



## AGENDA

### Town Council Regular Meeting 5:30 PM

Wednesday, April 03, 2024

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

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

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

#### MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/89570561457>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 895 7056 1457

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

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

1. **CALL TO ORDER**
2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF CONSENT AGENDA**

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

**A.** Approval of Minutes - 03-20-2024

**B.** Liquor License: 146 North Main St – Minturn Saloon annual renewal of a Hotel and Restaurant Liquor License, Connie Mazza, owner/manager

**C.** Resolution 14- 2024 a Resolution approving the Holy Cross Energy Community Enhancement funds toward the costs associated with a temporary downtown bike parking facility

4. **APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

**5. DECLARATION OF CONFLICTS OF INTEREST**

**6. PUBLIC COMMENT**

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

**7. COUNCIL COMMENTS & COMMITTEE REPORTS**

**8. STAFF REPORTS**

A. Manager's Report

**9. SPECIAL PRESENTATIONS**

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

**10. BUSINESS ITEMS**

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

A. Swearing in of New Council Members

B. Ordinance 03 - Series 2023 (Second Reading) An Ordinance Disconnecting Rex Flats, Gilman and Roster Pile 5 from the Town of Minturn

C. Ordinance 04 - Series 2024 (Second Reading) An Ordinance Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

**11. DISCUSSION / DIRECTION ITEMS**

A. Battle North Restricted Parcels

B. Committee & Board Assignments

**12. FUTURE AGENDA ITEMS**

A. Future Meeting Agenda Items

**13. ADJOURN**

**INFORMATIONAL ONLY ITEMS**

Upcoming Events & Council Meetings:

-- April 17, 2024 - Council Meeting

-- May 1, 2024 - Council Meeting

-- May 9, 2024 - Council Retreat

-- May 15, 2024 - Council Meeting



# OFFICIAL MINUTES

## Town Council Regular Meeting 5:30PM

Wednesday, March 20, 2024

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

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### MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

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

### 1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:35pm.

### 2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members Lynn Feiger, Eric Gotthelf, Gusty Kanakis, Brian Rodine, and Kate Schifani (zoom).

Staff present: Town Attorney Richard Peterson-Cremer (zoom), Town Planner Scot Hunn, Town Planner Madison Harris, Town Manager Michelle Metteer, and Town Clerk Jay Brunvand (zoom).



**3. APPROVAL OF CONSENT AGENDA**

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

- A. 03-06-2024 Minutes
- B. West Vail Pass Project - CDOT Communication

Motion by Eric G., second by Gusty K., to approve the Consent Agenda of March 20, 2024 as presented. Motion passed 7-0.

**4. APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Brian R., to approve the Agenda of March 20, 2024 as presented. Motion passed 7-0.

**5. DECLARATION OF CONFLICTS OF INTEREST**

- Lynn F. has a conflict with item 10B Ordinance 02 – Series 2024 and will recuse herself.
- Terry A. has a conflict with the appointment of the Planning Commission Members and will recuse herself.

**6. PUBLIC COMMENT**

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

**7. COUNCIL COMMENTS & COMMITTEE REPORTS**

- A. Eagle Valley Transit Authority Update

Earle B. updated the VTA approval of new morning and evening round trips in the Minturn and surrounding areas and full rate-free transit. He encouraged all to take the bus and leave the car at home. Earle B. plans to take the bus all day on May 19 to emphasize the ease and efficiency of the bus system.

Earle B. noted and congratulated Terry A. on her contributions as a council member since 2016. A brief recess was called to celebrate with cake. Terry A. is not running in the upcoming April 2 election and will be stepping down from the Council.

Brian R. commented on CDOT and how we need to be careful when we do our speed study to ensure a higher speed is not a reason to keep speed limits where they are. He spoke on the ever-increasing use of e-bikes.

Discussion ensued on the reopening of Pooh Corner daycare.

**8. STAFF REPORTS**

**A. Manager's Report**

**Minturn Municipal Code – Code Updates**

Minturn staff is working with attorney Rob Marsh toward updating the MMC sections that pertain to nuisance and fencing. We are hopeful these updates will further support not only the health and safety of humans but also the local wildlife – specifically as it pertains to fencing. We are also updating the code of several court matters like driving without a license and addressing the need to have all jury trials take place at the Eagle County courthouse.

**Main Street Pedestrian Project - Phase II Update**

Progress continues for the spring 2025 construction start date of the Minturn Phase II sidewalk project. The survey team has already identified many residents who have encroached into the HWY 24 right-of-way. We continue to ask for cooperation from residents along this corridor to move all personal items onto private property. Thank you so much and we look forward to adding more sidewalks and increasing multimodal safety along HWY 24. She met with CDOT today and they will allow us to have wider parking and narrower drive lanes (12ft vs 11ft drive lanes).

**Minturn Community Survey**

The Minturn Community Survey will be going live later this month. Be on the lookout for a text from the Town with a link to the survey. Hard copies of the survey will also be available at town hall, or you can request a mailed copy by calling Cindy Krieg at 970-445-2415. Texts with the survey will go out to all registered voters in Minturn who can then take the survey directly on their phone. For those not registered to vote in Minturn, like second homeowners, there will also be a link to the survey from the town’s website.

**Water Tank #2 Rehabilitation Progress**

The water team continues to work toward the approval process for rehabilitation of tank #2. We have identified the potential use of the master meter pit for housing the pressure reducing vault. This option would eliminate the need for additional environmental studies, save costs and hopefully shorten the approval time. More to come.

**Minturn Forward Survey**

The Town of Minturn is conducting a brief, online survey (paper copies available at town hall information table as needed) requesting feedback from Minturn residents and business owners. The Town is updating its land use, development, and subdivision regulations (Chapters 16 and 17 of the Minturn Municipal Code) and moving the Town forward after the recent adoption of the 2023 Minturn Community Plan which is intended to guide the Town’s land use and development decision making over the next 10-15 years. This public process is critical to the success of the Chapter 16 update and an anonymous survey provides a great opportunity for not just property owners, but renters, who may otherwise feel intimidated to provide feedback publicly, to voice their opinion. The Planning Commission is tasked with the long-term future built-out vision of the town and everyone giving their feedback will help to ensure the public’s opinions are known.

**Water Moratorium**

Staff continues to address the water moratorium as potential developers and investors submit interest to the town. As a reminder, the 2020 and 2023 water moratoriums are in effect and as it relates to Section 3 of the 2020 Moratorium, taps will be distributed on a first come first serve basis.

Michelle M. noted a lot of our police tickets are issued to local residents driving too fast, not stopping at stop signs, and going the wrong way on one-way streets in town. She also discussed the bill passing through the state. SB-124 will require a housing plan for each town in order to best keep housing a local issue, not state mandated. Council directed this as important and supported her efforts in this matter.

Michelle M. noted that adding bulb-outs to increase safety might cause our storm drains to be less effective. She will report back with potential cost impacts and options.

**B. Planning Report - Minturn Forward Update**

Stakeholder Outreach and Code Assessment – Fall 2023 The first steps in updating Chapter 16 – Zoning, and Chapter 17 – Subdivision, of the Minturn Municipal Code involved stakeholder outreach in September 2023, followed by the completion of a code assessment. Stakeholder outreach centered on conducting interviews with local land and business owners, architects and developers who regularly do work within the Town. The purpose of the interviews was to ask questions about the current Code and processes (i.e. the Design Review process for a new project). The results from those interviews revealed an overwhelming desire and request to simplify the Code, provide better graphics and explanations of how to interpret the Code, and to streamline certain review processes. The results were shared with the Planning Commission in public meetings and recordings of those interviews were posted on the Town’s website. Stakeholder interviews were followed by a code assessment that was completed by the Town’s consultant, Matt Farrar, from Western Slope Consulting. The code assessment (attached) was completed in December 2023 and revealed and re-affirmed inconsistencies in the Code as well as areas of misalignment with the recently adopted 2023 Community Plan. Importantly, the code assessment also included several recommendations - in alignment with the adopted goals and objectives of the 2023 Community Plan as well as with previous direction from Council – for the Town’s consideration as we move forward with updating the Code.

**Exploration of Different Styles of Codes – January – February 2024**

Following the code assessment, and prior to starting the code re-write process, the Town Planning staff and Mr. Farrar spent most of January and February 2024 presenting information to and hosting discussions with the Planning Commission related to different types or formats for land use regulations. Form Based Codes, Hybrid Codes (a combination of a Form Based Code and a more traditional code), and Traditional Codes were discussed. For reference, the Town’s current land use regulations are considered “traditional” in their content (regulation of uses and building placement), layout and format, whereas Form Based Codes include more graphical representations and written descriptions of desired building forms, architecture, and the design of public spaces (the “form”) rather than focusing on allowable land uses. The Planning Commission is

recommending that the Town stick with a more traditional layout and format, but to integrate better graphics and illustrations along with better definitions and statements of purpose and intent so the end user of the Code clearly understands the regulatory intent of a particular code section while ensuring that interpretation of regulations (i.e. how to measure building heights or calculate lot coverage) is straightforward and user friendly. Open Houses and Survey – March 2024 in March, the Town is hosting three open houses (March 11th, 14th and 21st) at Town Hall from 5:30pm-7:30pm to introduce the community to the Minturn Forward project and to gather feedback on peoples’ views toward certain areas of town - perhaps their own neighborhoods. The survey and open houses focus on the Future Land Use Map (FLUM) adopted as part of the 2023 Community Plan, as well as several key goals or objectives of the 2023 Community Plan, and then ask a short series of questions about which land uses residents feel are appropriate in certain areas of Town, what characteristics make certain areas of Town unique, and what aspects of Town people like or would like to see change. As of this writing, the Town has received 71 survey responses – a great response rate. The Town gathered feedback from and answered questions for 10 residents at Open House No. 1 on March 11th. Eighteen people attended Open House No. 2 on March 14th. The last Open House for this portion of the project will be hosted Thursday, March 21st. The survey will remain open until Friday, March 22, 2024.

Next Steps – April to June 2024 Staff look forward to hosting one more open house, compiling and discussing public input gathered from the survey and open houses with the Planning in April. During that time, staff will also be working on code updates to sections of the Code having to do with procedures, application submittal requirements, as well as other sections of the Code that need updating to ensure compliance with State and Federal law (i.e., the Town’s sign code). Following a review of the public input gathered in March from the survey and open houses related to existing and future land use and zoning, staff’s goal is to start bringing forth proposals to the Planning Commission for new or consolidated zoning along with updates to development standards and permitted uses. This work is anticipated to start in May and June. Additional open houses will be hosted to ensure that the community is aware of any new proposals for zoning, permitted uses, or development standards that could affect private property rights. The Minturn Forward Code Update Project is a strategic priority for the Town and is identified in the 2023 Minturn Community Plan and the Town’s 2023-2025 Strategic Plan. Completion of the project is a major focus of the Planning Department for 2024.

Scot H. stood for discussion and questions.

Gusty K. asked about the mixed use being identified in the 100 Block when we spent so much time developing code to make it more commercial.

Brian R. noted it would be great to have guidelines that would then entice the architects to be creative vs cookie cutter.

Kate S. stated she felt less people wanting the allowance for more personal preferences than wild colors.

**9. SPECIAL PRESENTATIONS**

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

**10. BUSINESS ITEMS**

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

**A. Resolution 13 - Series 2024 Appointing Planning Commission Members**

Note: Terry A. recused herself due to a conflict of interest and left the dais.

The qualified applicants that submitted Planning Commission applications were:

- Michael Boyd - 504 Eagle Street
- Darell Wegert - 1718 S. Main Street
- Jeff Armistead - 1632 Main Street
- Tracy Andersen - 1016 Mountain Drive

Madison H. outlined the process to solicit applications and the process that will be utilized to appoint three applicants. The first two with four votes will be seated as Commissioners, the third highest vote getter will be awarded the Alternate Commissioner seat.

Each candidate was allowed time to introduce themselves, why they would like to serve, and a Round Robin interview by the Council with questions including Battle Mtn lands, code changes, and preferences. Tracy Anderson was not able to attend but was still eligible for appointment.

Note: ballots are used to create a written record, the vote is a public vote, and the ballots are available for review in the Clerk’s office.

The first round of balloting resulted as follows:

- Michael Boyd = 6
- Darell Wegert = 5
- Jeff Armistead = 6
- Tracy Anderson = 1

Mayor Bidez swore in the appointed Commissioners, and they will assume their seats at the March 27, 2024 Planning Commission meeting.

Motion by Eric G., second by Gusty K., to approve Resolution 13 – Series 2024 as presented appointing Michael Boyd and Jeff Armistead as Commission Members and Darell Wegert as Alternate Commission Member as presented. Motion passed 6-0. Note: Terry A. stood recused.

Note: Terry A. resumed her seat at the dais.

**B. Ordinance 02 - Series 2024 (Second Reading) An Ordinance approving the Rezoning of Lot 3A South Minturn Addition Subdivision from Commercial to Residential**

Note: Lynn F. recused herself and stepped down from the dais due to a Conflict of Interest.

The Applicants, Mr. John A. “Woody” Woodruff, and Ms. Lynn Feiger, propose to rezone a portion of their property, Lot 3, South Minturn Addition Subdivision, located at 998 Main Street, from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District. Concurrent with this rezoning request, the Applicants are working with the Town to process a minor subdivision application – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use on future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the Town’s goals and policies. Therefore, this report and staff’s findings reference and apply to rezoning of “Lot 3A.” The Town of Minturn Planning Commission considered this rezoning request at their regular meeting of February 28, 2024, and unanimously forwarded a recommendation for approval to the Town Council based on findings that the request meets the Town’s requirements, standards, and policies.

Staff and the Planning Commission are recommending approval of the proposed rezoning request for Lot 3A, South Minturn Addition, located at 998 Main Street, to change the zoning from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District, based on the analysis provided in this report and staff’s findings that the request and application meet the Town’s submittal requirements, criteria, and findings to amend the Official Zone District Map. Therefore, Ordinance No. 2, Series 2024 - to amend the Official Zone District Map to rezone Lot 3A from the South Town Character Area Commercial Zone District to Residential Zone District - is being presented to the Town Council for consideration on second reading at the Council’s regularly scheduled meeting of Wednesday, March 20, 2024.

