials & methods within the pipe zone shall comply with the requirements of the utility provider. Trace wires shall be repaired or replaced as necessary to maintain conductivity.
  - (2) Flow fill shall be used above the pipe zone. Flow fill materials used as general backfill shall meet CDOT requirements. Cement shall be Type II Portland cement in accordance with ASTM C 150. Fly ash shall be in accordance with ASTM C 618, Type C or Type F. The compressive strength of flow fill shall never exceed 700psi, as determined by ASTM C 94 Section 16.5.1, or it shall be removed.
  - (3) Construction Methods: Controlled low strength materials (CLSM) shall be placed in accordance with CDOT requirements. Material shall not be placed on frozen ground. The ambient temperature shall be 35 deg F and rising at the time of placement. CLSM may be placed in confined spaces containing standing water.
- (b) Backfilling of unpaved streets shall be made in accordance with the following specifications:
- (1) Materials & methods within the pipe zone shall comply with the requirements of the utility provider. Trace wires shall be repaired or replaced as necessary to maintain conductivity.
  - (2) Materials. Materials above the pipe zone shall be granular, consisting essentially of sand, gravel, rock, slag, disintegrated granite or a combination of such materials. It shall be a well-graded mixture containing sufficient soil mortar, crusher dust or other binding material which, when placed and compacted, will

result in a firm, stable foundation. Material composed of uniformly sized particles or which contains pockets of excessively fine or excessively coarse material will not be acceptable. The material shall meet the requirements of CDOT Class 4 Aggregate Base Course, following gradation:

<i>Sieve Designation</i>	<i>Percent by Weight Passing</i>
2½ inch	100
2-inch	95—100
No. 4	30—60
No. 200	5—15

All material passing the No. 40 sieve shall have a liquid limit of not over thirty-five (35) and a plasticity index of not over six (6). Test for liquid limit and plasticity index shall be in accordance with A.A.S.H.O. designations T-89 and T-91, respectively.

- (3) Construction methods. The material shall be deposited in layers not exceeding eight (8) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety percent (90%) of theoretical standard proctor density as determined by A.A.S.H.O. Method T-99. Field density shall be determined by A.A.S.H.O. Method T-147.
- (c) Backfilling of Excavations in unpaved public places not used as vehicular ways streets shall be made in accordance with the following specifications:
- (1) Materials & methods within the pipe zone shall comply with the requirements of the utility provider. Trace wires shall be repaired or replaced as necessary to maintain conductivity.
  - (2) Materials above the pipe zone:- The bottom six (6) inches and the top twelve (12) inches of backfill shall meet the requirements of CDOT Class 4 Aggregate Base Course and be the same type of material specified in Subparagraph (b)(2)(1)a above. The excavated material may be used for the remainder of the backfill, provided that no materials greater than six (6) inches in diameter shall be used for backfill.
  - (3) Construction methods. The material shall be deposited in layers not exceeding twelve (12) eighteen (18) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety-five percent (95%) of theoretical standard proctor density as determined by A.A.S.H.O. Method T-99. Field density shall be determined by A.A.S.H.O. Method T-147.
- ~~(3) Excavations in unpaved public places not used as vehicular ways may be backfilled with earth and shall be compacted in lifts not to exceed eighteen (18) inches in depth by loose measurement in a manner set forth by the Public Works Director. All landscaped areas shall be returned to their original condition.~~

**Sec. 11-2-50. Restoration of surface.**

- (a) The cut and patch of asphalt paved streets shall be made in the following manner:
- (1) The existing asphalt pavement near the road cut shall be cut and removed to a minimum width of 2 feet wider than the trench on all sides of the excavation. The minimum cutback of asphalt shall be measured from the edge of the actual, final trench width.
  - (2) Aggregate base course beneath the pavement shall be replaced to the same thickness as existing (6" minimum.) CDOT Class 6 Aggregate Base Course compacted to a minimum density of 95% of standard proctor density.
  - (3) Hot bituminous pavement patch joints shall be sealed and secured by means of infrared heating systems applied by qualified operators approved by the Town and in strict compliance with CDOT requirements.
- (b) The cut and restoration of oil and chip surfaces shall be made in the following manner:
- (1) The initial pavement cut shall be made a minimum of one (1) foot wider than the trench on all sides of the trench, a ~~minimum~~ maximum of three (3) feet wide, and the cut in the paving shall be made with a power circular saw or cutter.
  - (2) The oil and chip surface shall match the quality and appearance of the existing surface surrounding the excavation, and shall be sealed with a chemical as approved by the Public Works Director.
- (c) If the Public Works Director finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street, where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, the permittee shall be required to pay the cost of resurfacing. The cost of resurfacing shall be charged on a time and materials basis and payment shall be made prior to the issuance of any other permit.
- (d) If any settlement in a restored area occurs within a period of two (2) years from the date of completion of the permanent restoration, any expense incurred by the Town in correcting such settlement shall be paid by the permittee, unless proof is submitted by the permittee satisfactory to the Public Works Director that the settlement was not due to defective backfilling. Failure to backfill property may be grounds for revocation of the permittee's contractor's license.
- (e) Upon approval by the Town Council, the Town may exercise the option of repairing street cuts and making backfills for the permittee, and requiring the permittee to pay the Town for said cost of restoration in an amount computed by the Public Works Director in accordance with the rates set forth in Section 11-2-60.

**Sec. 11-2-60. Fees.**

- (a) Upon receipt of a properly completed application, the Public Works Director shall determine the amount of the fee which shall be paid by the holder of any permit under this Article, which fee shall cover the cost of restoring the street involved in such work. The fees to be charged for permits shall be as follows:

- (1) For replacement of paving with oil and chip surface, shall be as established by resolution of the Town Council;
  - (2) Permit fee for dirt cuts, shall be as established by resolution of the Town Council;
  - (3) Backfilling, if done by the Town, shall be charged time and material to the permittee;
  - (4) Saw cuts done by the Town, shall be as established by resolution of the Town Council;  
and
  - (5) Any rework done by the Town shall be charged at time and material.
- (b) The fee shall be in the form of a certified treasurer's or cashier's check, cash or other, if approved by the Town Clerk.
  - (c) If any fee is less than sufficient to pay all costs, the holder of any permit shall, upon demand, pay to the Town an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Town may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.
  - (d) Whenever any person or company anticipates more than five (5) street openings or excavations per year, such person may post a single deposit for the entire year or part thereof to cover the cost of any and all such work. The amount of such deposit shall be determined by the Town Council.

**Sec. 11-2-70. Contractor's license required.**

No contractor as defined in Chapter 6 of this Code shall be issued a permit under this Article without first obtaining a Town contractor's license from the Town pursuant to Chapter 6.

**Sec. 11-2-80. Maps of underground facilities.**

- (a) By March 1 of each year, every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the Town, to or from its inhabitants, or for any other purpose, shall file with the Public Works Director a corrected map or set of maps, drawn to the designated scale, showing such installations, including all such installations made during the previous year; provided, however, that if no further installations have been made during the previous year, there may be filed with the Public Works Director a written statement to that effect.
- (b) The owner agrees upon reasonable notice from the Town or any permittee to accurately locate its installations upon the ground as shown on said maps.

