



AGENDA

Town Council Regular Meeting

Wednesday, December 06, 2023

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

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

This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/86155674783>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 861 5567 4783

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. 11-15-2023 Minutes
- B. ERWSD Annual Billing Services Agreement
- C. Resolution 33 - Series 2023 Approval of the Town Manager Amended and Restated Employment Agreement
- D. Styrofoam Densifier Equipment Town of Avon Grant Support Letter

[E.](#) HDR Contract Amendment to Include Additional Engineering Services

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.

A. Bolts Reservoir Project Update - ERWSD

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.](#) Ordinance 20 – Series 2023 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2023 Town of Minturn Budget – Brunvand

[B.](#) Ordinance 21 – Series 2023 (Second Reading) An Ordinance Setting the 2024 General Property Tax Mill Levy for the Town of Minturn – Brunvand

[C.](#) Ordinance 22 – Series 2023 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2024 for the Town of Minturn – Brunvand

[D.](#) Ordinance 23 – Series 2023 (Second Reading) An Ordinance Adopting the FY2024 Annual Budget and Recognizing the Town of Minturn’s 2024 Revenues and Expenses by Fund – Brunvand

[E.](#) Ordinance 24 - Series 2023 (First Reading) An Ordinance Increasing Council Pay

[F.](#) Ordinance 25 - Series 2023 (First Reading) An Ordinance Amending Short Term Rental Fees

[G.](#) Ordinance 26 - Series 2023 (First Reading) An Ordinance Amending the Fees for Minturn Municipal Court

[H.](#) Ordinance 27 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Special Event Fees

- [L.](#) Ordinance 28 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period

11. DISCUSSION / DIRECTION ITEMS

12. FUTURE AGENDA ITEMS

- [A.](#) Future Meeting Topics

13. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings & Town Hall Closures:

- December 20, 2023
- December 25, 2023 - Town Hall Closed (Christmas Day)
- January 1, 2023 - Town Hall Closed (New Year's Day)
- January 3, 2023
- January 15, 2023 - Town Hall Closed (Martin Luther King Jr. Day)
- January 17, 2023



OFFICIAL MINUTES
Town Council Regular Meeting (5:30PM)
Wednesday, November 15, 2023
Town Hall / Council Chambers - 302 Pine St Minturn, CO

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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/88406557995>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 884 0655 7995

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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 5:30pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Gusty Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan (zoom). Note: Lynn Feiger and Tom Sullivan were excused absent.

Staff present: Attorney Michael Sawyer, Engineer Jeff Spanel, Planner Scot Hunn, 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. 11-01-2023 Minutes
- B. Liquor License - Hotel and Restaurant License annual renewal application: Pizza Pub LLC, dba Magustos Pizza & Burger Pub, Eric Cregon, Owner/Manager 101 Main Street

Motion by Gusty K., second by Kate S., to approve the Consent Agenda of November 15, 2023 as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of November 15, 2023 as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

5. DECLARATION OF CONFLICTS OF INTEREST

Terry A. will recused herself from the Beldon Place discussion.

6. PUBLIC COMMENT

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

Mr. Jeff Armistead spoke of a letter that he submitted and desired to have included in the record re the Beldon Place matter and the potential use of newly released SFE allocations.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

8. STAFF REPORTS

- A. Manager's Report
- B. November 2023 Election Review

Colorado Tourism Marketing Matching Grant Award – Great job Cindy Krieg!

The Towns of Minturn and Red Cliff were awarded \$30,000 for a 2024 Tourism Marketing Matching Grant. The Towns will be matching \$10K (Minturn) and \$5K (Red Cliff) for a total project spend of \$45,000. The project is a Minturn / Red Cliff Outdoor Recreation Visitor Guide (Minturn will have a larger presence in the guide). This has been a goal that we’ve been working toward (in a partnership capacity) over the past 2 years, and we finally received funding to do so. Below is more information about the grant program, and here is a link to the grant program page on the OEDIT website - <https://oedit.colorado.gov/tourism-marketing-matching-grant>.