It was noted there are no changes from First Reading.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Gusty K., second by Terry A., to approve Ordinance 02 - Series 2024 (Second Reading) An Ordinance approving the Rezoning of Lot 3A South Minturn Addition Subdivision from Commercial to Residential as presented. Motion passed 6-0. (Note: Lynn F. stood recused.)

Note: Lynn F. resumed her set at the dais.

- C. Ordinance 03 - Series 2023 (First Reading) An Ordinance Disconnecting Rex Flats, Gilman and Roster Pile 5 from the Town of Minturn

As part of the Battle Mountain settlement agreement, the parties agreed:

(e) Disconnection of Gilman Property. In connection with the contemplated Settlement, the Town has proposed, and Battle South has agreed to effect disconnection of the Gilman Property. Accordingly, Battle South will submit to Town Council an

application for disconnection of the Gilman Property by ordinance pursuant to C.R.S. §§ 31-12-501, *et seq.* The disconnection becoming legally effective will fully release Battle, the Town and the Gilman Property from any further rights, obligations and liabilities under or with respect to the Prior Agreements and the PUD Preliminary Plan relating to the Gilman Property.

As was previously discussed with Council, the Town’s consultation with Battle Mountain concluded that in addition to Gilman, the disconnection should include the “roster pile” areas along the Eagle River together with Rex Flats. These properties are all contaminated, included in the superfund site, and not easily developable in the future.

Battle Mountain has submitted a complete application for disconnection of the above referenced lands in accordance with Town Code §16-1-70(b)(2). C.R.S. § 31-12-501 provides that a disconnection is appropriate when in the “best interests of the municipality”. Under the Town Code, the “best interests of the municipality” includes:

- a. Resolution of any current, pending, or threatened legal actions.
- b. Resolution of any commitments, claims, or obligations required by any agreement, or terms of an agreement relating to the property proposed for disconnection.
- c. The impact of disconnection upon the Town's ability to maintain infrastructure and rights-of-way that were dedicated to a public entity.
- d. That disconnection will not create an enclave as defined by C.R.S. § 31-12-106, or sever the contiguity of the Town's boundaries without adequately providing for access and the provision of utilities and services to areas that will remain within the Town.

The proposed disconnection meets these requirements. The disconnection is in furtherance of resolving the Battle Mountain litigation. The disconnection will not hamper the Town’s ability to maintain infrastructure. The disconnection will not create an enclave as the Mountain Property will still be connected to the Town’s boundaries. Most importantly, the disconnection will remove heavily contaminated land from the Town’s boundaries.

Staff recommended approval of the disconnection ordinance.

Lynn F. asked if the County had any concerns? Tim McGuire noted they will be meeting with the county but this is not an issue that would cause the process to be stopped or reversed. Michelle M. noted a previous discussion with Council where the benefits of the disconnect for the town were fully vetted.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Terry A., second by Gusty K., to approve Ordinance 03 - Series 2023 (First Reading) An Ordinance Disconnecting Rex Flats, Gilman and Roster Pile 5 from the Town of Minturn as presented. Motion passed 7-0

- D. Ordinance 04 - Series 2024 (First Reading) An Ordinance Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

Madison H. outlined the concerns and why this change is requested and needed.

The way the Town Code is currently written, it doesn't contemplate partial permit applications, it just says "permit application" which means the whole complete application needs to be submitted to the Town before Section 19-9-10 is triggered and the two week stay notifying people that an application for alteration, relocation, or demolition has been submitted starts. The described flaw hasn't been exposed up until now as most times this section comes into play it's been for minor building permits (ex. A re-roof) that don't need a lot of information for submission of the application so it hasn't been an undue hardship for people to make a complete application. Where this flaw has been exposed is that the complete demolition application requires proof that water, sewer, gas, electric, etc. have all been disconnected, as well as an asbestos report and a permit from CDPHE to mitigate any asbestos. If an applicant submits a complete demolition permit application, triggers the two week stay, and gets nominated and then designated, then that house has been sitting there without power which could negatively impact this now Historically Designated property. As a response to this, staff has attached a draft ordinance that is being presented to HPC on March 19th and Council March 20th. Due to input from Dr. Lindsey Flewelling, staff has taken inspiration from Boulder, but fashioned a more streamlined process. This ordinance is intended to create a separate permit form that people can apply for describing what they are doing and kick-starting that two week stay without having to provide a complete application for demolition or other permit forms such as Design Review Board. Also attached is the form that Boulder uses that staff anticipates amending and making our own as referenced in the ordinance.

Madison H. noted their was an additional HPC comment to ensure the application sign is visibly placed.

Brian R. recommended the timeline be extended to ensure all approvals have time to be entertained. Terry A. expressed concern that extending the process more would cause slow development. Discussion ensued on this matter. It was noted this would apply to all structures that are not designated historical that are 75yrs or older.

Direction was to keep the 100 days and allow staff to extend additional time if necessary.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed



Discussion ensued that for all the concerns expressed which brought about the Commission, in almost 2yrs we have had very few properties nominated and none recently. The process of review was discussed when an eligible building comes in for a building or demo permit.

Motion by Terry A., second by Gusty K., to approve Ordinance 04 - Series 2024 (First Reading) An Ordinance Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting as amended to allow staff the ability to extend the process up to 365 days as necessary. Motion passed 7-0.

**11. DISCUSSION / DIRECTION ITEMS**

**12. FUTURE AGENDA ITEMS**

Lynn F. discussed the limitations the water moratorium has placed on the town and how the River View Cemetery uses an undo large amount of water. She asked that we ask the town water engineer to review the impact of the Cemetery reducing by half their use. It was noted that the cemetery uses non-potable water diverted from the Eagle River but impacts the town’s overall consumptive water right use. Gusty K. was in support and further to extend study of the impacts of the newly approved allocations. Discussion ensued on this. Michelle M. summarized the discussion of the benefits of outdoor area sprinklers and irrigation by an amount and what number of taps that might or might not free up and then to further ensure our water rights and our water plant can sustain this use change. Directions were for Michelle M. to discuss with the water engineer.

**13. ADJOURN**

Motion by Terry A., second by Gusty K., to adjourn the meeting at 8:03pm.

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

ATTEST:

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

**INFORMATIONAL ONLY ITEMS**

Upcoming Events & Council Meetings:

- April 2, 2024 - Town Election
- April 3, 2024 - Council Meeting
- April 20, 2024 - Council Meeting



To: Mayor and Council  
From: Jay Brunvand  
Date: April 3, 2024  
Agenda Item: Renewal of a Hotel and Restaurant Liquor License

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**REQUEST:**

Staff is requesting Council to review and approve the attached Renewal application for a Hotel and Restaurant Liquor License for The Minturn Saloon LLC., 146 N. Main St, Constance Mazza Owner/Manager.

**INTRODUCTION:**

The Minturn Saloon is up for annual renewal of their liquor license. Although they are closed for remodel, they still need to maintain their active license or face the entire New Application process which is much more time consuming and much more expensive.

**ANALYSIS:**

Not Applicable

**COMMUNITY INPUT:**

N/A

**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**

**THE SALOON**  
**PO BOX 2653**  
**Edwards CO 81632**

Fees Due		Section 3, Item B.
Renewal Fee		625.00
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>\$ 625</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.

## Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name THE MINTURN SALOON LLC		Doing Business As Name (DBA) THE SALOON	
Liquor License # [REDACTED]	License Type Hotel & Restaurant (city)		
Sales Tax License Number [REDACTED]	Expiration Date 04/18/2024	Due Date 03/04/2024	
Business Address 146 NORTH MAIN STREET Minturn CO 81645			Phone Number 9708275954
Mailing Address PO BOX 2653 Edwards CO 81632		Email [REDACTED]	
Operating Manager Connie Marza	Date of Birth [REDACTED]	Home Address 117 Tall Grass, Gypsum, CO, 81637	Phone Number [REDACTED]
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 type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>9/2040</u>			
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 *We also own VIUAGE BAGEL and have a liquor license there.*

<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>Connie MAZZA</i>	Title <i>Owner-Operator</i>	
Signature <i>Connie Mazza</i>	Date <i>3/15/24</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
Signature	Title	Attest



To: Mayor and Council  
From: Jay Brunvand  
Date: April 3, 2023  
Agenda Item: Resolution 14 – Series 2024

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**REQUEST:**

Council is asked to approve Resolution 14 – Series 2024 a Resolution to dedicate the \$2,000 Community Enhancement Donation from Holy Cross Energy to purchase and downtown bicycle parking improvements to enhance vehicle and pedestrian traffic flow and safety.

**INTRODUCTION:**

Annually Holy Cross Energy donates \$2,000 to Minturn as part of the Franchise Agreement with the purpose of being dedicated to community enhancement. Staff is requesting, and has confirmed its appropriateness with Holy Cross, to apply those funds to a purchase and downtown bicycle parking improvements to enhance vehicle and pedestrian traffic flow and safety.

**ANALYSIS:**

N/A

**COMMUNITY INPUT:**

Past Community Surveys have indicated safety and pedestrian access as community priorities.

**BUDGET / STAFF IMPACT:**

Assist with project costs.

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #3 to sustain and invest in the things that define Minturn as a proud, sturdy mountain town to "Keep Minturn Minturn". Minturn strongly values its full-time resident community. Founded by the working-class, the town continues to emphasize the local's experience and quality of life. To maintain the character of Minturn and its ability to transcend time, the community must continually make strides to emphasize the working class.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

This Resolution is approved within the Consent Agenda, no separate motion is required.

**ATTACHMENTS:**

- Resolution 14 – Series 2024

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 14 – SERIES 2024**

**A RESOLUTION ALLOCATING THE 2023 HOLY CROSS ENERGY  
COMMUNITY ENHANCEMENT FUND PROCEEDS FOR THE  
PURPOSE OF THE PURCHASE AND INSTALLATION OF  
DOWNTOWN BICYCLE PARKING IMPROVEMENTS IN MINTURN**

**WHEREAS**, Section 11.1 of the Holy Cross Energy Franchise Agreement, renewed in 2011, states that Holy Cross Energy Community Enhancement funds can be used for beautification projects and development thereof; and

**WHEREAS**, The Town has requested the use of these 2023 funds, in the amount of \$2,000, from Holy Cross Energy for the purpose of purchase and installation of downtown bicycle parking improvements to enhance vehicle and pedestrian traffic flow and safety.

**NOW THEREFORE, BE IT RESOLVED** by the Town of Minturn Town Council, State of Colorado, the Holy Cross Energy Community Enhancement Fund proceeds from the fiscal year 2024 will be applied toward the purchase and install of downtown bicycle parking improvements to enhance vehicle and pedestrian traffic flow and safety.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 3<sup>rd</sup> day of April, 2024.**

TOWN OF MINTURN

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

ATTEST:

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



To: Minturn Town Council  
From: Michelle Metteer  
Date: April 3, 2024  
RE: Town Manager Update

**Senate Local Government & Housing (SB24-174) Testimony**

At the March 20 Council meeting the Council approved support for SB24-174 through my Manager’s report request to provide testimony. I will be providing testimony in support of this legislation on behalf of Mayor Earle Bidez and the entire Town Council on Tuesday, April 2.

**Mayors/Managers/Commissioners & Partners Update**

June 26<sup>th</sup> is Bike to Work Day and there will be a ribbon cutting for the ECO Trail in Minturn. Following the ribbon cutting will be a celebration at the Minturn Saloon. Be on the lookout for more information. Everyone is welcome to join!

Emergency Alerts will now be available via the Reach Well app which translates into 130 different languages and is more user-friendly than the Everbridge option. Residents who are not already signed up under the Everbridge system, or who would like to switch to a more user-friendly system are encouraged to download the Reach Well app and sign up for Eagle County alerts.

**NWCCOG – QQ Update**

The Water Quality Control Commission currently has two openings on the Commission. This Commission has the ability to strongly affect Minturn wastewater rates. Their regulations have been lacking in finding a realistic grounding in solving water quality problems and we believe getting new Commissioners seated on this Commission who will be more pragmatic in approaching water quality needs is incredibly important. Currently the Commission has pushed through regulations that will require cooling towers for wastewater treatment plants at the cost of millions of dollars and only benefit the river a few days out of the year. QQ is looking at having conversations around this issue and considering taking a more political approach to address this issue.

Shoshone Water Right (1902 appropriation date) is being purchased by the Colorado River District with the purpose of utilizing the right for the instream flow call. This is an exciting step toward keeping more water in the river and fewer transmountain diversions. One point to consider for Minturn to consider and how we manage our water and augmentation water use is the desire for the Colorado River District to administer this right to keep a minimum flow of 1408 cubic feet per second. This will likely result in more calls on the river. This is something Cristy Radabaugh will need to analyze to determine how it will affect Minturn’s current water rights management.

**Minturn Fitness Center Board Meeting**

2023 was the first year the MFC saw revenues exceed expenses. This was 10 years in the making. The MFC Board at its most recent meeting approved both an annual contribution toward the capital improvements reserve as well as a payback schedule to both Ski and Snowboard Club Vail and the Town.

**Community Survey**

Staff is currently testing the final phases of the community survey draft before going live. We are hopeful the survey will go live by next week. The survey will be sent to the mobile phones of all registered voters in Minturn. Additionally, the survey will be available on the town website and hard copies for those without the internet can complete the paper survey and submit to town hall staff.

**Water Moratorium**

Staff continues to address the water moratorium as potential developers and investors submit interest to the town. As a reminder, the 2020 and 2023 water moratoriums are in effect and as it relates to Section 3 of the 2020 Moratorium, taps will be distributed on a first come first serve basis.

**Bellm Bridge Feasibility Study RFP Interviews**

The Town published an RFP for the Feasibility Study work on Bellm Bridge. The Bridge is either in need of repair or replacement and the Town looks to understand, through a Feasibility Study, which option is advisable. Interviews for three RFP submittals took place on Friday, March 29<sup>th</sup>. The Funds for the Feasibility Study will come out of the capital improvements line item in the budget.