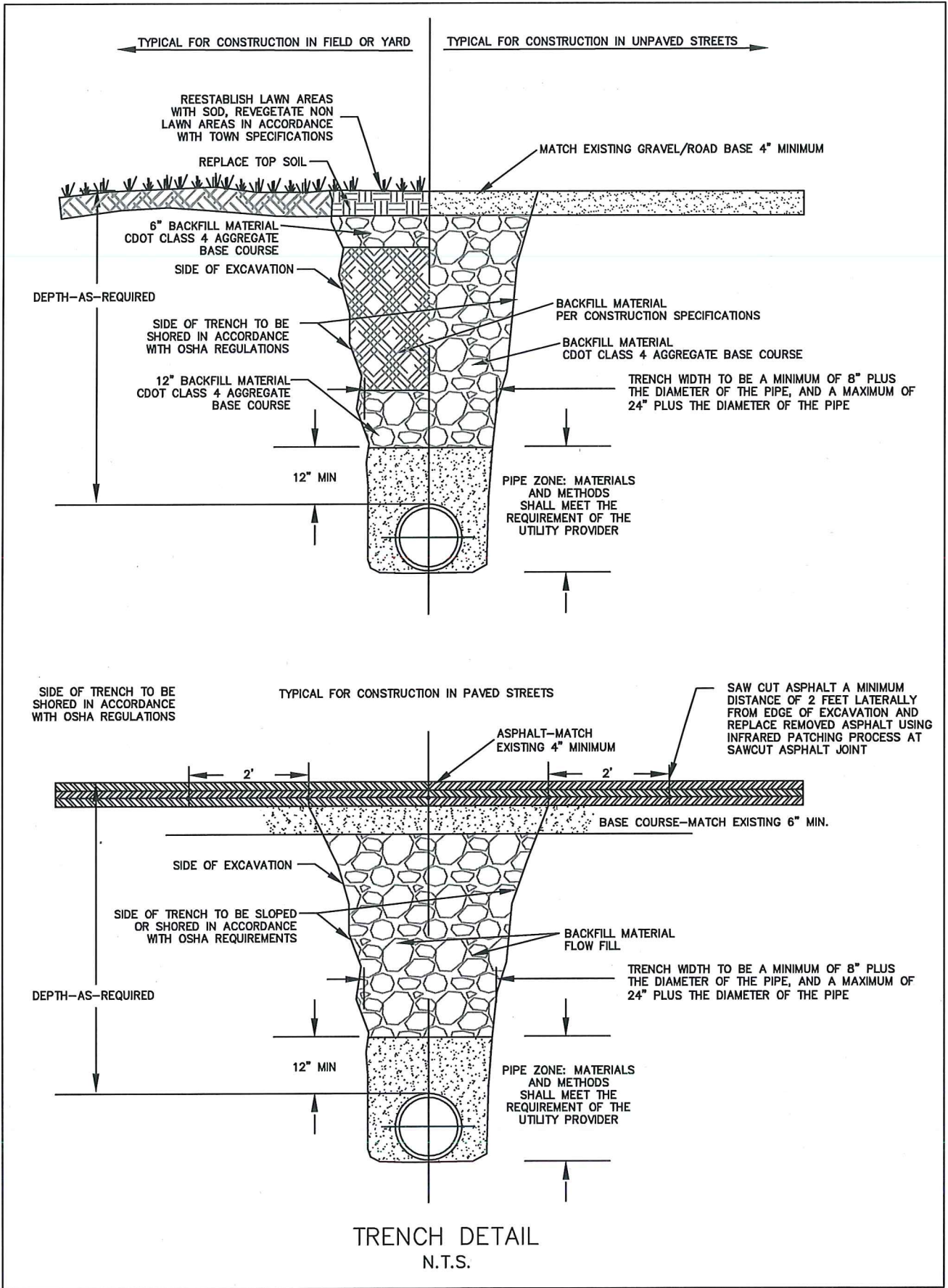


Fig. 11-1

**Minturn Planning Department**  
Minturn Town Center  
302 Pine Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

**To:** Planning Commission  
**From:** Scot Hunn, Planning Director  
**Date:** October 29, 2021  
**Re:** Chapter 16 - Zoning Text Amendment Ordinance

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At the direction of the Minturn Town Council, staff is presenting Ordinance No. 12, Series 2021 to amend certain sections of Chapter 16 - *Zoning*, of the Minturn Municipal Code. Two primary areas of revision proposed within the ordinance will: 1) address, define and clarify “Street Level” and second floor uses within the 100-Block Commercial Zone District; and, 2) add provisions for “Institutional” uses within existing zone districts.

**Street Level Regulations:**

The Old Town Character Area 100-Block Commercial Zone District is the Town’s main commercial core and, as a zone district, is intended to facilitate and promote sales tax generating and economic vitality creating uses, with emphasis on commercial uses while allowing for complimentary non-commercial uses such as residential and institutional uses.

Chapter 16, Article 6 - *Old Town Character Area*, Minturn Municipal Code, includes provisions and restrictions pertaining to “Street” and “Second Floor” level uses for “Professional Professional offices, business offices and studios.” The intention with these existing provisions is to limit the amount of professional/office (non-retail) uses on the street level. However, Article 6 does not specifically limit or regulate street or second floor uses for any other use category. The Code (Article 2 - *Definitions*) also does not define “Street Level.”

The proposed revisions to Articles 2 and 6 are clearly intended to limit the type of non-retail uses on the street level within the 100-Block and to: address and define “Street Level” uses as well as “Retail” uses; clarify the intent and objectives of the 100-Block Commercial Zone District; create a “100-Block” specific column within Table 16-2 - *Old Town Character Area Use Table*; and, clarify permitted uses on the street level of buildings versus those uses that are either prohibited or only permitted on second levels and above. Of note, the proposed changes would prohibit single-family residential uses within the 100-Block. Currently, single-family residential uses within the 100-Block are only permitted via the Conditional Use Permit (CUP) process; the proposed changes would prohibit any new single-family residential development within the 100-Block and all existing single-family residential uses would become “pre-existing, nonconforming” uses that could be maintained, repaired and even expanded under the Town’s nonconformities regulations.

**Institutional Uses:**

The section of the ordinance that provides for “Institutional” uses in certain zone districts is intended to remedy a defect that has been identified in the Code that arguably excludes religious uses from occurring anywhere in Town. The Town Code provides the following definition for Institutional Uses:

*Institutional use* means a religious or public use, such as a church, library, public or private school, hospital or government-owned or -operated building, structure or land used for public purposes.

As noted in the Robinson + Cole memo dated September 29, 2021 and included in the Planning Commission packet for the October 5, 2021 Planning Director Interpretation appeal hearing, the Town needs to “undertake an evaluation of Code Chapter 16 and evaluate the potential strength of an exclusion and limitations claim.”

This is based on the provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA) that states “No government shall impose or implement a land use regulation that— (A) totally excludes religious assemblies from a jurisdiction; or (B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.” 42 U.S.C. § 2000cc. By providing for “Institutional Uses” within five separate and distinct zone districts - Grouse Creek Commercial Zone District, Old Town 100 Block Commercial Zone District, Old Town Commercial Zone District, Old Town Mixed-Use Zone District, and South Town Commercial Zone District - staff intends to address the recommendation by Robinson + Cole and to insulate the Town from a claim that religious uses are excluded anywhere in the Town.

The proposed allowance of Institutional uses within the 100-Block Commercial Zone District would limit any future institutional uses to second floor areas of buildings and only if approved via the “Limited Review” process. Therefore, the ordinance includes the addition of new Limited Review standards applicable specifically to “Institutional Use.” The ordinance also includes specific standards for Institutional Uses within the Old Town Character Area.