The guide will have both a print and digital component and will include the following:

- Seasonal itineraries
- Information on outdoor activity options for all seasons
- Trails information, including a trailhead directory
- Parking information / directions (and steering visitors toward visiting popular trails during less busy times such as weekdays and/or certain times of day)
- Information on shoulder season activities
- Information regarding the Top of the Rockies Scenic Byway
- Business directory (to include tourism-related businesses such as restaurants, retail, lodging, activities/tour operators)
- Responsible recreation messaging throughout (Leave No Trace, Care for CO, etc.). This will include, but is certainly not limited to:
 - Respecting wildlife
 - Respecting trail closures
 - Doggy poop pick-up
 - Pack it out messaging
 - Education regarding fire safety, river safety, backcountry safety, hunting regulations, legal camping info (and stressing where you cannot camp), etc.

The plan is to have the printed guide in downtown businesses, area hotels, Eagle County airport, and CO welcome centers.

Bulb-Outs Update

Upon initial submittal of Minturn’s Main Street Bulb Out plans to CDOT, we received preliminary feed not to expect any artwork to be approved as part of the request. It is likely the bulb-out work itself will be accepted, with possible modifications, but CDOT does not appear as supportive of street-art as we had hoped.

Michelle M. updated this submittal was denied by CDOT for temporary bulb outs and they were opposed to street art. In order to pursue permanent bulb outs we would need to submit a separate application.

Eagle County Regional Housing Action Plan

The towns of Avon, Vail and Eagle County were awarded funding to create an Eagle County Regional Housing Action Plan. All municipal managers are participating in this process and currently the RFP for finding a firm to lead the community through the plan creation process has been published and we expect a person/firm to be in place by early January 2024. Here is the press release that was issued upon grant award:

Eagle County Regional Action Plan

The Colorado Department of Local Affairs awarded \$200,000 in grant funds for a regional housing planning effort. The project, titled the Eagle County Regional Housing Action Plan, includes Eagle County and the towns of Vail, Red Cliff, Minturn, Avon, Eagle, and Gypsum. This project will update the 2017 Regional Housing Needs Assessment to determine unmet affordable housing needs in the Eagle River Valley with particular focus on determining housing needs for different income levels. A \$24,000 local match will be funded equally by Eagle County and the towns of

Avon and Vail. In addition to updating data on housing needs, the project includes goals to identify opportunities for additional housing development and establish a 10-year strategy for housing development.

Eagle County Hazard Mitigation Plan

I am representing Minturn in the updating of Eagle County’s Hazard Mitigation Plan. Minturn’s participation is required in order for the town to be eligible for FEMA funds should a hazard in the Minturn area occur. The project is in the early phases and is expected to be utilized by all area organizations in the event of hazard. I have identified Minturn’s primary (but not limited) hazards of concern to include wildfire, flood, rock/mudslides/avalanche, and drought.

ECSD Maloit Park Housing Project Fire Flow Work

The town has successfully completed the fire flow water pipeline work for servicing a new housing development in the Maloit Park area. The School District is paying all the costs associated with the fire flow work. This was one of the tasks remaining to be completed prior to bringing Tank 3 (new concrete water tank) online.

Concrete Water Tank Baffling Work

The piping for the interior baffling on tank #3 has been ordered. Once the piping arrives, John Volk, Minturn public works and additional crew will handle the installation. Upon completion of this project, tank #3 will be able to be operational. There will still be limitations (not able to completely fill the tank) due to the Medina waterline service issues, but once the Medina service line is installed in the spring, tank #2 can be taken entirely offline, and tank #3 can run at full capacity.

Medina Service Line Progress

The Minturn water team has met with representatives of the Medina property. We discussed the plan for installing a service line from HWY 24, utilizing the town easements over 3rd party private property to service the two structures on the property. The town will be paying for the installation of the service line. Of question, is the maintenance of the line should issues arise. I, nor Mike Sawyer, have found anything in the original Ordinance and Agreement indicating the town would be responsible for such infrastructure maintenance. I have attached a copy of the Ordinance and Agreement should anyone wish to review.