**International City Manager Association (ICMA) Credential Application**

I have completed all of the requirements and have now submitted my application for my ICMA Certified Manager credential. This is an opportunity to be recognized by the City Manager’s leading organization for the knowledge and expertise I bring to the position of town manager. More information on this credential is included with this update.

**Congressionally Directed Spending Applications Submitted**

Applications for CDS funds have been submitted. As previously discussed, the Town applied for \$1, 996, 875 toward the Little Beach Park improvements outlined in the Little Beach Park Recreation Area Master Plan. Submissions were also provided for the completion of Phase II Main Street Sidewalk Project totaling \$1,088,000. Separately, and only through Congressman Neguse’s office, the Town will be able to apply for funding toward the water treatment facility. These applications are very competitive, and Minturn has already been awarded funds in prior rounds, so we will be very fortunate if we are selected again.

**Legal Matters – Rob Marsh**

Rob Marsh continues to assist Minturn on a variety of legal matters. In addition to his recent work on the nuisance and fence codes, which will come before all of you at the April 17<sup>th</sup> Council meeting, Rob has also been supporting us with the updates to our Chapter 8 of our code addressing matters related to the MUTCD (Manual on Uniform Traffic Control Devices) and jury trials. Those ordinances will also come before the Council at the April 17<sup>th</sup> meeting.



## ICMA's Voluntary Credentialing Program for Management Professionals: An Introduction for Local Elected Officials & Community Members

### WHAT IS A CREDENTIALLED MANAGER?

The [International City/County Management Association](#) Credentialed Manager (ICMA-CM) designation has become widely respected, frequently requested in recruitment of positions and cited in positive media coverage of public stewardship. ICMA Credentialed Managers are professional local government managers qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development.

Credentialed Managers are ICMA members who participate in the [Voluntary Credentialing Program](#). To be eligible for the credential, the person must be a member of ICMA, meaning he or she is committed to upholding high ethical standards. In addition, Credentialed Managers commit to an annual program of professional development, meaning that he or she is continuously improving the skills and practices that he or she applies on the job.

### WHY SHOULD WE WANT OUR LOCAL GOVERNMENT MANAGER TO BE CREDENTIALLED?

ICMA members who participate in the Voluntary Credentialing Program bring benefits to the local government and its governing body. To be eligible for the credential, the person must be a full member of ICMA. That means he or she is committed to upholding high ethical standards. In addition, the person who becomes credentialed commits to an annual program of professional development, meaning that he or she is continuously improving the skills and practices that he or she applies on the job.

### Voluntary Assessments

Each Credentialed Manager has completed a management assessments. This assessment helps the member assess his or her knowledge of the [Practices for Effective Local Government Management and Leadership](#) and the ability to apply them to management situations.

- |  |   |
|--|---|
| 1. Personal And Professional Integrity | 7. Strategic Planning                     |
| 2. Community Engagement                | 8. Policy Facilitation And Implementation |
| 3. Equity And Inclusion                | 9. Community And Resident Service         |
| 4. Staff Effectiveness                 | 10. Service Delivery                      |
| 5. Personal Resiliency And Development | 11. Technological Literacy                |
| 6. Strategic Leadership                |   |



- 12. Financial Management And Budgeting
- 13. Human Resources Management And Workforce Engagement

- 14. Communication And Information Sharing

In addition, each Credentialed Manager must complete a multi-rater assessment within the first five years of entering the Voluntary Credentialing Program. This is a "360-degree" instrument that provides an opportunity for council members and others (such as staff) to provide feedback on the person's managerial performance. It is not a performance evaluation. It is a professional development planning tool.

**Professional Development**

Every ICMA member commits to forty hours annually of professional development (Tenet 8 of the [Code of Ethics](#)). What distinguishes Credentialed Managers and Candidates is their commitment to plan for continuous personal improvement, to reflect upon their development activities, and to document their learning for peer review.



**Peer Review**

The Credentialing Advisory Board, made up of member volunteers, spends a considerable amount of time evaluating and reviewing applications and annual reports. They carefully consider each one, paying special attention to experience, education, plans, and annual reports.

In addition, all applications recommended for approval by the Credentialing Advisory Board are printed in ICMA's e-newsletter for review and objections by all members. Approval of each Credentialed Manager is ultimately granted by the ICMA Executive Board.

ICMA maintains a [Directory of Credentialed Managers and Candidates](#). Roughly 1,500 members have earned the ICMA-CM (ICMA Credentialed Manager) or the ICMA Credentialed Manager Candidate designation as part of the ICMA Voluntary Credentialing Program. Candidates are members who are within two years of meeting the criteria. When the experience requirement is met, these members will become ICMA Credentialed Managers.

**FROM THE DESK OF  
JAY BRUNVAND, MINTURN TOWN CLERK**

**MEMORANDUM**

TO: Mayor and Town Council  
FROM: Jay Brunvand, Town Treasurer/Town Clerk  
CC:  
DATE: 3/28/24 5:00 PM

**APRIL 3, 2024 COUNCIL MEETING**

Note: Following is a recommended sequence of events for the Mayor to follow in order to process the first meeting after the April 2<sup>nd</sup> municipal election.

The meeting should be called to order with the “old” members of the Council in their council seats and any newly elected officials in the public seating area. It is necessary that a quorum be established in order to call the meeting to order.

**Call meeting to order:**

The “old” Mayor calls the meeting to order, takes roll, and leads the meeting in the Pledge of Allegiance. Then we proceed with the swearing in.

In the event there is not a quorum, we will turn on the cameras and recorders and then swear in the elected and they will take their seats. Once seated, the mayor will call the meeting to order.

**Swearing in of new Municipal Judge and Deputy Municipal Judge**

The Town Clerk will first swear in the Mayor Elect and then the Mayor will swear in the Councilmembers elect.

**Swearing in of new Council members:**

The Mayor Elect and Council Elect members are sworn in. The Town Clerk will first swear in the Mayor Elect and then the Mayor will swear in the Councilmembers elect. (The members of the Council that were not up for re-election are not sworn in as their term simply continues.) At this point the newly sworn Mayor and Council members will assume their rolls as Mayor and Council Members with the remaining Mid-Term Council members. The former Council members may stay as audience members or they may leave.

**Choice for Mayor Pro Tem:**

Minturn Town Charter Section 4.2(c) states, “The Mayor Pro Tem shall be appointed by the Mayor subject to approval by the Council at the first regular meeting held after each regular municipal election and shall serve at the pleasure of the Mayor for a two-year term”.

To affect this the Mayor announces his/her choice for Mayor Pro Tem and requests a motion to accept the nomination.

Recommended motion: “I move to confirm \_\_\_\_\_ as Mayor Pro Tem.”

The meeting then continues with the agenda items.

Note: It is important to note that several of the members on the Council may want to abstain from voting to approve the minutes, etc as, due to the election they were not present on the board for the meeting, first reading, or what have you. In accordance with Robert’s Rules of Order, this is not a viable reason to abstain from the vote as it is not a defined conflict of interest. Therefore, all newly elected and midterm Council Members should be prepared to vote. Those that do abstain are recorded as an abstain and would be included in a vote for the affirmative on the motion.

Please contact me if you have any questions. j

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

ATTORNEYS AT LAW

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Suite 224  
Montrose, CO 81402

Office: 970.945.2261  
Fax: 970.945.7336  
\*Direct Mail to Glenwood Springs

DATE: March 14, 2024  
TO: Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Battle Mountain termination of PUD zoning from 2008

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As part of the Battle Mountain settlement agreement, the parties agreed:

(e) Disconnection of Gilman Property. In connection with the contemplated Settlement, the Town has proposed and Battle South has agreed to effect disconnection of the Gilman Property. Accordingly, Battle South will submit to Town Council an application for disconnection of the Gilman Property by ordinance pursuant to C.R.S. §§ 31-12-501, *et seq.* The disconnection becoming legally effective will fully release Battle, the Town and the Gilman Property from any further rights, obligations and liabilities under or with respect to the Prior Agreements and the PUD Preliminary Plan relating to the Gilman Property.

As was previously discussed with Council, the Town’s consultation with Battle Mountain concluded that in addition to Gilman, the disconnection should include the “roster pile” areas along the Eagle River together with Rex Flats. These properties are all contaminated, included in the superfund site, and not easily developable in the future.

Battle Mountain has submitted a complete application for disconnection of the above referenced lands in accordance with Town Code §16-1-70(b)(2). C.R.S. § 31-12-501 provides that a disconnection is appropriate when in the “best interests of the municipality”. Under the Town Code, the “best interests of the municipality” includes:

- a. Resolution of any current, pending, or threatened legal actions;
- b. Resolution of any commitments, claims, or obligations required by any agreement, or terms of an agreement relating to the property proposed for disconnection;
- c. The impact of disconnection upon the Town's ability to maintain infrastructure and rights-of-way that were dedicated to a public entity;

Page 2

d. That disconnection will not create an enclave as defined by C.R.S. § 31-12-106, or sever the contiguity of the Town's boundaries without adequately providing for access and the provision of utilities and services to areas that will remain within the Town.

The proposed disconnection meets these requirements. The disconnection is in furtherance of resolving the Battle Mountain litigation. The disconnection will not hamper the Town's ability to maintain infrastructure. The disconnection will not create an enclave as the Mountain Property will still be connected to the Town's boundaries. Most importantly, the disconnection will remove heavily contaminated land from the Town's boundaries.

Staff recommends approving the disconnection ordinance.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 03 - SERIES 2024**

**AN ORDINANCE APPROVING DISCONNECTION OF  
REAL PROPERTY FROM THE TOWN OF MINTURN.**

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

**WHEREAS**, the Town Council has authority pursuant to the Home Rule Charter and C.R.S. §§ 31-16-101, *et seq.* to adopt and enforce all ordinances; and

**WHEREAS**, in the exercise of this authority, the Town Council has previously adopted § 16-1-70 of the Minturn Municipal Code (“Municipal Code”), concerning annexation and disconnection; and

**WHEREAS**, Municipal Code § 16-1-70(b) provides that real property may be disconnected from the Town pursuant to the procedures and substantive standards set forth in that section and in C.R.S. §§ 31-12-501 *et seq.*; and

**WHEREAS**, pursuant to C.R.S. § 31-12-501(1) and Municipal Code § 16-1-70(b), the Town Council has received an application for disconnection (the “Application”) of the “Disconnected Parcels” (as defined in the Application) from the Town, which Disconnected Parcels are legally described in Exhibit A and graphically depicted in Exhibit B; and

**WHEREAS**, the Town Council finds that the requirements of C.R.S. §§ 31-12-501 *et seq.* for disconnection of the Disconnected Parcels from the Town have been satisfied, in that: (1) the owner of the Disconnected Parcels has applied to the Town for disconnection; (2) the owner of the Disconnected Parcels has also provided notice and a copy of the application for disconnection to the Board of County Commissioners of Eagle County and to the board of directors of any affected special district pursuant to C.R.S. § 31-12-501(1); and (3) the best interests of the Town will not be prejudiced by the disconnection of the Disconnected Parcels; and

**WHEREAS**, the Town Council finds that the requirements of Municipal Code § 16-1-70(b) for disconnection of the Disconnected Parcels from the Town have been satisfied, in that: (1) the Application is complete pursuant to Municipal Code § 16-1-70(b)(2); and (2) disconnection will not prejudice the best interests of the Town as defined in Municipal Code § 16-1-70(b)(3); and

**WHEREAS**, in February of 2008, in connection with the annexation and then-contemplated development of certain real property, which real property included, but is not limited to, the Disconnected Parcels, the Town approved: (1) zoning pursuant to Ordinance No. 12-2008; (2) Preliminary Planned Unit Development Plan and Environmental Impact Report pursuant to Resolution No. 18-2008; and (3) Preliminary Subdivision Plat pursuant to Resolution No. 19-2008; (collectively, and together with the Town resolutions and/or

ordinances approving such instruments, “**Prior Approvals**”), which Prior Approvals will be terminated as applied to the Disconnected Parcels as part of the disconnection; and

**WHEREAS**, between 2006 and 2012, in connection with the annexation and then-contemplated development of certain real property, which real property included, but is not limited to, the Disconnected Parcels, the Town entered into the: (1) Wastewater Service Agreement pursuant to Ordinance No. 1-2006; (2) Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement pursuant to Ordinance No. 10-2008; (3) Water Service Agreement pursuant to Ordinance No. 11-2008; (4) Agreement Regarding Escrows and Funding pursuant to Resolution No. 5-2012; (5) three Escrow Agreements subsequently amended pursuant to Resolution Nos. 6-2012, 7-2012, 8-2012, 12-2012, and 13-2012; and (6) Memorandum of Understanding Relating to Battle Mountain Project pursuant to Resolution No. 27-2016 (collectively, and together with the Town resolutions and/or ordinances approving such instruments, “**Prior Agreements**”) with the then-owner(s) of the Disconnected Parcels, which Prior Agreements and any vested property rights established pursuant to C.R.S. §§ 24-68-101 *et seq.* will be terminated as applied to the Disconnected Parcels as part of the disconnection; and

**WHEREAS**, upon due consideration being given to the Application, the Town Council is of the opinion that the best interests of the Town will not be prejudiced by the disconnection of the Disconnected Parcels from the Town.