**Planning Commission Review & Recommendation:**

At their regular meeting of October 27, 2021 the Minturn Planning Commission reviewed Ordinance No. 12. As a result of the Planning Commission’s review, staff has made the following minor revisions:

- Revise the allowable square footage for institutional uses permitted via the Limited Review Permit Process within the Old Town Character Area (100-Block Commercial, Commercial and Mixed-Use zone districts) from 1,000 (net) square feet to to a maximum of 5,000 (net) square feet. Therefore, any institutional use that exceeds 5,000 square feet would only be considered under the CUP process.
- Revise the required parking requirements for Institutional Uses from 1 space per 350 square feet of floor area to simply require compliance with the Town Code based on the specific use categories listed in the Town’s parking standards.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 12 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 16 OF THE MINTURN  
MUNICIPAL CODE TO PROVIDE FOR THE REZONING  
OF THE GROUSE CREEK COMMERCIAL ZONE  
DISTRICT, THE OLD TOWN CHARACTER AREA, AND  
THE SOUTH TOWN 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**, by Ordinance No. 7, Series 2021 the Town Council adopted an Emergency Ordinance enacting a moratorium to the acceptance and processing of any new land use applications for design review, conditional use review, and limited use review for non-retail uses located on the street level of the 100 Block Commercial Zone District; and

**WHEREAS**, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, the Town Land Use Regulations to promote street level retail uses in the 100 Block Commercial Zone District and to provide for additional accommodation for Institutional Uses, as provided herein; and

**WHEREAS**, on October 27, 2021 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.**



Street level means the elevation of the finished street, parking area, mall, or other circulation area open to the public. For multistory buildings, the floor at street level shall be that floor nearest in elevation to the elevation of that point of the finished street, parking area, mall, or other circulation area open to the general public.

Retail means the sale of merchandise. These stores and lines of merchandise include but are not limited to 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 stores; variety stores; yardage and dry goods stores.

**ARTICLE 6 – Old Town Character Area**

\* \* \*

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

\* \* \*

(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. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as Non-street level space within the 100 Block Commercial Zone may be used for compatible retail, office, institutional and residential uses, while maintaining the community scale.

\* \* \*

**ARTICLE 7 – South Town Character Area**

\* \* \*

**Sec. 16-5-40. Grouse Creek Character Area use table.**

The following Table 16-1 sets forth the uses for the South Town Character Area.

**TABLE 16-1  
Grouse Creek Character Area Use Table**

<i>Use</i>	<i>All Residential Zones</i>	<i>All Commercial Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation &amp; Open</i>	<i>All Federally Regulated Zones</i>	<i>Light Industry and Public</i>	<i>PUD Holding Zone</i>	<i>Railroad Right-of-Way/ Transportation Zone</i>
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				<i>Space Zones</i>		<i>Facilities Zone</i>		
R - Use by right		C - Conditional use		L - Limited use		N - Not allowed		
<u>Institutional Uses</u>	≡	<u>R</u>	≡	≡	≡	≡	≡	≡

\* \* \*

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

The following Table 16-2 sets forth the uses for the Old Town Character Area:

**TABLE 16-2  
Old Town Character Area Use Table**

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

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

<u>Institutional Uses (street level)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	==	==	==	==
<u>Institutional Uses (second floor or above)</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>N</u>				
Laundries	N	C	<u>C</u>	C	N	—	—	—	—
Laundromats	N	R	<u>R</u>	C	N	—	—	—	—
Liquor stores	N	R	<u>R</u>	C	N	—	—	—	—
Manufacturing, light	N	C	<u>C</u>	N	N	—	—	—	—
Multi-family dwellings (street level)	N	C	<u>N</u>	C	N	—	—	—	—
<u>Multi-family dwellings (second floor or above)</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	==	==	==	==
Pawn shops	N	R	<u>R</u>	C	N	—	—	—	—
Photographic studios	N	R	<u>R</u>	R	N	—	—	—	—
Professional activities (street level)	N	<u>R</u>	<u>N</u>	C	N	—	—	—	—
Professional activities (second floor or above)	N	R	<u>R</u>	C	N	—	—	—	—
Professional offices, business offices and studios (street level)	N	C	<u>N</u>	R	N	—	—	—	—
Professional offices, business offices and studios (second floor or above)	N	R	<u>R</u>	R	N	—	—	—	—
Radio and television stores and repair shops	N	R	<u>R</u>	R	N	—	—	—	—
Restaurant	N	R	<u>R</u>	C	N	—	—	—	—
Single-family residential dwellings	R	C	<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 stores; variety stores; yardage and dry goods stores.	N	R	<u>R</u>	R	N	—	—	—	—
Small appliance repair shops, excluding furniture repair	N	R	<u>R</u>	R	N	—	—	—	—
Tailors and dressmakers	N	R	<u>R</u>	R	N	—	—	—	—

Theaters	N	R	<u>R</u>	C	N	—	—	—	—
Theaters, meeting rooms and convention centers	N	€ <u>N</u>	<u>N</u>	€ <u>N</u>	N	—	—	—	—
<u>Theaters, meeting rooms and convention centers (second floor or above)</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>				
Travel and ticket agencies	N	R	<u>R</u>	R	N	—	—	—	—

**Sec. 16-6-80. - Old Town Character Area limited use standards.**

\* \* \*

(g) Club.

- (1) Size: A club seeking limited use review shall not exceed one thousand (1,000) square feet. Clubs larger than one thousand (1,000) square feet shall be reviewed through the conditional use process.
- (2) Parking: One (1) off-street parking space per three hundred fifty (350) square feet of meeting area shall be required.
- (3) Operation: A club shall not produce noise, electrical or magnetic interference, vibration, heat, glare, odors, fumes, smoke or dust and shall not operate at such hours or in such a manner as to create a public nuisance or disturb neighbors.
- (4) Water, sanitation, solid waste: Proof shall be provided that adequate water and sanitation are in place for the property. Proof shall be provided that adequate solid waste storage and removal are in place.
- (5) Street level. No club shall be located on street level in the 100 Block Zone District.

(h) Institutional Use.

- (1) Size: An Institutional Use seeking limited use review shall not exceed five thousand (5,000) square feet. Uses larger than five thousand (5,000) square feet shall be reviewed through the conditional use process.
- (2) Parking: Shall comply with Sec. 16-16-30 of the Code.

(3) Operation: An Institutional Use shall not produce noise, electrical or magnetic interference, vibration, heat, glare, odors, fumes, smoke or dust and shall not operate at such hours or in such a manner as to create a public nuisance or disturb neighbors.

(4) Water, sanitation, solid waste: Proof shall be provided that adequate water and sanitation are in place for the property. Proof shall be provided that adequate solid waste storage and removal are in place.

(5) Street level. No Institutional Use shall be located on street level in the 100 Block Zone District.

\* \* \*

**ARTICLE 7 – South Town Character Area**

\* \* \*

**Sec. 16-7-60. South Town Character Area use table.**

The following Table 16-3 sets forth the uses for the South Town Character Area.