Phase II Main Street Sidewalk Construction Schedule

Work for Phase II of the Main Street Sidewalks is underway. Survey work and sub utility engineering is almost complete. A copy of the anticipated timeline for construction has been attached. Installation of sidewalks is expected to begin in the spring of 2025.

Election Update: November 7, 2023

Prop HH was a ballot question that purported among other things to reduce the assessed value on your home, stabilize the TABOR refunds from the state, and assist seniors by further reducing their tax liability. This measure failed at the polls. In Minturn, our assessed value increased approximately 47% over the 2022 Fiscal Year.

Shortly after the election, the Governor called a Special Session of the Colorado Legislature. This session will begin on Friday 11/17/2023 at 9am and most likely adjourn by Wednesday 11/22/2023. The session is scheduled to address/resolve skyrocketing property values and the associated property tax values that go with those increases and will probably also address the school lunch program for low-income children.

There is a pot of \$200m in the state General Fund that can be allocated to the effort although it is not clear how that would be used as well as other ideas that are proposed in the session. The governor was clear this Special Session is very narrow in scope to resolve the property tax relief for the current year, future years will most likely need to be addressed during the regular session. This Special Session will include consideration of a reduced property assessment structure for both residential and Commercial properties, most likely a revised senior credit to further reduce the burden on those over 65, and probable in some form address the low-income school lunch program. At this point the schedule for tax notices remains the same to get the values from the County Assessor, then approved on December 6, and sent back to the County all by the statutory deadline of December 15. Until then, Minturn De-Bruced by passing a ballot measure of our own in 1998 which set our mil levy at 17.934mils. To calculate our property tax revenue, we take the assessed value from the County Assessor against our mil levy and that is our revenue. As of now, the numbers that we have been using in our draft budget will stand until otherwise changed based on the Special Session.

9. SPECIAL PRESENTATIONS

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

A. Colorado Gives Day Proclamation

Representatives from the Eagle County Gives group included Chatham Mayberry, Darell Wegert, and Tsu Wolin-Brown.

Earle B. read the Proclamation into the record. Colorado Gives Day is Tuesday December 5, 2023.

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.

Note: the overall presentation below covers all the Minturn North Ordinances.

At the regular meeting of November 1, 2023, the Town Council reviewed the Minturn North Final Development Plan for PUD, along with two Final Plat documents - one for the UPRR Property, and another for the Minturn North PUD Subdivision - as part of the first reading of three separate Ordinance Nos. 15, 16, and 17. During the hearing on November 1st, the Council considered the application(s), the staff report and recommended conditions of approval, testimony of staff and consultants, as well as testimony of the Applicant and of the public. The following topics were discussed and/or provided as part of public testimony at the hearing on November 1:

- Property Owner Association and covenants
- Mud and debris flow hazards analyses and proposed mitigation
- Waterwise landscaping
- Connectivity (trail and sidewalk networks)
- Drainage and stormwater improvements
- Subdivision Improvements Agreement (SIA) and vesting periods

During the hearing on November 1st, staff confirmed with the Council that while final plans, plats, and agreements were nearing final form (meaning no or few outstanding, substantive issues), there were still several minor or technical issues needing to be resolved with regard to covenants, plats/easements, and the SIA/development agreement - all of which staff believed could reasonably be resolved prior to second reading of Ordinance Nos. 15, 16, & 17. Staff also outlined several suggested conditions of approval that would require the Applicant to continue working with the Town prior to second reading of the ordinances and/or following any final approvals to provide construction details and final (or in some cases, updated) cost estimates for off-site improvements such as paving of County Road 14, construction of the ECO Trails bridge crossing over Game Creek, and the construction of turn lanes at Hwy. 24.