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

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Disconnection Approved. Disconnection of the Disconnected Parcels from the Town is hereby approved and, subject to satisfaction of the recording requirement identified in Section 6 below, the Disconnected Parcels shall be disconnected from the Town.
3. Termination of Prior Approvals. The Town Council hereby terminates the Prior Approvals as applied to the Disconnected Parcels described in Exhibit A attached hereto. Accordingly, the Disconnected Parcels are released from the encumbrance of the Prior Approvals, which are of no further force or effect as applied to the Disconnected Parcels and any parties to such Prior Approvals are released from all rights, obligations, and liabilities arising out of such Prior Approvals as they may pertain to the Disconnected Parcels.
4. Termination of Prior Agreements. The Town Council hereby terminates the Prior Agreements as applied to the Disconnected Parcels described in Exhibit A attached hereto. Accordingly, the Disconnected Parcels are released from the encumbrance of the Prior Agreements, which are of no further force or effect as applied to the Disconnected Parcels and the parties to such Prior Agreements are released from all rights, obligations, and liabilities arising out of such Prior Agreements as they may pertain to the Disconnected Parcels
5. Termination of Vested Property Rights. Vested property rights for the Disconnected Parcels that have been established pursuant to C.R.S. §§ 24-68-101 *et seq.* and/or by virtue of the




Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement (Ordinance 10, Series 2008) are hereby extinguished.

6. Recording. Following the legal effective date of this ordinance, the Town Clerk is hereby authorized and directed to file for record with the Eagle County Clerk and Recorder two certified copies of this disconnection ordinance, and to request that the Eagle County Clerk and Recorder file the second certified copy with the Division of Local Government and the Department of Local Affairs as provided by C.R.S. § 24-32-109. The Town Clerk is further authorized and directed to take all other ministerial and filing actions required or appropriate to effectuate the action of the Town Council in approving disconnection of the Disconnected Parcels.

7. Effective Date. This ordinance shall take effect thirty (30) days after publication in accordance with Section 11.5 of the Minturn Home Rule Charter; provided, however that said disconnection shall be made legally effective only upon satisfaction of the recording requirements set forth in Section 6 of this ordinance.

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 MARCH 2024. 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 APRIL 2024 AT 5:30PM. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 3RD DAY OF APRIL 2024.

THIS ORDINANCE WILL BE LEGALLY EFFECTIVE THIRTY (30) DAYS AFTER PUBLICATION FOLLOWING THE DATE ON WHICH TOWN COUNCIL APPROVED THIS ORDINANCE ON SECOND READING; PROVIDED, HOWEVER, THIS ORDINANCE WILL NOT BE RECORDED WITH THE EAGLE COUNTY CLERK AND RECORDER PRIOR TO THE LEGAL EFFECTIVE DATE OF THIS ORDINANCE.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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

**EXHIBIT A**  
**LEGAL DESCRIPTION OF DISCONNECTED PARCELS**

The following tracts of real property which, collectively, comprise the Disconnected Parcels:

**Parcel 1: Rex Flats, Tracts E, F, G, and H (Battle North)**

**Rex Flats**

An area of land located in Sections 1, 2, and 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at corner number 8 of MS 19856 River Bend Mill Site whence angle point 7 of H.E.S. 41 being an original stone monument bears *S 08°01'50" E* a distance of 285.50 feet; thence *N 73°03'36" E* a distance of 114.40 feet; thence *N 00°06'36" E* a distance of 101.02 feet to a point on the southern boundary of U.S. Highway 24 right-of-way as described in the Colorado Department of Transportation

U.S. Highway 24 Boundary Agreement approved July 20, 2018 and recorded in the Eagle County Clerk and Recorder's office July 27, 2018 at reception number 201812787; thence along said U.S. Highway right-of-way *S 55°00'36" E* a distance of 95.06 feet to a point on the 3-4 line of MS 19856 River Bend Mill Site; thence along said 3-4 line *S 11°05'59" W* a distance of 246.97 feet; thence leaving said 3-4 line *N 38°38'30" E* a distance of 23.65 feet to a point on the western boundary of the Union Pacific Railroad right-of-way; thence along said railroad right-of-way the following nine courses:

1. *S 14°36'28" W* a distance of 130.66 feet;
2. 299.94 feet along the arc of a *tangent* curve to the *right* having a radius of 29800.64 feet, a central angle of *00°34'36"*, and the chord bears *S 14°53'46" W* a distance of 299.94 feet;
3. 346.51 feet along the arc of a *tangent* curve to the *right* having a radius of 1687.09 feet, a central angle of *11°46'05"*, and the chord bears *S 21°04'06" W* a distance of 345.90 feet;
4. 117.33 feet along the arc of a *tangent* curve to the *right* having a radius of 2298.64 feet, a central angle of *02°55'28"*, and the chord bears *S 28°24'53" W* a distance of 117.32 feet;
5. *S 89°10'02" W* a distance of 66.59 feet;
6. *S 30°39'47" W* a distance of 22.42 feet;
7. *S 00°49'58" E* a distance of 109.10 feet;
8. *S 30°39'47" W* a distance of 884.09 feet;
9. *N 13°07'52" W* and distance of 39.09 feet;

thence leaving said railroad right-of-way, *N 53°11'20" W* a distance of 209.22 feet to the center of the Eagle River; thence the following fourteen courses along said center of the Eagle River:

1. *N 39°00'16" W* a distance of 132.00 feet;
2. *N 02°48'58" W* a distance of 158.00 feet;

3. *N 15°15'48" W* a distance of *154.00* feet;
4. *N 16°33'40" W* a distance of *326.72* feet;
5. *N 11°21'54" W* a distance of *374.00* feet;
6. *N 24°25'48" W* a distance of *132.00* feet;
7. *N 07°08'39" W* a distance of *140.00* feet;
8. *N 19°18'51" E* a distance of *106.00* feet;
9. *N 38°27'21" E " E* a distance of *172.00* feet;
10. *N 33°39'49" E* a distance of *288.54* feet;
11. *N 33°39'49" E* a distance of *68.33* feet;
12. *N 40°53'40" E* a distance of *200.00* feet;
13. *N 76°34'22" E* a distance of *74.00* feet;
14. *S 88°07'28" E* a distance of *508.06* feet;

thence leaving said center of the Eagle River *N 58°05'40" E* a distance of *123.33* feet to a point on the 7- 8 line of H.E.S. 41; thence *S 08°01'50" E* a distance of *387.68* feet along said 7-8 line of H.E.S. 41; to the point of beginning, containing 43.78 acres more or less.

### **Tract E**

A parcel of land located in Sections 1, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 2367 John C. Godfrey, 5712 Rosa M. and Peru Lodes, 19500 Brooklyn Placer Lode, 19960 General Pershing Lode, 20043 May No. 5 Lode, 20257 May Nos. 13, 14, 15, I Have It and Lincoln Highway Lodes, 20292 Big Timber and St. Patrick Lodes, 20293 Cave Lode, and 20461 May Nos. 4 and 16 Lodes situated westerly and southerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and easterly of the easternmost right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said Cave Lode from whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 20°54'18" W* a distance of *10659.37* feet; thence feet along the 2-3 line of said Cave Lode *N 45°07'27" W* a distance of *356.25* to a point on the eastern right-of-way for the Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following five courses:

1. *N 77°36'39" E* a distance of *20.62* feet along the southern boundary of the unpatented Cleveland No. 2 Lode;
2. *N 18°04'49" W* a distance of *301.49* feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
3. *S 77°36'39" W* a distance of *75.37* feet along line 2-3 of said Peru Lode;
4. *N 18°04'49" W* a distance of *600.75* feet along a line which is parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. *N 77°36'39" E* a distance of *75.37* feet along the 6-7 line of said Rosa M Lode to a point on the eastern right-of-way for the Union Pacific Railroad, said point being on a line offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence continuing along the 6-7 line of said Rosa M Lode  $N 77^{\circ}36'39'' E$  a distance of 21.52 feet to Corner No. 3 of said St. Patrick Lode; thence  $N 17^{\circ}11'16'' W$  a distance of 2.67 feet along the 2-3 line of said St. Patrick Lode to Corner No. 3 of said Brooklyn Placer; thence  $S 76^{\circ}33'32'' W$  a distance of 21.53 feet along the 3-4 line of said Brooklyn Placer to a point on the eastern right-of-way for the Union Pacific Railroad, said point being 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following twenty-two courses:

1.  $N 18^{\circ}04'49'' W$  a distance of 299.21 feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
2.  $S 77^{\circ}36'39'' W$  a distance of 50.25 feet along the northerly boundary of the unpatented No. 33 Lode;
3.  $N 18^{\circ}04'49'' W$  a distance of 723.16 feet along a line which is parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
4. 135.32 feet along the arc of a *tangent* curve to the *right* having a radius of 2434.10 feet, a central angle of  $03^{\circ}11'07''$ , and the chord bears  $N 16^{\circ}29'15'' W$  a distance of 135.30 feet, said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. 150.44 feet along the arc of a *tangent* curve to the *right* having a radius of 553.78 feet, a central angle of  $15^{\circ}33'54''$ , and the chord bears  $N 07^{\circ}06'45'' W$  a distance of 149.98 feet said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
6.  $N 13^{\circ}07'52'' W$  a distance of 81.85 feet along the westerly boundary of the unpatented Henry Clay Lode;
7. 244.56 feet along the arc of a *non tangent* curve to the *right* having a radius of 3794.72 feet, a central angle of  $03^{\circ}41'33''$ , and the chord bears  $N 10^{\circ}05'01'' E$  a distance of 244.52 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
8. 226.02 feet along the arc of a *tangent* curve to the *right* having a radius of 711.48 feet, a central angle of  $18^{\circ}12'05''$ , and the chord bears  $N 21^{\circ}01'50'' E$  a distance of 225.07 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
9.  $N 76^{\circ}52'08'' E$  a distance of 48.45 feet along the northerly boundary of the unpatented Henry Clay Lode;
10.  $N 30^{\circ}39'47'' E$  a distance of 58.25 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
11.  $S 82^{\circ}41'41'' W$  a distance of 63.42 feet along the southerly boundary of the unpatented San Louis Lode;
12.  $N 30^{\circ}39'47'' E$  a distance of 190.27 feet along a line which is parallel to and offset 25-feet easterly from the centerline of the main line of said Union Pacific Railroad;
13.  $N 82^{\circ}41'41'' E$  a distance of 63.42 feet along the northerly boundary of the unpatented San Louis Lode;
14.  $N 30^{\circ}39'47'' E$  a distance of 184.78 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
15.  $S 00^{\circ}49'58'' E$  a distance of 82.31 feet along the westerly boundary of the unpatented Astor Eureka Placer claim;

16.  $N 30^{\circ}39'47'' E$  a distance of 352.10 feet along a line which is parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
17. 117.60 feet along the arc of a *tangent* curve to the *left* having a radius of 2441.64 feet, a central angle of  $02^{\circ}45'34''$ , and the chord bears  $N 29^{\circ}17'00'' E$  a distance of 117.59 feet, said curve being parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
18.  $S 89^{\circ}10'02'' W$  a distance of 49.17 feet along the southerly boundary of the unpatented Astor Eureka Placer claim;
19. 63.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 2398.64 feet, a central angle of  $01^{\circ}30'57''$ , and the chord bears  $N 27^{\circ}42'37'' E$  a distance of 63.46 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
20. 367.05 feet along the arc of a *tangent* curve to the *left* having a radius of 1787.09 feet, a central angle of  $11^{\circ}46'05''$ , and the chord bears  $N 21^{\circ}04'06'' E$  a distance of 366.41 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
21. 300.95 feet along the arc of a *tangent* curve to the *left* having a radius of 29900.64 feet, a central angle of  $00^{\circ}34'36''$ , and the chord bears  $N 14^{\circ}53'46'' E$  a distance of 300.95 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
22.  $N 14^{\circ}36'28'' E$  a distance of 309.21 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad to a point on said western right-of-way of U.S. Highway 24;

thence the following nineteen courses along said western right-of-way of U.S. Highway 24:

1.  $S 55^{\circ}00'36'' E$  a distance of 299.10 feet;
2.  $N 56^{\circ}45'57'' E$  a distance of 216.37 feet;
3.  $N 29^{\circ}39'07'' E$  a distance of 275.58 feet;
4.  $N 02^{\circ}26'21'' E$  a distance of 269.62 feet;
5.  $N 37^{\circ}48'55'' E$  a distance of 427.27 feet;
6.  $S 61^{\circ}41'50'' E$  a distance of 114.28 feet;
7.  $S 16^{\circ}35'49'' W$  a distance of 567.34 feet;
8.  $S 48^{\circ}39'59'' W$  a distance of 175.60 feet;
9.  $S 09^{\circ}52'34'' W$  a distance of 532.21 feet;
10.  $S 47^{\circ}54'05'' W$  a distance of 673.50 feet;
11.  $S 16^{\circ}36'56'' W$  a distance of 631.44 feet;
12.  $S 42^{\circ}50'33'' E$  a distance of 206.37 feet;
13.  $S 10^{\circ}21'25'' E$  a distance of 389.77 feet;
14.  $S 47^{\circ}30'31'' E$  a distance of 350.91 feet;
15.  $S 13^{\circ}25'37'' E$  a distance of 237.62 feet;
16.  $S 47^{\circ}15'23'' W$  a distance of 356.18 feet;
17.  $S 16^{\circ}21'06'' W$  a distance of 394.80 feet;
18.  $S 06^{\circ}53'19'' E$  a distance of 612.04 feet;
19.  $S 22^{\circ}20'58'' E$  a distance of 832.28 feet to a point on the 1-2 line of said Cave Lode;

thence along said 1-2 line of Cave Lode,  $S 77^{\circ}36'39'' W$  a distance of 363.34 feet to the point of beginning. Tract E containing 71.84 acres more or less.