**TABLE 16-3  
South Town Character Area Use Table**

<i>Use</i>	<i>All Residential Zones</i>	<i>All Commercial Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation &amp; Open Space Zones</i>	<i>All Federally Regulated Zones</i>	<i>Light Industry and Public Facilities Zone</i>	<i>PUD Holding Zone</i>	<i>Railroad Right-of-Way/ Transportation Zone</i>
R - Use by right	C - Conditional use		L - Limited use		N - Not allowed			
<u>Institutional Uses</u>	<u>N</u>	<u>R</u>	≡	≡	<u>N</u>	≡	≡	≡
<u>Institutional Uses (greater than 5,000 sf net)</u>	<u>N</u>	<u>R</u>	≡	≡	<u>N</u>	≡	≡	≡

**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 3<sup>rd</sup> DAY OF NOVEMBER, 2021. 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 17<sup>TH</sup> DAY OF**

**NOVEMBER, 2021 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl 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 17<sup>TH</sup> DAY OF  
NOVEMBER, 2021.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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



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

1544 Oxbow Drive  
Suite 224  
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

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

DATE: October 29, 2021  
TO: Minturn Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Ordinance No. 13 – Demolition Permits

---

The enclosed ordinance was drafted by direction of Council to provide for additional notice, procedures, and review of and for demolition permits. Demolition permits are authorized both in Chapter 16 and 18 of the Code. We chose to place these provisions in Chapter 18 because demolition is typically considered a “building code” issue instead of a “land use”.

The ordinance contains requirements, application, and review procedures to accomplish the above goal. To some extent, it codifies existing practice in the acceptance of demolition permits such as utility notifications and asbestos reports. However, there are some additional requirements included such as notice (sign posted on property) and an approved site plan depicting what will replace the structure. Another component is a surety to be deposited with the Town in an amount to cover any unfinished work should the applicant fail to complete the demolition.

Some issues for Council to consider are:

- Notice: does the Town want more notice than a sign posted on the property? Mail to adjacent/adjoining property owners?
- Site plan: does the Town want a structure to replace the demolished structure? Is there a distinction based on size, primary or accessory uses of the structure?

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 13 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 18 OF THE MINTURN  
MUNICIPAL CODE TO PROVIDE FOR ADDITIONAL  
NOTICE, REVIEW, AND SITE PLANNING  
REQUIREMENTS IN THE REVIEW OF DEMOLITION  
PERMITS.**

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

**WHEREAS**, Chapter 18 of the Municipal Code governs the issuance of building and demolition permits; and

**WHEREAS**, staff has conducted a review of the Town’s building permit procedures and determined that the code provisions set forth herein provide for additional notice, review, and site planning requirements necessary to ensure that demolition permits are issued transparently and judiciously within the Town; and

**WHEREAS**, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Municipal Code to provide for additional procedures and requirements for the issuance of demolition permits.

**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 as set forth below with the addition of a new Article 17.

**ARTICLE 17 – Demolition of Structures**

Sec. 18-17-10. – Demolition Permit Requirements.

- (a) No structure within the Town shall be demolished unless and until a permit therefor has been issued by the Town in accordance with this Article and any applicable code adopted in Chapter 18 by reference.
- (b) A separate demolition permit shall be required for each structure to be demolished. The permit shall be kept on the premises during the demolition, and shown, on demand, to any authorized agent of the Town.

- (c) The cost of a permit shall be set by Town Council by Resolution.
- (d) Demolition permits shall expire sixty (60) days after the date of issuance.
- (e) A surety bond shall be posed with the Town by the person or contractor applying for a demolition permit. Such bond shall be in an amount determined by the Town based on the estimated cost necessary to complete all demolition work and to clean and level the demolition-site. Such bond shall be in an amount not less than one thousand dollars (\$1,000.00).

Sec. 18-17-20. - Application for Permit.

Persons properly licensed for demolition work can obtain an application for a demolition permit from the Town. The application shall contain the following information:

- (a) Address and telephone number of the applicant.
- (b) Address and telephone number of the owner of the structure to be demolished (if difference from (a)).
- (c) Address of the proposed demolition.
- (d) Starting date and proposed time period during which the demolition would occur.
- (e) An approved site plan depicting what will replace the demolished structure.
- (f) Description of the proposed method of demolition and proposed methods of public protection (dust control, security, etc.).
- (g) An asbestos report.
- (h) A Colorado Department of Public Health and Environment demolition permit.
- (i) Confirmation of notification from the following utility providers:
  - (1) Minturn Public Works – Water
  - (2) Xcel – Gas
  - (3) Xcel or Holy Cross Energy – Electric
  - (4) Eagle River Water and Sanitation District – Sewer
  - (5) Telephone
  - (6) Cable

Sec. 18-17-30. – Public Notice.

The applicant shall provide public notice by the posting of a sign provided by the Town on the property for not less than seven days prior to a decision by the building official.

Sec. 18-17-40. – Application Review.

The building official shall review the application for conformance with this Article, and any applicable building code adopted by reference in Chapter 18.

Sec. 18-17-50. – Demolition Procedure Requirements.

Prior to the demolition of any structure:

- (a) The power to all service lines shall be shut off and all such lines shall be disconnected outside of the property lines.
- (b) All gas, water, steam, sewer and other service lines shall be disconnected and capped as directed by the company providing the service.
- (c) Advance notification shall be given to all utility companies providing service to the site.
- (d) All costs of utility disconnections, etc., shall be paid by applicant.
- (e) Special traffic, parking and/or pedestrian provisions required by the Town shall be provided at the applicant's expense.
- (f) The site shall be cleaned, filled and leveled within forty-eight (48) hours after demolition is completed.

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**NOVEMBER, 2021 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE  
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AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 17<sup>TH</sup> DAY OF  
NOVEMBER, 2021.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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

Glenwood Springs – Main Office

201 14<sup>th</sup> Street, Suite 200  
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1544 Oxbow Drive  
Suite 224  
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

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

DATE: October 29, 2021  
TO: Minturn Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Ordinance Nos. 14 & 15 – Design Review and Demolition Moratoria

---

The enclosed ordinances were drafted to extend the existing moratoria on the acceptance and processing of applications for design review and demolition permits in the 100 Block Zone District. Those moratoria were enacted September 1 and 7 respectively by emergency ordinance. Those moratoria expire at or around the end of November and can only be extended by ordinance adopted through regular order.

Ordinance No. 14 has been altered some to include “commercial accommodations” along with “retail” as uses that are exempt from the DRB moratorium. This was included because “commercial accommodations” generate lodging tax and generally conform with the policy direction that Council has given for review of the 100 Block Zone District code.

Ordinance No. 15 has not changed substantively from the emergency ordinance.

As the Town embarks on review of historic designations, community plan, and other planning and zoning updates, these moratoria will preserve the *status quo* in the Town’s defining commercial and historic core, providing Council, Planning Commission, staff, property owners, and the public with the opportunity to craft regulations that will provide regulatory certainty for owners and developers and promote the Town’s historic and commercial character.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 14 – SERIES 2021**

**AN 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 AND NON-COMMERCIAL  
ACCOMODATIONS 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 and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone; and

**WHEREAS**, the Town deems the establishment of non-retail and non-commercial accommodations 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 and lodging 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 and non-commercial accommodations 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**, 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**, 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**, 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. A moratorium until August 31, 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 and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone of the Old Town Character Area.

SECTION 3. 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, APPROVED ON THE FIRST READING AND**



**ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 3<sup>rd</sup> DAY OF NOVEMBER, 2021. 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 17<sup>TH</sup> DAY OF NOVEMBER, 2021 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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

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**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 15 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO ENACTING A MORATORIUM ON THE  
ACCEPTANCE AND PROCESSING OF APPLICATIONS  
FOR DEMOLITION PERMITS 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 and applicable provisions of the uniform building codes adopted in Chapter 18 of the 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**, 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**, 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. A moratorium until August 31, 2022 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 3. 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.