The Town Attorney and Town Engineer have worked diligently with the Applicant since November 1st to resolve most outstanding issues related to covenants, easements, plats and civil engineering drawings. That being said, the Town Engineer has reviewed the most recent, updated civil engineering plans (received by the Town on November 7th) and has provided an updated letter dated November 9, 2023, outlining any remaining details or comments. While most outstanding issues and/or technical comments have been satisfactorily addressed, there remain additional minor issues and details needing to be addressed either on the civil drawings or on the plat documents. Staff believes that each of these minor issues can be resolved prior to second reading of Ordinance Nos. 15, 16, and 17 and, importantly, prior to consideration by the Council on November 15th of the Development Agreement (Resolution No. 31) which is reliant on final, 100% construction drawings and cost estimates. Additionally, there remain issues and outstanding construction related details (County Road, Hwy. 24, ECO Bridge designs and cost estimates) which should remain as conditions of Final Plan approval. Therefore, staff is still recommending approval with conditions of the Final Development Plan for PUD, Final Plat documents for the UPRR Property and for the Minturn North PUD Subdivision. Staff commentary and recommendations related to the Minturn North PUD Development

Mike S. reviewed the process whereby we would review and discuss the three Ordinances and the Resolution first and then vote on each separately. He reviewed the Development Agreement (Resolution 31-2023).

There is a revised allocation of 39SFE's for the units, plus an SFE for common irrigation; discussion ensued on the irrigation per lot. An additional 14SFE's will be held for two years for the development in case the additional need for larger homes over 3000sf. The agreement locks the 2000sf of outdoor irrigation per lot regardless of the size of the home. This will free up a number of SFEs now and potentially the future unused portion of the 14 held back.

Terry A. asked if the town would have the ability to limit irrigation during times of need; yes, the development will follow the rules set townwide.

It was noted the irrigation supply and billing is established at the irrigation rate within our current fee structure.

Terry A. discussed and confirmed the Letter(s) of Credit that will be supplied to the town. She asked about the Hwy 24 turn lane, if we have any requirements of how the construction vehicles will access the project; this is a CDOT directive, not the town's. In the Development Agreement there is a comment that they are to use Minturn Road when possible, not Bellm Bridge.

Kate S. asked about the upkeep of Minturn Rd due to the truck use. The county is responsible for the road to the town boundary.

NOTE: Tom S. entered the meeting via zoom at 6:15pm

Mike S. reviewed the UPRR matters. He noted that through this process we are getting benefits that the railroad would not otherwise do but for this development. The Minturn Road easement will be updated that will include enough land for the road and trails, portions of Railroad Ave will receive an easement as will Taylor Ave, these are nonrevocable and they are at no cost. We are getting track crossings at Railroad Ave and Taylor and at Forest Service Bridge.

Restrictive covenant of lots 34-38 will be placed for Minturn residents, then to eligible households in Eagle County. Eligibility must be maintained, houses can be rented but only to eligible citizens. This covenant runs for 50years. These lots are members in full standing of the development but would pay a fraction of the cost of the other HOA members. The Eagle County Housing Authority would assist to manage these conditions.

A second home covenant of 1% transfer fee for an owner that is NOT an eligible buyer has been established. This fee is above and beyond the town's RETT tax of 1%. If you qualify for eligibility and then lose your eligibility status, you would then have to pay the 1% fee.

Bryan R. expressed concern that the HOA could override the Town's ability to allow what makes Minturn Minturn. He was concerned that they could ban renting a room to a roommate and he wanted to see bigger changes such as some of what was stricken from first reading. Discussion ensued how this might be addressed. Mike S. noted the denser the development the more restrictions may be necessary. It was discussed why they have an HOA vs a Metro District. Mike S. stated the Metro District has competing abilities with the town.

Terry A. asked:

- Re the Minturn Trail and nonmotorized uses, she wants it to mirror the Eagle County trails that are non-USFS trails to allow ebikes. Mike S. noted Eco-Trials have vetted this and had no concerns.
- Construction fencing was clarified. One fence will be installed around the entire project.