**Tract F**

A parcel of land located in Sections 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated easterly of the eastern right of way of the western corridor and westerly of the western right-of-way of the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at a point on said western right-of-way of the eastern corridor for the Union Pacific Railroad, said point being on a line offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., being a 2-1/2 inch GLO Brass Cap found in place bears  $N 20^{\circ}06'13'' W$  a distance of 8,054.90 feet; thence along said western right-of-way of the eastern corridor the following three courses, said right-of-way being parallel to and offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad:

1. 214.72 feet along the arc of a *non tangent* curve to the *left* having a radius of 653.78 feet, a central angle of  $18^{\circ}49'04''$ , and the chord bears  $S 05^{\circ}29'10'' E$  a distance of 213.76 feet;
2. 140.88 feet along the arc of a *tangent* curve to the *left* having a radius of 2534.10 feet, a central angle of  $03^{\circ}11'07''$ , and the chord bears  $S 16^{\circ}29'15'' E$  a distance of 140.86 feet;
3.  $S 18^{\circ}04'49'' E$  a distance of 1014.66 feet to a point on the 4-5 line of said MS 19500 Brooklyn Placer;

thence along said 4-5 line of said MS 19500 Brooklyn Placer,  $S 77^{\circ}39'37'' W$  a distance of 300.62 feet to the eastern right-of-way of the western corridor for the Union Pacific Railroad; thence along the eastern right-of-way of the western corridor for the Union Pacific Railroad the following five courses, said right-of-way being parallel to and offset 25-feet easterly from the centerline of the western corridor of said Union Pacific Railroad:

1. 193.66 feet along the arc of a *non tangent* curve to the *right* having a radius of 788.65 feet, a central angle of  $14^{\circ}04'10''$ , and the chord bears  $N 23^{\circ}10'39'' W$  a distance of 193.17 feet;
2. 124.90 feet along the arc of a *tangent* curve to the *right* having a radius of 1638.73 feet, a central angle of  $04^{\circ}22'01''$ , and the chord bears  $N 13^{\circ}57'33'' W$  a distance of 124.87 feet;
3.  $N 11^{\circ}46'32'' W$  a distance of 509.04 feet;
4. 130.25 feet along the arc of a *tangent* curve to the *right* having a radius of 2634.59 feet, a central angle of  $02^{\circ}49'57''$ , and the chord bears  $N 10^{\circ}21'34'' W$  a distance of 130.23 feet;
5. 502.96 feet along the arc of a *tangent* curve to the *right* having a radius of 823.26 feet, a central angle of  $35^{\circ}00'13''$ , and the chord bears  $N 08^{\circ}33'32'' E$  a distance of 495.17 feet;

thence  $S 63^{\circ}56'22'' E$  a distance of 86.97 feet; to the point of beginning. Tract F containing 8.01 acres more or less.

### Tract G

A parcel of land located in Section 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated westerly of the western right-of-way of the western corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at the intersection of the 5-6 line of said MS 19500 Brooklyn Placer and said western railroad right-of-way whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 17°20'46" W* distance of 9,365.21 feet; thence along the western right-of-way of the western corridor for the Union Pacific Railroad 14.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 838.65 feet, a central angle of *00°59'17"*, and the chord bears *S 28°37'12" E* a distance of 14.46 feet, said right-of-way being parallel to and offset 25-feet westerly from the centerline of the western corridor of said Union Pacific Railroad, to a point on the 4-5 line of said MS 19500 Brooklyn Placer; thence along said 4-5 line of said MS 19500 Brooklyn Placer *S 77°39'37" W* a distance of 3.12 feet to corner number 5 of said MS 19500 Brooklyn Placer; thence along the 5-6 line of said MS 19500 Brooklyn Placer *N 16°11'23" W* a distance of 13.91 feet to the point of beginning. Tract G containing 21 square feet or 0.0005 acres more or less.

### Tract H

A parcel of land located in Section 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 5712 Peru Lode and Rosa M. Lode situated westerly of the western right-of-way for the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at corner number two of said MS 5712 Peru Lode, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 19°14'39" W* a distance of 10,013.77 feet; thence along the 1-2 line of said MS 5712 Peru Lode *N 12°33'49" W* a distance of 298.89 feet to corner numbers 1 and 5 of said MS 5712 Peru and Rosa M. Lodes. thence along the 5-6 line of said MS 5712 Rosa M. Lode *N 12°33'49" W* a distance of 277.96 feet to a point on the western right-of-way for the eastern corridor for the Union Pacific Railroad, said right of way being parallel to and offset 25-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said western right-of-way for the eastern corridor for the Union Pacific Railroad *S 18°04'49" E* a distance of 579.71 feet to a point on the 2-3 line of said MS 5712 Peru Lode; thence along said 2-3 line of MS 5712 Peru Lode *S 77°36'39" W* a distance of 55.73 feet to the point of beginning. Tract H containing 0.37 acres more or less.



**Parcel 2: Gilman Property (Battle South)**

A parcel of land located in Sections 12 and 13, Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at a point on the 3-4 line of the Coolidge Lode (MS #20293); also being the 1-2 line of the Cave Lode (MS #20293); and the western boundary of the U.S. Highway 24 right-of-way as described in the Boundary Agreement recorded July 27, 2018 in the Eagle County Clerk and Recorder's office at reception number 201812787, whence the South Quarter Corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears N 08°25'46" W a distance of 9988.76 feet; and from whence the Southwest corner of said Section 36, being a 2-1/2 inch GLO Brass Cap found in place bears S 89°58'35" W a distance of 2694.09 feet; thence along said right-of-way the following twenty-three (23) courses:

1. S 22°20'58" E a distance of 265.88 feet;
2. S 47°00'56" E a distance of 294.43 feet;
3. S 12°36'07" E a distance of 369.21 feet;
4. S 08°55'00" W a distance of 424.02 feet;
5. S 12°06'21" E a distance of 306.40 feet;
6. S 64°26'53" E a distance of 317.25 feet;
7. N 75°03'03" E a distance of 289.94 feet;
8. N 48°44'48" E a distance of 372.35 feet;
9. N 61°36'41" E a distance of 850.71 feet;
10. S 64°09'19" E a distance of 292.05 feet;
11. S 17°39'35" W a distance of 626.41 feet;
12. S 04°01'16" E a distance of 527.58 feet;
13. S 20°35'11" W a distance of 385.25 feet;
14. S 20°57'40" W a distance of 406.86 feet;
15. S 17°58'17" W a distance of 105.50 feet;
16. S 11°28'50" W a distance of 152.15 feet;
17. S 03°47'09" E a distance of 171.58 feet;
18. S 04°41'56" E a distance of 351.99 feet;
19. S 44°03'55" E a distance of 480.77 feet;
20. S 78°00'57" E a distance of 496.76 feet;
21. S 50°06'29" E a distance of 205.43 feet;
22. S 12°46'19" W a distance of 522.84 feet;
23. S 04°14'48" W a distance of 80.72 feet;

To the intersection of said right-of-way and the 2-3 line of the Mamie Lode (MS #781); thence departing said point S 89°53'50" W a distance of 235.86 feet; thence continuing the following seventeen (17) courses:

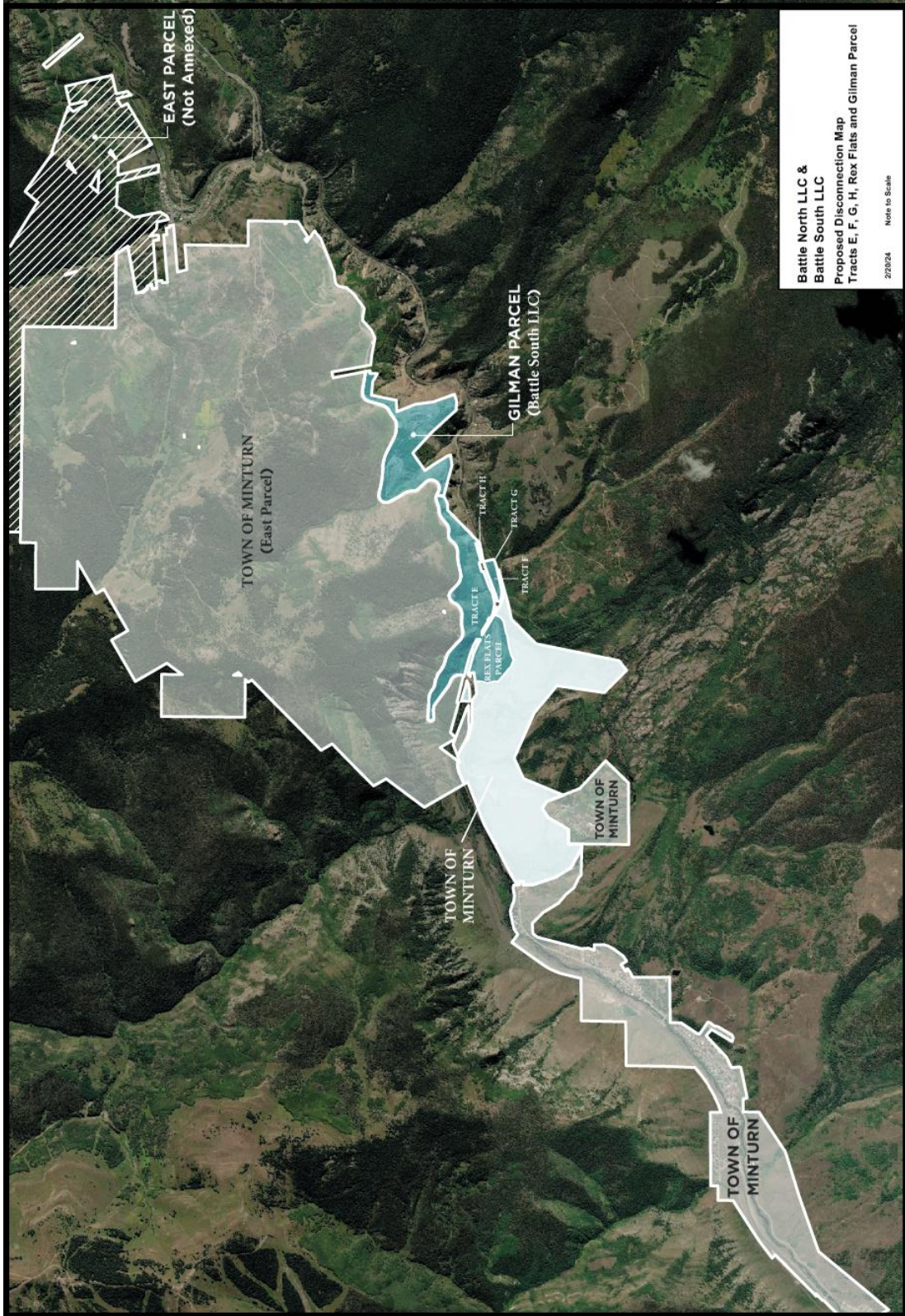
1. N 29°13'18" E a distance of 293.41 feet;
2. N 04°18'55" E a distance of 427.87 feet;
3. N 79°06'52" W a distance of 796.21 feet;
4. N 04°21'10" W a distance of 361.84 feet;
5. S 67°13'01" W a distance of 626.85 feet;

- 6. S 81°30'30" W a distance of 569.84 feet;
- 7. S 69°30'35" W a distance of 702.54 feet;
- 8. N 20°25'12" W a distance of 200.64 feet;
- 9. N 00°06'47" E a distance of 307.43 feet;
- 10. N 46°57'32" E a distance of 1044.73 feet;
- 11. N 42°03'38" E a distance of 889.41 feet;
- 12. N 35°31'47" W a distance of 675.33 feet;
- 13. S 54°00'31" W a distance of 975.90 feet;
- 14. N 08°51'48" W a distance of 394.02 feet;
- 15. N 14°09'10" E a distance of 1014.80 feet;
- 16. N 28°42'12" W a distance of 241.37 feet;
- 17. N 03°03'58" W a distance of 239.97 feet;

To corner No. 2 of the Coolidge Lode (MS #20293); thence along the 2-3 line of the said Coolidge Lode N 45°07'27" W a distance of 712.37 feet to Corner No. 3 of said Coolidge Lode also being Corner No. 2 of the Cave Lode (MS #20293); thence along the 3-4 line of said Coolidge Lode also being the 1-2 line of said Cave Lode N 77°36'39" E a distance of 363.34 feet to the Point of Beginning.

Said parcel containing 100.159 acres more or less.

### EXHIBIT B GRAPHIC DEPICTION OF DISCONNECTED PARCELS



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 02 - SERIES OF 2024

Section 10, ItemB.

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO, REZONING LOT 3A SOUTH  
MINTURN ADDITION SUBDIVISION FROM  
SOUTH TOWN CHARACTER AREA COMMERCIAL  
ZONE DISTRICT TO SOUTH TOWN CHARACTER  
AREA RESIDENTIAL ZONE DISTRICT

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 20th DAY OF MARCH 2024.

TOWN OF MINTURN

Earle Bidez, Mayor

Attest

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 03 - SERIES 2024

AN ORDINANCE APPROVING DISCONNECTION  
OF REAL PROPERTY FROM THE TOWN OF  
MINTURN 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 MARCH 2024. 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 APRIL 2024 AT  
5:30PM, AT THE MINTURN TOWN HALL 302 PINE  
STREET, MINTURN COLORADO 81645. TOWN  
OF MINTURN, COLORADO Earle Bidez, Mayor  
ATTEST: By: Jay Brunvand, Town Clerk

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 MARCH 2024. 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 APRIL 2024 AT 5:30PM, AT  
THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:  
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 19, ARTICLE  
9 OF THE MINTURN MUNICIPAL CODE

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 MARCH, 2024. 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 APRIL, 2024 AT 5:30 p.m. AT  
THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY,  
MARCH 23, 2024.**



# Karp Neu Hanlon PC

ATTORNEYS AT LAW

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Fax: 970.945.7336  
*\*Direct Mail to Glenwood Springs*

DATE: March 21, 2024  
TO: Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Battle Mountain termination of PUD zoning from 2008

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As part of the Battle Mountain settlement agreement, the parties agreed:

(e) Disconnection of Gilman Property. In connection with the contemplated Settlement, the Town has proposed and Battle South has agreed to effect disconnection of the Gilman Property. Accordingly, Battle South will submit to Town Council an application for disconnection of the Gilman Property by ordinance pursuant to C.R.S. §§ 31-12-501, *et seq.* The disconnection becoming legally effective will fully release Battle, the Town and the Gilman Property from any further rights, obligations and liabilities under or with respect to the Prior Agreements and the PUD Preliminary Plan relating to the Gilman Property.

As was previously discussed with Council, the Town’s consultation with Battle Mountain concluded that in addition to Gilman, the disconnection should include the “roster pile” areas along the Eagle River together with Rex Flats. These properties are all contaminated, included in the superfund site, and not easily developable in the future.