SECTION 4. In addition to any monetary penalty provided for the violation of Code provisions in the Minturn Municipal Code, this Ordinance may be enforced in equity in a court of competent jurisdiction to restrain the unpermitted demolition of any structures in the 100 Block Zone District.

**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 3<sup>rd</sup> DAY OF NOVEMBER, 2021. 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 17<sup>TH</sup> DAY OF NOVEMBER, 2021 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl 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 17<sup>TH</sup> DAY OF NOVEMBER, 2021.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earl Bidez, Mayor**

**ATTEST:**

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



To: Mayor and Council  
From: Jay Brunvand  
Date: November 3, 2021  
Agenda Item: Public Hearing on the Fiscal Year 2021 Annual Budget

---

**REQUEST:**

Fiscal Year 2022 Proposed Town of Minturn Budget Public Hearing.

**INTRODUCTION:**

As required by Colorado State law, the Council must hold a public hearing on the proposed Fiscal Year 2022 budget. This Public Hearing has been published and posted for this meeting.

**ANALYSIS:**

As required by Colorado law, the Town has set one Public Hearing for the FY2022 Budget, the November 3<sup>rd</sup> meeting. Although further discussion will ensue through final adoption of the budget on December 1, 2021 and the public will be allowed to comment at each meeting, this is the one and only official Public Hearing. To date, Staff has taken your comments and suggestions and incorporated them into the FY2022 Budget as well as comments and direction given during the on-going and in-depth General and Enterprise Capital Improvement Plans and Water rate discussions which have occurred over the past several months. If approved or directed by Council, the items will be included in the final budget. In the event any material changes come forth from the Public Hearing process, those changes also will be included in the scheduled final passage of the budget ordinances on December 1<sup>st</sup>. I will distribute an updated budget document thereafter as the final changes are processed.

Following is the Public Hearing procedure recommended that you follow in order to make sure everything is covered procedurally and legally.

- (a) The Mayor will introduce the agenda item and announce the Public Hearing as “I hereby by call to order the Public Hearing for the purpose of discussion and comment on the fiscal year 2022 proposed budget and to gather input, pro or con, on the proposed Minturn Town Budget for the fiscal year January 1 through December 31, 2022. Any citizen that would like to speak needs to clearly state their name and physical address for the record from the podium (even if they are known by all.)”
- (b) Staff Presentation – Brunvand and Metteer
- (c) Take citizen input
- (d) Close the Public Hearing
- (e) Council discussion on the budget and comment on the Public Hearing if any.
- (f) Announce this is the official Public Hearing on the Fiscal Year 2022 Preliminary Budget and citizens are encouraged to contact the Town Hall with questions or comments during regular business hours at 827-5645.

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11/3/2021 Council Meeting

Staff has presented and discussed the proposed budget, including income, expenses, water rates, Capital Improvement objectives and items, and staff needs. With this in mind Staff will introduce the budget only and request the public hearing, this memo will stand to outline the steps taken to reach tonight's public hearing. It should be noted at the beginning this budget is reasonable yet conservative and with the exception of previously discussed and highlighted Capital Improvement projects and the loan to build the discussed new water tanks relies on revenues collected during 2022 to cover the expenses anticipated in 2022.

Over the course of 2021 Council has taken the time to review much of the larger pieces of the revenue and expenses of the Town of Minturn. An ongoing short highlight list of what has been covered over the year is as follows:

- 1) Snow removal Plan and contracted labor
- 2) Code enforcement
- 3) Staffing distribution and adequacy
- 4) Major development projects upcoming
  - a. Minturn North
  - b. Belden Place
  - c. Other projects
  - d. Misc
- 5) We have reviewed CIP for both Gen Fund and Enterprise Fund
- 6) Minturn Fitness Center issues
- 7) Revenue
- 8) Tank placement
- 9) Engineering of water tank placement including site evaluations and testing
- 10) Water tap moratorium
- 11) Water rates
- 12) Loan process
- 13) Community Plan update and service contracts
- 14) NAIOP/Dowd Jct Master Plan
- 15) Battle Mountain review

Budget Schedule -

- Budget Review during upcoming meetings (Budget page 70):
  - 10/20/21
    - Session under Discussion and Direction for Council to discuss the budget as relates to goals and consider questions or direction from Council. This will begin with a short presentation and then discussion of major projects scheduled for
    - Q&A
  - 11/03/21
    - Public Hearing on FY2022 Budget (this is the ONLY public hearing)
    - GID public hearing and approval
    - Q&A

- 11/17/21
  - First Reading of Budget approval Ordinances
    - Review of 2021 Supplemental Appropriations
  - Q&A
- 12/01/21
  - Second and final reading of Budget approval Ordinances

Often when reviewing a budget, it quickly becomes a very large number and can be confusing. A method for reviewing each department is to look at the right-hand column of the Annual Budget section and review those with significant changes, are new items, or for some other reason stand out. Following are items that, for me, stood out.

GENERAL FUND (01):

INCOME:

- Property Tax (01-00-4010) – The amount reported in the Certification of Values represents an 8% increase over 2021. As a reminder, in 2019 statewide General Election included a question to reduce the impact of the Gallagher Amendment. This ballot question passed and froze the Residential Assessment value at 7.15%. The Property Tax calculation is based on that ballot question. However, in November 2021 the statewide ballot will again include a question that, if passed, will lower the assessment rates on both residential and commercial properties. In addition, the state legislature passed SB21-293. The results of these two issues are as follows:

	Current Rate	SB21-293	SB21-293 and Initiative 27 passes	W/out SB21-293 but Initiative 27 passes
Residential	7.15%	6.95% for '22 & '23*	6.95% for 2yrs	6.5%
Commercial	29%	29%	29%	26.4%

I have not heard a lot on Initiative 27 and we are in the same boat as some very vocal groups such as schools, teachers, and fire districts which are opposed to the amendment. It is safe to say this election will have potential outcomes that will affect Minturn.

- Staff's concern with all revenues is to not spend money before we have it yet balance the probability of projects coming to fruition.
- Lodging Tax (01-00-4039) has been growing year over year showing a slow gain. This is due to more units and rental of those units as well as a more developed and uniform collection system locally and state wide. Changes in the state laws have made it easier for companies like AirBnB to submit their taxes directly to the state for distribution to Minturn.
- Sales Tax (01-00-4040 and 4050) is growing quickly and to fairly represent realistic numbers I have modified how 2022 is calculated. In past years I have used the prior two years and developed a reasonable number. For 2022 I took what we have actually received year to date (Jan-July) and then added the actual Aug-Dec 2020 numbers. I will continue to watch this develop but at this point I am reasonably comfortable with the calculation. The state requires companies who sell online from both intra and interstate to collect and submit sales tax where the goods are received. Prior to this, on-line sales were either not taxed or taxed from the

corporate home office. These payments are made to the state and distributed to the town monthly and is showing to be about a 15-20% increase for the town.