Battle Mountain has submitted a complete application for disconnection of the above referenced lands in accordance with Town Code §16-1-70(b)(2). C.R.S. § 31-12-501 provides that a disconnection is appropriate when in the “best interests of the municipality”. Under the Town Code, the “best interests of the municipality” includes:

- a. Resolution of any current, pending, or threatened legal actions;
- b. Resolution of any commitments, claims, or obligations required by any agreement, or terms of an agreement relating to the property proposed for disconnection;
- c. The impact of disconnection upon the Town's ability to maintain infrastructure and rights-of-way that were dedicated to a public entity;

Page 2

d. That disconnection will not create an enclave as defined by C.R.S. § 31-12-106, or sever the contiguity of the Town's boundaries without adequately providing for access and the provision of utilities and services to areas that will remain within the Town.

The proposed disconnection meets these requirements. The disconnection is in furtherance of resolving the Battle Mountain litigation. The disconnection will not hamper the Town's ability to maintain infrastructure. The disconnection will not create an enclave as the Mountain Property will still be connected to the Town's boundaries. Most importantly, the disconnection will remove heavily contaminated land from the Town's boundaries.

Staff recommends approving the disconnection ordinance.



To: Town Council  
From: Madison Harris  
Date: March 29, 2024  
Agenda Item: Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting

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**UPDATE:**

Council reviewed this ordinance at their last meeting, March 20, 2024. One amendment was requested to be added - that the permit be eligible for extension for up to another 6 months, totalling that the permit may be good for 365 days. Also modified is the request from HPC's review of the ordinance at their meeting of March 19, 2024 adding a clause that all sign posting placements be approved by staff.

**REQUEST:**

Review Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

**INTRODUCTION:**

At the February 27, 2024 Historic Preservation Commission Meeting, a member of the public commented that the current process for alteration, relocation, and demolition of non-designated properties over 75 years of age had some flaws that hadn't previously been exposed. In response to that, staff has drafted an amendment to Chapter 19, Article 9 which addresses that section.

**ANALYSIS:**

The way the Town Code is currently written, it doesn't contemplate partial permit applications, it just says "permit application" which means the whole complete application needs to be submitted to the Town before Section 19-9-10 is triggered and the two week stay notifying people that an application for alteration, relocation, or demolition has been submitted starts. The described flaw hasn't been exposed up until now as most times this section comes into play it's been for minor building permits (ex. A re-roof) that don't need a lot of information for submission of the application so it hasn't been an undue hardship for people to make a complete application. Where this flaw has been exposed is that the complete demolition application requires proof that water, sewer, gas, electric, etc. have all been disconnected, as well as an asbestos report and a permit from CDPHE to mitigate any asbestos. If an applicant submits a complete demolition permit application, triggers the two week stay, and gets nominated and then designated, then that house has been sitting there without power which could negatively impact this now Historically Designated property.

As a response to this, staff has attached a draft ordinance that is being presented to HPC on March 19th and Council March 20th. Due to input from Dr. Lindsey Flewelling, staff has taken inspiration from Boulder, but fashioned a more streamlined process. This ordinance is intended

to create a separate permit form that people can apply for describing what they are doing and kick-starting that two week stay without having to provide a complete application for demolition or other permit forms such as Design Review Board. Also attached is the form that Boulder uses that staff anticipates amending and making our own as referenced in the ordinance.

**COMMUNITY INPUT:** Ongoing

**BUDGET / STAFF IMPACT:** TBD

**STRATEGIC PLAN ALIGNMENT:**  
PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT  
SUSTAIN AND INVEST IN THE THINGS THAT DEFINE MINTURN AS A PROUD,  
STURDY MOUNTAIN TOWN TO “KEEP MINTURN MINTURN”

**ATTACHMENTS:**

- Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting
- Boulder’s Permit Form



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 19, ARTICLE 9 OF THE  
MINTURN MUNICIPAL CODE

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

**WHEREAS**, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

**WHEREAS**, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

**WHEREAS**, the Town Council has adopted Chapter 19 Historic Preservation, Minturn Municipal Code (“MMC”); and

**WHEREAS**, Sec. 19-1-30. – Intent, MMC, states that the “intention of this Chapter is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of buildings, structures, sites, objects, and historic districts for preservation;” and

**WHEREAS**, Sec. 19-2-10. – Creation, MMC, states that “There is hereby established a Historic Preservation Commission, which shall be appointed by the Town Council, and hereinafter referred to as the (“HPC”).

**WHEREAS**, the HPC recognizes that Chapter 19 does not adequately address the process of alteration, relocation, or demolition for non-designated properties over 75 years old; and

**WHEREAS**, the HPC believes that adding language to create a streamlined process to permit review of applications for certain alterations, relocation, and/or demolitions for non-designated properties over 75 years old will promote the intent of Chapter 19 by creating a reasonable balance between private property rights and the public interest; and

**WHEREAS**, on at their regularly scheduled meeting of March 19, 2024, the HPC considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting on March 20, 2024, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the HPC and Town Council have determined that the text amendments to Chapter 19 of the Minturn Municipal Code 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 19 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 19 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**ARTICLE 9 – Alteration, Relocation, or Demolition of Non-Designated Properties Greater than Seventy-Five Years Old**

\* \* \*

**Sec. 19-9-10. – Requirements.**

(a) Any permit application for alteration, relocation, or demolition of a property that is not designated as a historic property and that is greater than seventy-five (75) years old shall be subject to the following requirements:

- (1) No person shall alter, relocate, or demolish any building which is over seventy-five (75) years old without first applying to the Town for a permit under this section, receiving the permit and conducting the alteration, relocation or demolition of the building before the permit expires. The application and permit shall be in addition to any application or permit required by other sections of this Code, and shall be on a form provided by the Town. The Town Administrator may combine the application and permit with any other form at the Town Administrator’s discretion.
- (2) The application shall contain a statement of the effective age of the improvements on the property and their actual age as set forth in the County Assessor's records for the property. The actual age of the improvements shall be controlling for determining the applicability of this Article. The application shall also contain a detailed description of any alteration, relocation, or demolition being applied for. The Planning Department may require the applicant to provide information about the building, including, without limitation, the date of original construction, significant events and occupants, architectural features and a description of the building through photographs, plans and maps.
- (3) A copy of the application shall be forwarded to HPC by the Town staff member acting as the Secretary.

- (4) Prior to the issuance of ~~a~~ the permit, the applicant shall be required by this Section to post a sign on the property that is furnished by the Planning Department. The sign shall state that an application for alteration, relocation, or demolition has been submitted to the Town for the property and that the application is subject to this Article. The sign shall further state that the property may be eligible for nomination to be designated as a historic property under Chapter 19 of this Code, and that any qualified person desiring to submit an application for nomination of the property to be designated as a historic property must do so in accordance with the provisions of Chapter 19. The exact wording of the sign shall be determined by the Planning Department.
- (5) The property shall be posted with the sign furnished by the Planning Department for a period of at least fourteen (14) days. The applicant shall be responsible for posting the property in accordance with Section 16-21-610(6).
- (6) Prior to issuance of the permit, the applicant must provide to the Planning Department a sworn certification of posting as provided in Section 16-21-610(e). The permit shall not be issued until at least five (5) days after such certification is provided to the Planning Department.
- (7) If an application for nomination of the property for designation as a historic property under this Chapter is submitted before issuance of the permit, then the permit shall not be issued until the application is finally determined in accordance with this Chapter. If the property is designated as a historic property, then the permit shall be processed as required for the alteration, relocation, or demolition of a historic property under this Chapter. If the property is not designated as a historic property, then the permitting shall proceed in accordance with this Code.
- (b) Permit applications for work on the interior of a property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
- (c) This Article shall not apply to mobile homes.
- (d) Any approval pursuant to this Article shall expire one hundred eighty days after such approval is made if the applicant has failed to procure the permit, or if the work authorized by such permit has not commenced.

\* \* \*

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 MARCH, 2024. 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 3<sup>RD</sup> DAY OF APRIL, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 3<sup>RD</sup> DAY OF APRIL, 2024.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 02 - SERIES OF 2024

Section 10, Item C.

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, REZONING LOT 3A SOUTH MINTURN ADDITION SUBDIVISION FROM SOUTH TOWN CHARACTER AREA COMMERCIAL ZONE DISTRICT TO SOUTH TOWN CHARACTER AREA RESIDENTIAL ZONE DISTRICT

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 20th DAY OF MARCH 2024.

TOWN OF MINTURN

Earle Bidez, Mayor

Attest

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 03 - SERIES 2024

AN ORDINANCE APPROVING DISCONNECTION OF REAL PROPERTY FROM THE TOWN OF MINTURN 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 MARCH 2024. 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 APRIL 2024 AT 5:30PM, AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645. TOWN OF MINTURN, COLORADO Earle Bidez, Mayor ATTEST: By: Jay Brunvand, Town Clerk

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 MARCH 2024. 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 APRIL 2024 AT 5:30PM, AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:  
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 19, ARTICLE 9 OF THE MINTURN MUNICIPAL CODE

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TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY, MARCH 23, 2024.**



To: Town Council  
From: Madison Harris  
Date: March 14, 2024  
Agenda Item: Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting

---

**REQUEST:**

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**BUDGET / STAFF IMPACT:** TBD

**STRATEGIC PLAN ALIGNMENT:**

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT  
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# Historic Preservation Demolition Review Application

► **REQUIRED MATERIALS FOR ALL APPLICATIONS**

- Signed application
- Site Plan (please show the footprint of the building(s), streets and alleys). Provide as PDF.
- Current photographs of each side of the building, including the view from the street. Provide as PDF.
- Side by side elevations of existing/proposed changes - Partial demolitions only. Provide as PDF.

► **TO SUBMIT YOUR HISTORIC PRESERVATION DEMOLITION APPLICATION**

- Email application to [PDSskipatrip@bouldercolorado.gov](mailto:PDSskipatrip@bouldercolorado.gov). Put *Historic Preservation* in the subject line.
- Review fee will be invoiced to email address listed below. Log into Customer Self Service Portal (CSS) to pay.
- Questions? Reference the Demo Review FAQs or contact 303-441-1994 or [historic@bouldercolorado.gov](mailto:historic@bouldercolorado.gov)
- Si necesita ayuda para traducir esta información al español, llame al 303-441-1905.

► **APPLICANT CONTACT INFORMATION**

Name	Phone#	Email Address		
Address	City	State	Zip	

► **OWNER CONTACT INFORMATION**

SAME AS APPLICANT

Name	Phone#	Email Address		
Address	City	State	Zip	

Signature of Owner or Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_

► **PROJECT INFORMATION**

Project Address:	Number of Buildings proposed for demolition:	
<p><b>Building Type and Date of Construction</b> - Review is required for buildings over 50 years old (check all that apply)</p> <p><input type="checkbox"/> Pre-1940 primary building (estimated date of construction: _____)</p> <p><input type="checkbox"/> Post-1940 primary building (estimated date of construction: _____)</p> <p><input type="checkbox"/> Accessory building(s) over 50 years old (estimated date of construction: _____)</p>		<p><b>Scope of Work</b> - Review is required when one or more of the following is proposed (check all that apply):</p> <p><input type="checkbox"/> Full Demolition</p> <p><input type="checkbox"/> On-Site Relocation</p> <p><input type="checkbox"/> Off-Site Relocation</p> <p><input type="checkbox"/> Removal of more than 50% of the roof</p> <p><input type="checkbox"/> Removal of more than 50% of the exterior walls</p> <p><input type="checkbox"/> Removal of any portion of a street-facing wall</p> <p><input type="checkbox"/> Replacement of siding on a street-facing wall</p> <p><input type="checkbox"/> Construction in front of a street-facing wall</p>



# Karp Neu Hanlon PC

ATTORNEYS AT LAW

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

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201 14<sup>th</sup> Street, Suite 200  
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Glenwood Springs, CO 81602

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*Partner/Shareholder*

[mjs@mountainlawfirm.com](mailto:mjs@mountainlawfirm.com)  
Office: 970.945.2261  
Fax: 970.945.7336  
**\*Direct Mail to Glenwood Springs**

DATE: April 1, 2024  
TO: Mayor and Minturn Town Council  
FROM: Michael Sawyer, Town Attorney  
Justin Plaskov, Special Litigation Counsel  
RE: Possible Battle Mountain settlement to litigation

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As part of the Settlement Agreement with Battle Mountain, the Town will receive various parcels in fee title, easements for use over certain parcels which Battle Mountain will continue to own, and restrictive covenants over certain parcels to be owned by Battle Mountain prohibiting certain land use activities. Additionally, Battle Mountain will reserve certain easements for its future use over parcels that the Town will acquire in fee title.

The Settlement Agreement divides the land currently owned by Battle Mountain into three categories: Battle Retained Parcels, Town Parcels and Restricted Parcels. The Battle Retained Parcels are lands that Battle Mountain will continue to own which will be subject to future development. The Town Parcels are lands that will be dedicated to Minturn in fee title. The Restricted Parcels are lands that will be owned by Battle Mountain or a successor in interest but be subject to use limitations in the form of recorded covenants.

With regard to the Town Parcels and the Restricted Parcels, the Settlement Agreement provides in Section 2(a):

(i) Town Parcels. Parcels which Battle North will convey to the Town (“**Town Parcels**”), subject to certain Reserved Easements (defined in Section 7(a)) for Battle North’s benefit. The Town Parcels intended to be created are, as conceptually depicted and labeled in the Concept Plan: (A) the Highlands Area; (B) the Reservoir South Area (excluding the Processing Area); (C) the Rec Center Parcels; and (D) the Highway 24 Parcels.

(ii) Restricted Parcels. Parcels which Battle North will own but, subject to certain Reserved Uses (defined in Section 7(b)(i)) for Battle North’s benefit, will be encumbered by Recording certain instruments (“**Restricted Parcel(s)**”) imposing one or more of the following (collectively, and as applicable, “**Restriction(s)**”): (A) a Perpetual Easement (defined in Section 7(b)(i)) granting to the Town the right to undertake a specific scope of uses, on terms the Parties mutually determine appropriate; (B) a Restrictive Covenant (defined in Section 7(b)(ii)) that limits the uses that may be undertaken within such Restricted Parcel, on terms the Parties mutually determine appropriate; and/or (C) with respect to any or all Restricted Parcels requested by the Town at its election, a Purchase Option (defined in Section 7(b)(iii)) granting to the Town an option to purchase such Restricted Parcel(s). The Restrictions will run with title to the Restricted Parcels and will be enforceable by and for the benefit of the Town. Unless Battle North and the Town otherwise mutually agree in writing prior to the Closing Date, the Restricted Parcels intended to be created are, as conceptually depicted and labeled in the Concept Plan: (v) the OTP Area; (w) the Processing Area (being a portion of the Reservoir South Area); (x) the CTP Area (y) the Trestle Area; and (z) the Maloit Wetlands Area.

A map showing the various parcels is attached. For Reference the Town Parcels are: Parcels 1 and 2 – the Highlands Area, Parcel 5 – Reservoir South Area, Parcels 6 and 8 – the Highway 24 Parcels, and Parcel 11 – the Rec Center Parcel. The Restricted Parcels are: Parcel 3 – the OTP, Parcel 4 – the Processing Area, Parcel 10 – the CTP, and Parcel 12 – the Maloit Wetlands Area. The Trestle Area is not a separate parcel but rather a portion of Parcel 9 – which is a Battle Reserved Parcel.

As part of the process laid out in the Settlement Agreement, the Town needs to give input on several issues. Polly Jessen of Kaplan Kirsch & Rockwell has created a chart summarizing various input required under the Settlement Agreement (attached). Issues to consider are:

- A. Whether the Town wants to take property in fee title at the time of Closing or have an option to acquire the property in fee in the future. The Settlement Agreement provides:

(iii) Town’s Right to Convert. By delivery of written notice to Battle prior to expiration of the Diligence Period (defined at Section 5), the Town will have the right to convert one or more of the Town Parcels into a Restricted Parcel and to convert one or more of the Restricted Parcels into a Town Parcel.

(iii) Purchase Options. At the election of the Town, upon such terms and conditions, and utilizing such form(s) as Battle North and the Town may mutually agree during the Diligence Period, certain of the Restricted Parcels may be made subject to Battle North's grant to the Town of an option to acquire fee title to such Restricted Parcel ("Purchase Option"). Each Option will be exercisable by The Town for a period of twenty-five (25) years from the Closing Date and will cost The Town no more than one dollar (\$1.00). As Battle North and the Town may mutually agree during the Diligence Period, the Purchase Option for particular Restricted Parcels may be incorporated into the applicable Perpetual Easement Agreement or may be set forth in a separate instrument. If

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set forth in a separate instrument, such separate instrument will not be Recorded, but Battle North and the Town may Record a mutually agreed upon short form memorandum of Purchase Option as part of the Closing.

The Town proposes to have options to purchase the OTP, the Processing Area, Maloit Park wetlands, and possibly the CTP.

- B. What uses the Town intends to make of both the Town Parcels and the Restricted Parcels. Uses may range from development to passive recreation. For example, the Town proposes to obtain an easement over the CTP for Nordic skiing and trail use. Council should consider future public uses to be made of parcels the Town will not acquire in fee.
- C. What restrictions on land use activities for the Restricted Parcels the Town would like to have in place guaranteed by a restrictive covenant. Remember that the Restricted Parcels are subject to Town Zoning – mostly zoned Open Space. Changes to the zoning would require Town approval. So the covenant restrictions should be for items beyond the zoning requirements. An example is the restriction on the use of the Processing Parcel for uses other than work on Bolts Lake Reservoir.
- D. What permanent easements will both encumber and benefit the Town Parcels. The Settlement Agreement provides:

(i) Perpetual Easements. It is anticipated that each Restricted Parcel will be encumbered by a perpetual easement agreement (“Perpetual Easement Agreement(s)”) pursuant to which Battle North will grant to the Town a perpetual non-exclusive easement (“Perpetual Easement(s)”) over, across and within such Restricted Parcel, or specified area therein, for the Town’s benefit in order to provide a specific scope of access and/or utility purposes, use, and/or benefit. For the Highlands Parcel, Battle North will grant at Closing to the Town an easement for access and utility purposes across the OTP Area to the Highlands Area at a location and in a size mutually agreeable to the parties. For parcels other than the Highlands Area, such scope may include active or passive non-motorized recreational uses, the provision of legal and physical access to and from other Town Parcels or a public road, and similar matters. The Perpetual Easement Agreements will expressly reserve to Battle North, as grantor, and incorporate Battle North’s general right to use the Restricted Parcels for purposes that do not unreasonably conflict with or impair the Town’s use and enjoyment of the Perpetual Easement(s), including but not limited to construction, ownership, operation, maintenance, repair and replacement of existing and to-be-constructed utilities, roads, pedestrian crossings, sidewalks, bike paths, the Water Distribution System and similar Infrastructure Improvements required or desirable in connection with development of the Battle Retained Parcels (the “Reserved Uses”). The infrastructure types, locations and engineering requirements (except the Water Treatment System) of such Reserved Uses and Infrastructure Improvements will be subject, and the final “as-built” locations of the Reserved Uses will be established pursuant, to Town review and approval in connection with approval of preliminary and final plats for development within the Battle Retained Parcels.

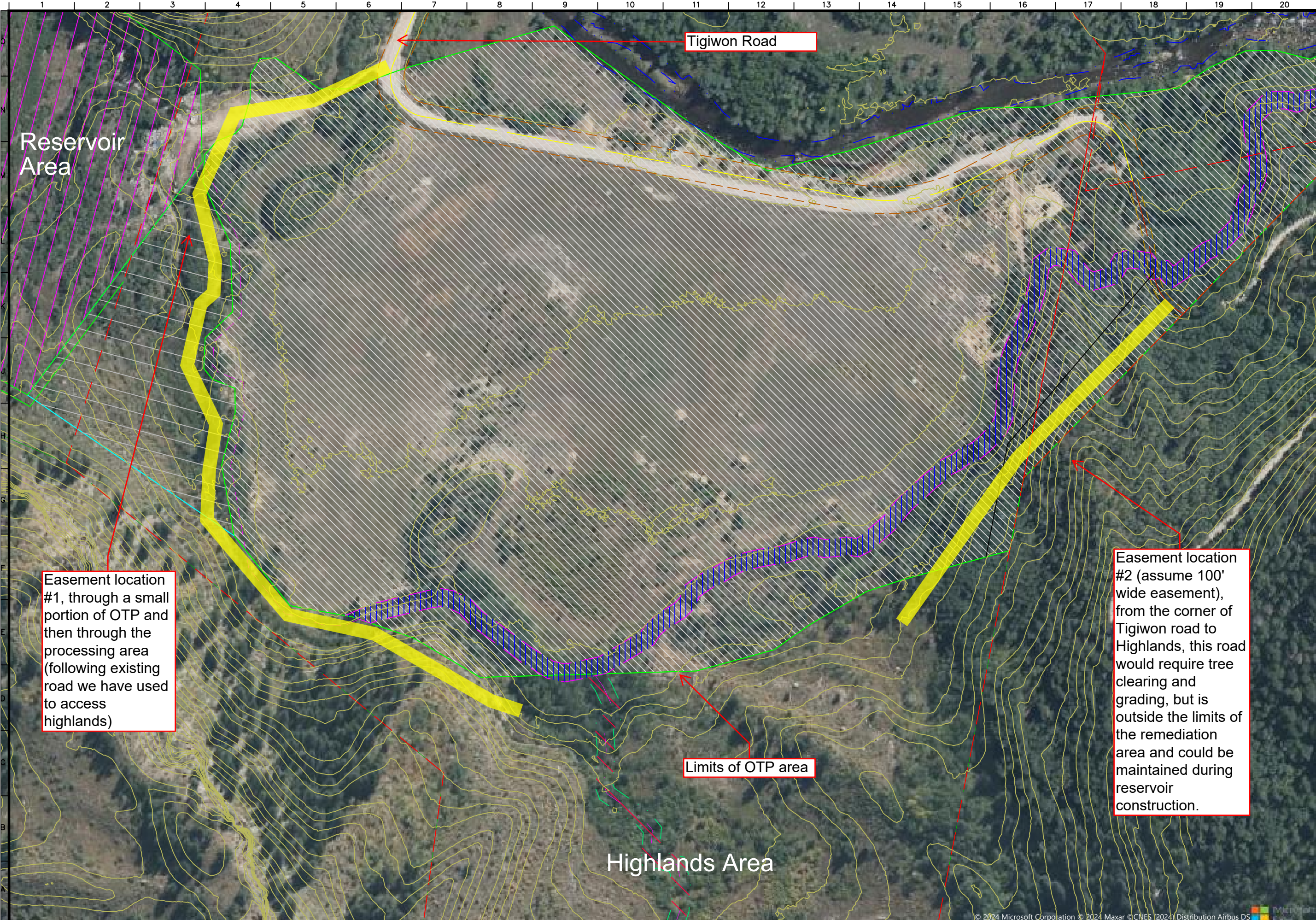
Battle Mountain has proposed two easements across the OTP to provide access and utility service to the Highlands Parcels (graphic attached). Battle Mountain has indicated that it may not need easements over the Highlands Parcels, the Reservoir South Area, and the Rec Center Parcel. Tim McGuire from Battle Mountain can provide more information at the Council meeting.

Staff is looking for direction on the above items so that we can negotiate Closing document with Battle Mountain.









Reservoir Area

Tigiwon Road

Easement location #1, through a small portion of OTP and then through the processing area (following existing road we have used to access highlands)

Limits of OTP area

Highlands Area

Easement location #2 (assume 100' wide easement), from the corner of Tigiwon road to Highlands, this road would require tree clearing and grading, but is outside the limits of the remediation area and could be maintained during reservoir construction.

Proposed Easements to Highlands

Minturn, CO  
 Battle North LLC  
 Highland Access Easements

March 27, 2024

DATE	ISSUE	DESCRIPTION

Scale: 1" = 200'

DRAWN BY: TWM  
 DRAWING: 1 of 1  
 STAMP:



<b>Town of Minturn Parcel Deed Restrictions</b>					
<b>Parcel</b>	<b>Potential Town Uses</b>	<b>Scope of Rights to be Acquired by Town</b>	<b>Timing of Town Acquisition</b>	<b>Existing or Settlement-Mandated Deed Restrictions on Town Uses</b>	<b>Additional Restrictions Recommended</b>
<b>Highlands Area</b>	Residential, recreation, open space	Fee title	Closing	No industrial use without Battle consent (7(a)(ii))  Blanket easements for utilities roads and other public infrastructure supporting Battle infrastructure, to be narrowed to actual locations within 15 years (7(a)(i)) (current working design indicates utilities may not impact this parcel)  Zoned as Holding Zone subject to future Minturn planning process	None
<b>Reservoir South Area</b> (excluding Processing Area)	Public reservoir access, recreation	Fee title	Closing	No industrial use without Battle consent (7(a)(ii))  Blanket easements for utilities roads and other public infrastructure supporting Battle infrastructure, to be narrowed to actual locations within 15 years (7(a)(i))(current working design indicates utilities may not impact this parcel)  Zoned as Holding Zone subject to future Minturn planning process	None
<b>Rec Center Parcel</b>	Community and recreational uses	Fee title	Following completion of remediation and delisting from NPL site	Use limited to community, recreation, artistic, child care, and/or entertainment and similar uses; not more than three caretaker uses (7(a)(ii))	None

Town of Minturn Parcel Deed Restrictions					
Parcel	Potential Town Uses	Scope of Rights to be Acquired by Town	Timing of Town Acquisition	Existing or Settlement-Mandated Deed Restrictions on Town Uses	Additional Restrictions Recommended
				Blanket easements for utilities roads and other public infrastructure supporting Battle infrastructure, to be narrowed to actual locations within 15 years (7(a)(i)) (current working design indicates utilities may not impact this parcel)  Zoned as Holding Zone subject to future Minturn planning process	
<b>Highway 24 Parcels</b>	Recreation, river access	Fee title	Closing	No industrial use without Battle consent (7(a)(ii))  Blanket easements for utilities roads and other public infrastructure supporting Battle infrastructure, to be narrowed to actual locations within 15 years (7(a)(i))  Zoned as Holding Zone subject to future Minturn planning process	None
<b>Old Tailings Pile (OTP)</b>	Note: Property is currently restricted and no uses are allowed	Option to purchase or lease after work completed	Option at closing, fee title transfer or lease after	No use by Battle except consistent with the Bolts OS/Rec District (7(b)(ii)) <sup>1</sup> , utility, roads, and other infrastructure improvements required or desirable to benefit Battle parcels and uses not inconsistent with Town uses (7(b)(i))	None

<sup>1</sup> In this zone district, land is to remain predominately undeveloped, generally limited to trails, other passive (non-motorized) recreation uses, Infrastructure Improvements (generally excluding roadways, except as necessary to facilitate other Infrastructure Improvements and cross-easements to provide legal and physical access between such parcels and public roadways), all activities and facilities necessary to comply with requirements imposed by the EPA and CDPHE, and all activities the Reservoir Agreement and the ERWSD Easements, as applicable, contemplate occurring in connection with the Reservoir Project (2(b)(iii))