- The town is anticipating a number of new unit developments in 2021. This is represented in the increase for Planning and Development fees. Although we have tried to be conservative in these numbers, several of our General, Enterprise, and Capital fund revenues reflect a small increase by association. Although we have several large projects that could provide a large increase in our numbers, weighted against the water tap moratorium we are in a wait-and-see position.
- Currently we have 7 leases on the lease lot budgeted for 2021. This includes the concrete plant, and seven others in the developed area behind the berm. (01-00-4516 thru 4526). This revenue source allows for diversification of our revenues and accounts for a budgeted \$138,400 income. This does not include less assured incomes earned from snow dump services, interest on investments, etc. This diversified income represents 23% of the estimated amount collected in property and 15% of the estimated sales tax. Overall this income accounts for 6% of our total budgeted General Fund revenues for 2022.
- In recent years the town has earned upwards of 2.5% interest on our liquid cash investments. As a result of COVID this has dropped to less than 1/10%. This downward earning cycle will continue until the Federal Reserve begins to raise interest rates again in the wake of COVID. (01-00-4540). Although the economy is facing significant inflationary factors, little wavering has been witnessed at the Federal Reserve and it is not encouraging for at least the next 6-9months.

#### EXPENSE:

- For all Employee insurance I have budgeted a 10% increase. The good news is that Staff has attended several virtual insurance meetings and, for the most part, it appears we may see less than 3% overall increases. In recent years we have seen negative, zero or very modest increases. In an industry that has seen 10-40% annual increases and wild fluctuations in the private markets, Staff feels this continues to be a tremendous success in cost management.
- Some of the more beneficial community organizations have been funded in separate line items. For example, The Vail Valley Partnership will be funded at \$3,500 (01-01-5235) and the Minturn Community Fund is funded at \$15,000 (01-05-5275), the Minturn Bike Park is funded at \$15,000 (01-06-5357) and the Minturn Fitness Center at \$2,500 (01-06-5354). This is in addition to substantial in-kind contributions. The Shooting Range work with the Keystone Policy Institute will be continuing in to 2022.
- The Planning Department budget is seeing an overall 69% increase over 2021. This is due to the budgeted expenses of the Community Plan, Chpt 16 revisions, and the development of Planning Guidelines. These three items represent a large umbrella of projects that are one-time expense. The department has received a \$100,000 grant which although attributed to the department is reflected as income.
- Town Events and promotions (01-05-5275) was reduced from \$75,000 to \$65,000 from 2020 but has been restored to its previous \$75,000 in 2022.
- The Police and Legal Department includes the contracted Code Enforcement Officer and a contribution to the Wildfire Fund.
- The Public Works Department includes funding for contracted snow plow/removal services, \$2500 plus in-kind for the Minturn Fitness Center, and \$15,000 plus in-kind for the Minturn Bike Park.
- Public Building R&M is budgeted at \$15,000 and used to assist in maintenance and upgrades to our facilities.



- Maintenance and improvements for streets and sidewalks has again this year been budgeted for \$40,000 (01-06-5352). This does not include a scheduled overlay of Pine St which will be funded in Fund 06 with proceeds from the Construction Use Tax.
- A new Public Works vehicle was scheduled for 2021. Due to the difficulty in supplies of new trucks this purchase has been moved to 2022 and the vehicle scheduled for 2022 has been moved to 2023. It is difficult to tell if the supply chain issues will be resolved so changes may be made here as we proceed into 2022.

ENTERPRISE FUND (02):

- In accordance with Council discussion, it was advised to not increase monthly water rates in 2022. This is largely due to when we will begin our water tank project and the associated loan. FY2022 water rates will remain at:
  - A base rate of \$90.83
  - A Use Rate per 1,000gal from \$6.83
  - No increase in trash services is proposed
  - A 3% increase will be implemented to the tiered system for Residential Tap Fees, System Improvement Fees, and Cash in Lieu of Water fees. And, in accordance with previous year's, to match the tap rates for commercial with those of the Eagle River Water and Sanitation District.
  - As we move forward with the necessary water plant upgrades rates will continue to be reevaluated with the options that are presented.
- I have broken out the various Capital Reserve revenues associated with remodels and new development (02-00-4320, 4321, and 4322). As stated earlier this is pendent on anticipated growth and the effects of the existing water tap moratorium, however, is very conservatively budgeted.
- Council has discussed several times this past year that the Town is in the midst of moving forward with desperately needed Capital needs in the Enterprise Fund with the development and implementation of a much need and complete Capital Improvement Plan (CIP). Such needs include a new water tank, improvements to the filters and purification systems, and maintenance to the distribution system.

As part of this review and adoption of the CIP plan water rates, debt needs, and other sources of funding will be examined completely and will require rate increases and the issuance of debt to undertake all the necessary improvements.

There are several schedules in the budget beginning on page 85 that show what we have accomplished, what is planned for 2022, and what is on the horizon. Council and Staff will continue to evaluate our system and the pressing needs with funding opportunities to help accomplish our needs and goals. At this time staff is moving forward with connecting Well #4 to the Clear Well for purification purposes, testing and placement of new water storage tanks, a water loss detection system, and much needed repairs to the plant and distribution system. The work included to date is already evident as we monitor our reduced water loss in the distribution system, the link of Well #4 to the water plant, site approval for the new water tanks, and ongoing consideration of secondary water sources. This is reflected in the loan procurement in 2021 and expenditure in 2022 for the water tank construction.

- Annual H2O water right maintenance (02-06-5352) will increase approximately 4%. The \$133,000 covers the Cross Creek flow gage station, water rights of 5acre ft, 20acre ft, and 50acre ft through the Colorado River Pact. The gage station shows expense; however, this is split in thirds. We pay the full amount and then bill 1/3 to CBS/Viacom and 1/3 to BMD. At this time, it is unclear if BMD will continue to contribute to this expense.
- With the pending needs in the Enterprise Fund of water plant and distribution line work, it will be important that we save where we can and manage our reserves in the coming several years. Our water rates are admittedly steep as are the expenses and the estimated capital needs, all must be weighed as best we can.

#### COMMUNITY INPUT:

The community has been encouraged and welcome to review the budget and ask questions to include this Public Hearing tonight. Beginning with the November 17<sup>th</sup> Council Meeting, we will have a Public Hearing with each of the four Ordinances used to formally approve the budget, and the public is again encouraged to contact Staff to review any questions or comments they might have. Throughout this process any comments offered will be reviewed and as directed by Council items of concern will be discussed and may be included within the final budget document. This final adoption of the budget will be on December 1, 2021.

#### BUDGET / STAFF IMPACT:

The annual fiscal budget sets forth projected income and expenses and sets forth a plan to achieve our stated goals. The budget will appropriate reserves, revenues and expenses and set the mill levy and fees for the ensuing year.

#### STRATEGIC PLAN ALIGNMENT:

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

#### RECOMMENDED ACTION OR PROPOSED MOTION:

This is a Public Hearing; no further action is requested.

#### ATTACHMENTS:

N/A



To: Mayor and Council  
From: Jay Brunvand  
Date: November 3, 2021  
Agenda Item: General Improvement District

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**REQUEST:**

Staff is requesting Council to sit as the Minturn General Improvement District Board in order to approve items as laid forth in the GID specific Agenda.

**INTRODUCTION:**

The Minturn General Improvement District Board was set up in 2008 in order to manage the district and comprises of the Minturn Town Council plus two Ex Officio seats assigned by Battle Mountain. Although the Town Council sits as the governing District Board of Directors, the Board is a separate entity and therefore must be officially called to order and convened within the Town Council meeting.

During this annual meeting the Board will consider several items for approval laid forth in the following agenda and supporting documentation including seating of new members, approval of the FY2022 GID Budget, and other administrative duties.

**ANALYSIS:**

N/A

**COMMUNITY INPUT:**

The community has input through the scheduled Public Hearing held during the meeting.

**BUDGET / STAFF IMPACT:**

The proposed budget for the General Improvement District is \$250 annually. NOTE: This District is a separate entity from the Town of Minturn.

**STRATEGIC PLAN ALIGNMENT:**

N/A

**RECOMMENDED ACTION OR PROPOSED MOTION:**

As presented in the separate agenda

**ATTACHMENTS:**

See attached GID packet.

**MINTURN GENERAL IMPROVEMENT DISTRICT**

Wednesday November 3, 2021

Notice of Meeting and Agenda

Page 1

**MINTURN GENERAL IMPROVEMENT DISTRICT**

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

**NOTICE OF MEETING AND AGENDA  
IN PERSON AND ONLINE**

DATE: Wednesday November 3, 2021

TIME: 5:30 P.M.

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

<u>Board of Directors</u>
Earle Bidez, Mayor/President
Terry Armistead, Mayor Pro Tem
George Brodin
Lynn Feiger, Elect
Eric Gotthelf
Gusty Kanakis
Tom Sullivan, Elect
Tim McGuire
Sarah J. Baker, Esq

**I. ADMINISTRATIVE MATTERS**

- **Approve Agenda**
- **Discuss and consider appointment of Board of Directors:**
  - a. Earle Bidez, Mayor and GID Board President
  - b. Terry Armistead, Mayor Pro Tem
  - c. Lynn Feiger, Elect
  - d. Tom Sullivan, Elect

Action Recommended: Motion to Ratify the Appointment.

- **Review and approve minutes from the November 4, 2020 Board Meeting**

Action Recommended: Motion to Approve the Minutes as presented.

## MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 3, 2021

Notice of Meeting and Agenda

Page 2

### II. LEGISLATIVE MATTERS

### III. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2022 GID Budget

Action Recommended: Motion to Ratify the Appointment.

- Discussion/Action – 2022 General Improvement District Budget: Public Hearing and Board Comments

Action Recommended:

- a. Open Public Hearing
- b. Staff Presentation
- c. Public Comment or Testimony
- d. Council Comments
- e. Close Public Hearing

- Discussion/Action – Consider adoption of Resolution No. 2021-11-01 a Resolution to adopt the Fiscal year 2022 Budget

Action Recommended: Motion to approve Resolution No. 2021-11-01 a Resolution to adopt the Fiscal year 2022 Budget as presented

- Discussion/Action – Consider adoption of Resolution No. 2021-11-02 a Resolution to appropriate sums of money for the Fiscal year 2022 Budget

Action Recommended: Motion to approve Resolution No. 2021-11-02 a Resolution to appropriate sums of money for the Fiscal year 2022 Budget as presented

### IV. OTHER BUSINESS

- Discuss and set future meeting dates:
  - Board Meeting to consider budget approval set for November 2, 2022 5:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
    - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.
    - b. Note: there is consideration to dissolve the GID in which case a meeting will be set to take this matter up prior to November 2, 2022.

Action Recommended: Motion to set the next Board Meeting for November 2, 2022 at 5:30pm at the Minturn Town Center, 302 Pine St., Minturn, CO 81645

**MINTURN GENERAL IMPROVEMENT DISTRICT**

Wednesday November 3, 2021

Notice of Meeting and Agenda

Page 3

**ADJOURNMENT**

- *NOTE: Convene as Town Council*

**MINTURN GENERAL IMPROVEMENT DISTRICT**

Wednesday November 4, 2020

Page 1

**MINTURN GENERAL IMPROVEMENT DISTRICT**

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

**OFFICIAL MINUTES**

DATE: Wednesday November 4, 2020

TIME: 5:30 P.M.

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

<u>Board of Directors</u>
John Widerman, Mayor
Earle Bidez, Mayor Pro Tem
Terry Armistead
George Brodin
Brian Eggleton
Eric Gotthelf
Gusty Kanakis, Elect
Tim McGuire
Sarah J. Baker, Esq - Absent

**I. ADMINISTRATIVE MATTERS**

Mayor John Widerman called the meeting to order at 7:36pm

Those present included: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members George Brodin, Brian Eggleton, Terry Armistead, Eric Gotthelf, and Gusty Kanakis. Nonvoting members Tim McGuire was present, Ms. Sarah Baker was absent.

Staff present: Town Manager Michelle Metteer, Mr. Tim McGuire, and Commission Secretary Jay Brunvand.

- **Approve Agenda**

Motion by Terry A., second by Brian E., to approve the agenda as presented. Motion passed 6-0. Note: Gusty K. did not vote as he was yet to be confirmed.

## MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 4, 2020

Page 2

- **Discuss and consider appointment of Board of Directors:**
  - a. Gusty Kanakis

Motion by George B., second by Eric G., to ratify the appointments to the Board as presented. Motion passed 6-0. Note: Gusty K. did not vote as he was yet to be confirmed.

- **Review and approve minutes from the November 6, 2019 Board Meeting**

Motion by Brian E., second by Earle B., to approve minutes from the November 6, 2019 Board Meeting as presented. Motion passed 7-0.

## II. LEGISLATIVE MATTERS

## III. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2021 GID Budget

Motion by Terry A., second by Brian E., to Ratify the Appointment of Town Staff to prepare 2020 GID Budget as presented. Motion passed 7-0.

- Discussion/Action – 2021 General Improvement District Budget: Public Hearing and Board Comments
  - a. Open Public Hearing

John W. opened the GID Public Hearing.

- b. Staff Presentation

Jay B. gave a brief overview of the proposed budget and answered any questions.

- c. Public Comment or Testimony

There were no public comments.

- d. Board Comments

There were no Board comments.

- e. Close Public Hearing

The Public Hearing was closed.

- Discussion/Action – Consider adoption of Resolution No. 2020-11-01 a Resolution to adopt the Fiscal year 2021 Budget



**MINTURN GENERAL IMPROVEMENT DISTRICT**

Wednesday November 4, 2020

Page 3

Motion by Terry A., second by George B., to approve Resolution No. 2020-11-01 a Resolution to adopt the Fiscal year 2021 Budget as presented. Motion passed 7-0.

- Discussion/Action – Consider adoption of Resolution No. 2020-11-02 a Resolution to appropriate sums of money for the Fiscal year 2020 Budget

Motion by Eric G., second by Brian E., to approve Resolution No. 2020-11-02 a Resolution to appropriate sums of money for the Fiscal year 2021 Budget as presented. Motion passed 7-0.

**IV. OTHER BUSINESS**

- Discuss and set future meeting dates:
  - Board Meeting to consider budget approval set for November 3, 2021 5:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
    - a. Alternative Date: This item closely follows the State and the Town of Minturn’s budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.
    - b. Note: there is consideration to dissolve the GID in which case a meeting will be set to take this matter up prior to November. 3, 2021.

Motion by George B., second by Gusty K., to set to set the future GID Board meetings as recommended. Motion passed 7-0.

Mr. Tim McGuire, Battle Mtn, expressed that he may propose to move forward with potentially dissolving the GID during the upcoming year. This will be taken up at staff level as necessary.

**ADJOURNMENT**

Motion by Terry A., second by Brian E., to adjourn the GID Board meeting at 7:46pm. Motion passed 7-0.

\_\_\_\_\_  
Earle Bidez, Board President

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Board Secretary

**RESOLUTION NO. 2021-11-01**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2022, AND ENDING ON THE LAST DAY OF DECEMBER 2022**

WHEREAS, the Board of Directors of the Minturn General Improvement District (“District”) appointed Town staff to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Town staff submitted a proposed budget to this governing body for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 3, 2021, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution (“TABOR”) and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Directors of the Minturn General Improvement District, Eagle County, Colorado:

1. That estimated expenditures for each fund are as follows:

General Fund:           \$250.00

2. That estimated revenues or previous year carry forward for each fund are as follows:

General Fund:           \$250.00

3. That the budget as submitted, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Minturn General Improvement District for the year stated above.