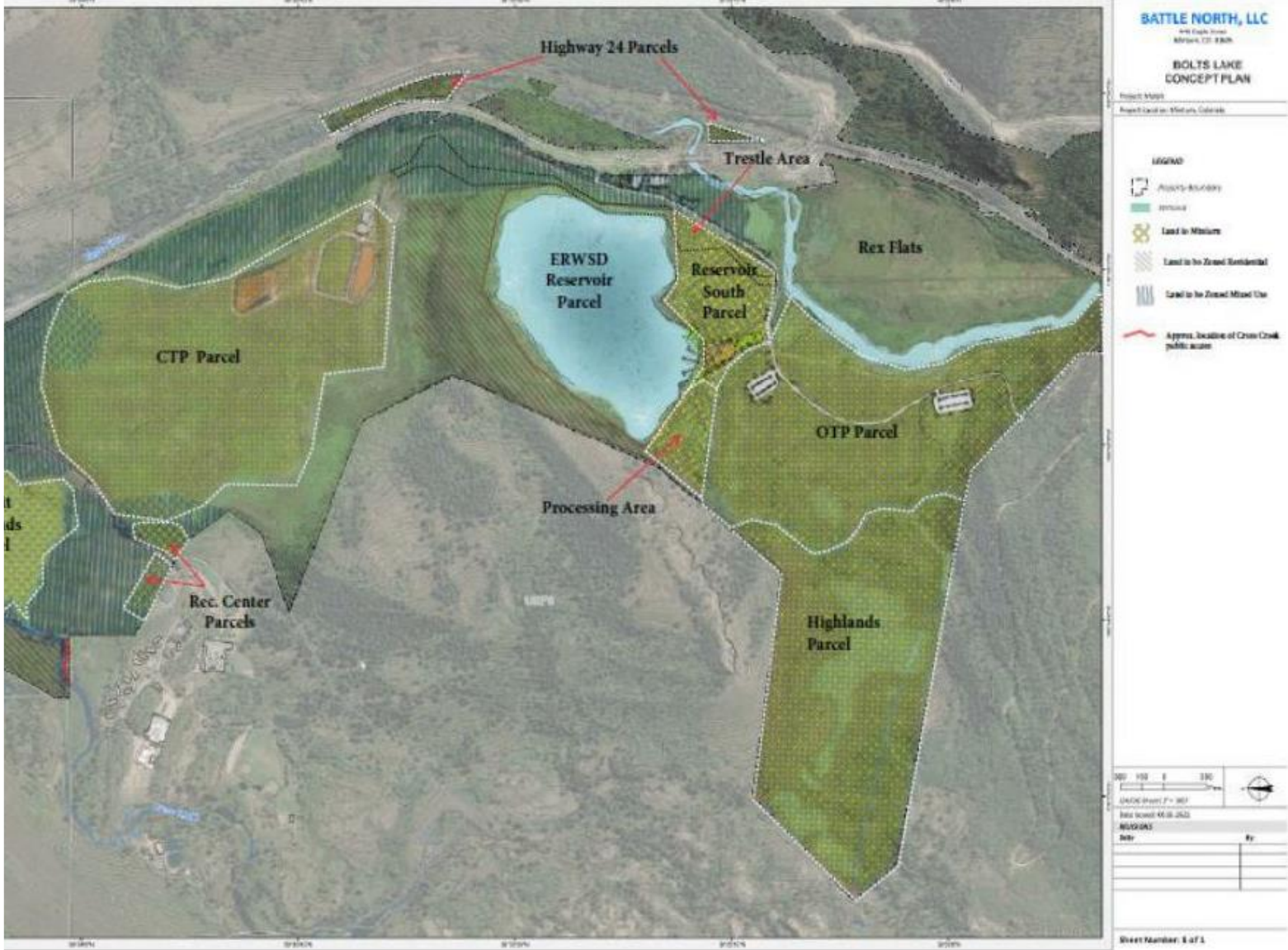


Town of Minturn Parcel Deed Restrictions					
Parcel	Potential Town Uses	Scope of Rights to be Acquired by Town	Timing of Town Acquisition	Existing or Settlement-Mandated Deed Restrictions on Town Uses	Additional Restrictions Recommended
	until completion of the cap  Recreation, open space, housing	Easements for: access to the Highlands parcel and recreational hiking and Nordic ski use and associated trail construction  Easement for access to the Highlands parcel	work completed  Easements after work completed, except access easement which will be granted at closing	CDPHE Notice of Use Restriction (prohibits all potential uses without further remediation)  Plat note will restrict conveyance except to the Town, a metro district, another adequate district or governmental/quasi-governmental entity, or an entity that executes the EPA requirements under Section 9 of the EPA Order on Consent	
<b>Processing Area</b>	Reservoir access, dock, pavilion, parking, day-use area for public	Option to purchase after work completed  Easement for recreational hiking and Nordic skiing use and associated	Option at closing, fee title transfer after work completed  Easement after completion of reservoir and capping (est. 2027)	No use by Battle except consistent with the Bolts OS/Rec District (7(b)(ii)), No use by Battle except consistent with the Bolts OS/Rec District (7(b)(ii)), utility, roads, and other infrastructure improvements required or desirable to benefit Battle parcels and uses not inconsistent with Town uses (7(b)(i))  Pre-existing easement granted to Eagle River Water and Sanitation District for construction of the reservoir project (Recitals)	This parcel may only be used for industrial or processing purposes to the extent related to the Bolts Lake Reservoir

Town of Minturn Parcel Deed Restrictions					
Parcel	Potential Town Uses	Scope of Rights to be Acquired by Town	Timing of Town Acquisition	Existing or Settlement-Mandated Deed Restrictions on Town Uses	Additional Restrictions Recommended
		trail construction		Plat note will restrict conveyance except to the Town, a metro district, another adequate district or governmental/quasi-governmental entity, or an entity that executes the EPA requirements under Section 9 of the EPA Order on Consent	
<b>Consolidated Tailings Pile (CTP)</b>	Solar, recreation (sports fields, hiking and Nordic skiing use along with associated trail construction), light industrial or transmission	Option to lease  Easement for recreational hiking and Nordic skiing use and associated trail construction	Closing	No use by Battle except consistent with the Bolts OS/Rec District (7(b)(ii)), utility, roads, and other infrastructure improvements required or desirable to benefit Battle parcels and uses not inconsistent with Town uses (7(b)(i))  CDPHE Notices of Use Restriction  Plat note will restrict conveyance except to the Town, a metro district, another adequate district or governmental/quasi-governmental entity, or an entity that executes the EPA requirements under Section 9 of the EPA Order on Consent	None
<b>Trestle Area</b>	N/A	N/A	N/A	N/A	N/A <sup>2</sup>
<b>Maloit Park</b>	Recreational fishing, hiking and Nordic skiing use and associated trail construction	Option to purchase  Easement for recreational fishing, hiking	Closing	No use by Battle except consistent with the Bolts OS/Rec District (7(b)(ii)), utility, roads, and other infrastructure improvements required or desirable to benefit Battle parcels and uses not inconsistent with Town uses (7(b)(i))	None

<sup>2</sup> While a parcel identified as the “Trestle Area” is identified as a parcel for potential transfer to the Town, Town staff believes this parcel was included in error and may pursue amendment to the Settlement Agreement.

Town of Minturn Parcel Deed Restrictions					
Parcel	Potential Town Uses	Scope of Rights to be Acquired by Town	Timing of Town Acquisition	Existing or Settlement-Mandated Deed Restrictions on Town Uses	Additional Restrictions Recommended
		and Nordic skiing use and associated trail construction		<p>CDPHE Notices of Use Restriction (prohibits all potential uses)</p> <p>No development (except for installation, operation and maintenance of Infrastructure Improvements, and the construction of Maloit Park Road) and a wildlife corridor between adjoining United States Forest Service land to the north and the CTP Area to the south. All Battle North improvements located within the Maloit Wetlands Area shall be subject to Town review and approval, except for activities necessary to comply with requirements imposed by EPA and/or CDPHE. Activities necessary to comply with requirements imposed by EPA and/or CDPHE and public access for non-motorized winter recreational activities (e.g. cross country skiing, snowshoeing, hiking, birding, etc.), including by residents and guests within the Battle Retained Parcels, will be permitted. (3(c)(v))</p> <p>Plat note will restrict conveyance except to the Town, a metro district, another adequate district or governmental/quasi-governmental entity, or an entity that executes the EPA requirements under Section 9 of the EPA Order on Consent</p>	



**Exhibit A**  
**Concept Plan**



To: Mayor and Town Council  
From: Michelle Metteer  
Date: April 3, 2024  
Agenda Item: Council Board & Organization Assignments

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**REQUEST:**

Appoint Council members to certain boards and member representatives for 3<sup>rd</sup> party organizations.

**INTRODUCTION:**

Minturn has made great strides in working collaboratively with surrounding municipalities and organizations for both the benefit of Minturn and the region. These assignments are critical in continuing the town's relationships and partnerships to further Minturn's goals.

**ANALYSIS:**

Council members are expected to all be representing Minturn in capacities that are in addition to Council meetings. All Council members will be expected to sign up for a board, organization or 3<sup>rd</sup> party partnerships.

**COMMUNITY INPUT:**

Requested

**BUDGET / STAFF IMPACT:**

Minimal pending specific 3<sup>rd</sup> party funding requests and membership dues

**STRATEGIC PLAN ALIGNMENT:**

**CLEAR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

- Discussion and Feedback only

**ATTACHMENTS:**

- Committee Assignments Outline

# Council Representation

## Non-Profit Entities Requiring Directors Appointed by Council

- 1. **Minturn Education Fund; Shelley Bellm, President, [shelley.Bellm@gmail.com](mailto:shelley.Bellm@gmail.com)**  
 Representation: at least one but up to two Council members are Directors Town Manager is Ex-Officio Director  
 Responsibilities: Manage funds and award scholarships  
 Time commitment: As needed, generally twice per year  
 Appointees: Kate Schifani, \_\_\_\_\_, Michelle Metteer (ex officio)
  
- 2. **Minturn Fitness Center**  
 Representation: Council appoints 3 Directors (do not need to be Council members, but must be members of the community)  
 Responsibilities: Manage finances and operations of Fitness Center  
 Time Commitment: quarterly  
 Appointees: \_\_\_\_\_, Brian Rodine, and Michelle Metteer

## Representation to other Government Agencies

- 1. **NWCCOG/ QQ; Jon Stavney [jstavney@nwccog.org](mailto:jstavney@nwccog.org)**  
 Responsibilities: COG: oversees budget and operations of NWCCOG  
 Appointees: Eric Gotthelf  
  
**QQ; Torie Jarvis [qqwater@nwccog.org](mailto:qqwater@nwccog.org)**: advises on water legislation issues.  
 Appointees: Gusty Kanakis  
 Time Commitment: quarterly meetings for COG, differing locations; QQ quarterly in Summit
  
- 2. **Eagle Valley Transit Authority; Claire Wilson [Claire.wilson@eaglecounty.us](mailto:Claire.wilson@eaglecounty.us)**  
 Representation: one board member and one alternate, must be a Council representatives  
 Responsibilities: Board representative  
 Time Commitment: Quarterly meetings in Avon  
 Appointees: Earle Bidez and alternate Brian Rodine

## Representation to Membership Entities

- 1. **High Five Media; JK Perry [jk@highfivemedia.org](mailto:jk@highfivemedia.org)**  
 Representation: one regular member  
Responsibilities: oversee operations of Channel 5  
 Appointees: \_\_\_\_\_  
 Time Commitment: Quarterly
  
- 2. **Colorado Association of Ski Towns**  
 Representation: Council member & Staff  
 Responsibilities: Coordinate with other mountain towns on similar issues  
 Time Commitment: Quarterly  
 Appointees: Earle Bidez, Michelle Metteer
  
- 3. **Radio Free Minturn;**  
 Representation: One ex-officio member  
 Responsibilities: Connection between RFM Board & Council  
 Appointees: \_\_\_\_\_  
 Time Commitment: Quarterly

- 4. **Climate Action Collaborative; Gina McCrackin** [ginam@walkingmountains.org](mailto:ginam@walkingmountains.org)  
Representation: two regular members  
Responsibilities: Creation and advocacy of climate action policies for Eagle County.  
Time Commitment: Quarterly  
Appointee: \_\_\_\_\_

### Roundtable Representations

- 1. **Eagle County Community Wildlife Roundtable**  
Minturn Representation: \_\_\_\_\_

### Council Advisory Sub-Committees with 3<sup>rd</sup> Party Organizations

**Overview:** All committees below meet on an as-needed basis. Council in past has appointed two Council members. Time commitments vary. Council may want to consider ad-hoc committees as needed.

#### Eagle County Housing & Development Authority Advisory Committee

Contact: Eagle County Housing, Kim Bell Williams [kim.williams@eaglecounty.us](mailto:kim.williams@eaglecounty.us)  
Appointee: Kate Schifani

**Any other necessary Council committees can be created on an Ad Hoc basis.**



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### FUTURE MEETING AGENDA ITEMS

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

#### April 3, 2024

- Swearing in of new Council members
- Resolution\_\_ - Series 2024 – A Resolution Approving a Tiered Water Rate Structure for Residential and Commercial Uses
- Ord\_\_ - Series 2024 (Second Reading) An Ordinance Disconnecting the Parcels of Gilman, Rex Flats and Roster Pile 5 from the Town of Minturn
- Business Item – Ord \_\_ (First Reading) An Ordinance Approving the Battle North Development Agreement
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plat
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plan

#### April 17, 2024

- Business Item – Ord \_\_ (First Reading) An Ordinance Approving the Battle North Development Agreement
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plat
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plan
- Ord \_\_ - Series 2024 (First Reading) An Ordinance Amending the Nuisance Code Relating to Wildlife
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Fence Code
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Chapter 8 of the Minturn Municipal Code to Address Driving Without a License
- 806 Cemetery Road - New Maintenance and Storage Building

#### May 3, 2023

- Ord \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Nuisance Code Relating to Wildlife
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Fence Code
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Chapter 8 of the Minturn Municipal Code to Address Driving Without a License
- Resolution \_\_ - Series 2024 A Resolution Approving the Battle North Service Plan
- Resolution \_\_ - Series 2024 A Resolution Approving a Subdivision Improvement Agreement for Belden Place



- Business Item – Ord \_\_ (Second Reading) An Ordinance Approving the Battle North Development Agreement
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plat
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plan

**Dates to be Determined:**

- Reassessment of the Minturn Single Family Equivalent (SFE) Definition
- Irrigation Tiered water rate structure
- Single Family Tiered Water Rate Structure – work has started on this item and we will be bringing this to Council in the coming meetings.