4. That the budget hereby approved and adopted is made a part of the public records of the Minturn General Improvement District.

APPROVED AND ADOPTED this 3<sup>rd</sup> day of November, 2021.

MINTURN GENERAL IMPROVEMENT  
DISTRICT

By: \_\_\_\_\_  
President

Attest:

By: \_\_\_\_\_  
Secretary

**MINTURN GENERAL IMPROVEMENT DISTRICT  
PROPOSED BUDGET  
GENERAL FUND  
FOR THE YEAR ENDING DECEMBER 31, 2022**

	ACTUAL 2020	EST YE 2021	PROPOSED 2022
Beginning Funds Available	\$3,048	\$3,048	\$2,799
Revenue			
Property Taxes	\$0	\$0	\$0
Specific Ownership Taxes	\$0	\$0	\$0
Developer Advance	\$0	\$0	\$0
Miscellaneous Income	\$0	\$0	\$0
Total Revenue	\$0	\$0	\$0
Total Funds Available	\$3,048	\$3,048	\$2,799
Expenditures			
Accounting	\$0	\$0	\$0
Insurance	\$0	\$0	\$0
SDA Dues	\$0	\$0	\$0
Legal	\$0	\$250	\$250
District Management (Town Staff)	\$0	\$0	\$0
Reimbursement of ending Fund Balance to Developer	\$0	\$0	\$0
Operations and Maintenance of Public Improvements	\$0	\$0	\$0
Total Expenditures	\$0	\$250	\$250
Emergency Reserve	-	-	-
Total Expenditures Requiring Appropriation	\$0	\$250	\$250
Ending Funds Available	\$3,048	\$2,799	\$2,549

I, Jay Brunvand, hereby certify that I am a Director and the duly elected and qualified Secretary of the Minturn General Improvement District, and that the foregoing is a true and correct copy of the budget for the budget year 2022, duly adopted at a meeting of the Board of Directors of the Minturn General Improvement District held on the 3<sup>rd</sup> day of November, 2021.

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Secretary

**RESOLUTION NO. 2021-11-02**

**A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO, FOR THE 2021 BUDGET YEAR.**

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on November 3, 2021, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Minturn General Improvement District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO:**

1. That the following sums are hereby appropriated from the revenue or previous year carry forward of each fund, to each fund, for purposes stated:

General Fund:	\$ 250.00
Debt Service Fund:	\$ 0.00
Capital Projects Fund:	\$ 0.00
Emergency Reserve Fund:	\$ 0.00
Enterprise Fund:	\$ 0.00

APPROVED AND ADOPTED this 3<sup>rd</sup> day of November, 2021.

MINTURN GENERAL IMPROVEMENT  
DISTRICT

By: \_\_\_\_\_  
President

Attest:

By: \_\_\_\_\_  
Secretary



To: Minturn Town Council  
From: Michelle Metteer  
Date: Nov 3, 2021  
RE: Town Manager Update

---

### **Urban Runoff Group**

I participated in the Urban Runoff Group meeting this week which included representatives from ERWSD/UERWA, Gypsum, Avon, Minturn, the Colorado River District, Eagle County and others. This group works to identify ways to improve urban runoff and overall water quality and health of Eagle County's rivers. It was this group's efforts that led to the "Restore the Gore" campaign. Now that the group has reassembled, we'll be working to identify universal improvements that can be made across jurisdictional lines as well as site-specific projects.

With more development occurring in town, the ability to properly address urban runoff becomes increasingly important. Developers will continue to be required to contribute toward the drainage plan as more projects come online.

### **Eagle Valley Wildland Program / Unites States Forest Service**

I met with Ryan Hughes, East Zone Prescribed Fire & Fuels Specialist BC-29 USFS, along with representatives from the Eagle Valley Wildland Program to identify how USFS lands in and around Minturn can be approved for inclusion in the Minturn Wildfire Mitigation Plan. Right now, the Plan is exclusive to the 18-acre parcel owned by the town which houses the water treatment plant, but with USFS approval through the NEPA process, the Eagle Valley Wildland Team can have access to a significant amount of acreage bordering Minturn for wildfire mitigation work. We anticipate the areas of the Game Creek drainage, Cross Creek drainage, and the Grouse Creek drainage will be considered for mitigation inclusion.

### **Snow Removal Operations**

As a reminder, winter parking restrictions begin November 1<sup>st</sup>. As always, the Town will start with education and warnings but will eventually move to ticketing when compliance is not achieved.

### **Minturn Fitness Center Keyfob System**

We are excited for the implementation of the keyfob system at the Minturn Fitness Center. It is a matter of coordinating the sub-contractors for installation of the equipment and the independent access for MFC members will be underway.

### **CDPHE / CPW Water Treatment Plant Site Review**

In an effort to head off issues stemming from the construction of a new water treatment plant I will be working with representatives from both CDPHE and CPW to determine appropriate wildlife mitigation efforts for during and after WTP construction. We hope this will help avoid issues when it comes time for loan approval.

Jay Brunvand  
 Clerk/Treasurer  
 301 Pine St #309 ♦ 302 Pine St  
 Minturn, CO 81645  
 970-827-5645 x1  
[treasurer@minturn.org](mailto:treasurer@minturn.org)  
[www.minturn.org](http://www.minturn.org)



Town Council  
 Mayor – Earle Bidez  
 Mayor Pro Tem – Terry Armistead  
 Council Members:  
 George Brodin  
 Lynn Feiger  
 Eric Gotthelf  
 Gusty Kanakis  
 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.

<b>REGULAR TOWN COUNCIL MEETINGS</b>
<b>November 17, 2021</b>
Eagle County Gives Proclamation
1 <sup>st</sup> reading of Budget Ordinances
Ordinance ___ - Series 2021 (Second Reading) An Ordinance Requiring approved new building plans prior to demolition within the 100-Block.
Discussion/Direction – Minturn North cost share options
Ordinance ___ - Series 2021 (First Reading) not allowing puppy mill animals sold in town
Ordinance 12 – Series 2021 (Second Reading) An Ordinance Amending Chapter 16 to provide for ... ground floor retail uses and provide greater opportunities for institutional uses.
Ordinance 13 – Series 2021 (Second Reading) An Ordinance Amending Chapter 18 to provide for additional notice, review, and site planning in the issuance of demolition permits
Ordinance 14 – Series 2021 (Second Reading) An Ordinance extending the 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 District of the Old Town Character Area.
Ordinance 15 – Series 2021 (Second Reading) An Ordinance extending the moratorium on the acceptance and processing of applications for development permits authorizing demolition within the 100 Block Commercial Zone District of the Old Town Character Area
<b>December 1, 2021</b>
2 <sup>nd</sup> Reading of Budget Ordinances
Liquor License – Saloon and Sunrise are due
Ordinance __ - Series 2021 (Second Reading) not allowing puppy mill animals sold in town
30’ River Setback Policy Review & Eagle River Park (MMC Sec. 16-2-50(b))
2021-23 Strategic Plan Amendment – Building Code Updates
<b>December 15, 2021</b>
<b>DATE TO BE DETERMINED</b>
Ordinance regarding Livestock
Potential legislation regarding Mobile homes