Mike S. noted the construction plans included in the packet. There have been edits to answer concerns but the plans will be the most updated. He also stated there are several construction cost categories, these have been updated and will again be included with the most updated documents.

A. Ordinance 15 - Series 2023 (Second Reading) An Ordinance Approving the Minturn North Final Plan for PUD

The following list reflects the remaining conditions of approval (as well as those that have been or will be resolved prior to 2nd reading – shown in strikethrough font) recommended

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
2. ~~The Applicant shall work with the Town Engineer and Town Attorney to revise and update PUD documents (CC&Rs) and/or agreements to permit the Town of Minturn, as an authorized contractor, to access to repair critical offsite drainage facilities in emergency situations.~~
3. The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
4. The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
5. Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.
6. Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the EcoTrail Game Creek Bridge.
7. The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat. **Any revisions to 100 percent construction drawings and associated cost estimates as a result of any changes requested by ERWSD shall be added to the 100 percent construction drawings and cost estimates to be reviewed and approved by the Town Engineer.**
8. ~~The Applicant shall work with the Town Attorney to update and revise the Declaration of Covenants, Conditions, Restrictions and Easements for Minturn North (CC&Rs) to ensure proper limitations on the scope and powers of any Home Owner’s Association (HOA) created as part of the PUD. Specific focus on revisions to the CC&Rs should be aimed at reducing controls on design review and/or architectural control by the HOA Executive Board; use of individual properties for the keeping and storage of recreational equipment, recreational vehicles (RV’s, trailers, vehicles), and personal items in keeping with the rest of the Town. Specific sections of the~~

~~CC&Rs to be addressed and revised include Section 15—Use Restrictions, and Section 16—Miscellaneous Matters and Owner—Acknowledgements.~~

Public Hearing Opened

Mr. Bill Hoblitzell, 262 Taylor St, if the POA followed state law on water use and landscaping needs and discussed his concerns. He was in agreement with Brian R’s concerns that we keep restrictive codes at a minimum. He encouraged the town to work to establish fairness that they are not required to maintain regulations that are not town-wide.

Mr. Hermes, applicant, addressed the landscaping and xeriscape. It was noted that every lot and the common area landscaping will be subject to the landscaping codes of the town.

Public Hearing Closed

Motion Gusty K., second by Kate S., to continue Ordinance 15 – Series 2023 (Second Reading) an Ordinance Approving the Minturn North Final Plan for PUD as presented with the recommended conditions. Motion passed 5-1. (Brian R. – Nay). Note: Lynn F. was excused absent.

Conditions Included in Approval:

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
2. The Applicant shall provide 100% construction level plans and cost estimates for County Road 14/the extension of Minturn Road within one year and constructed within three years of final plat approval.
3. The Applicant shall provide CDOT Notice to Proceed and complete construction offsite improvements within 3 years of final plat approval.
4. Provide final designs and cost estimates for the Eco Trails Game Creek bridge within one year and constructed within three years of final plat approval.
5. Provide all necessary Army Corps of Engineers wetland permitting prior to commencement of construction of the EcoTrail Game Creek Bridge.
6. The Applicant shall provide evidence of final approval and ability to serve from the Eagle River Water and Sanitation District prior to recordation of the Minturn North PUD Final Subdivision Plat. Any revisions to 100 percent construction drawings and associated cost estimates as a result of any changes requested by ERWSD shall be added to the 100 percent construction drawings and cost estimates to be reviewed and approved by the Town Engineer.

B. Ordinance 16 - Series 2023 (Second Reading) An Ordinance Approving the Final Plat for UPRR Subdivision (see Ord 15 - 2023 agenda item for supporting documents)

The following list reflects the remaining conditions of approval (as well as those that have been or will be resolved prior to 2nd reading – shown in strikethrough font) recommended

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
2. ~~The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16, Series 2023.~~

Public Hearing Opened
No comments
Public Hearing Closed

Motion by Gusty K., second by Earle B., to approve Ordinance 16 – Series 2023 (Second Reading) an Ordinance Approving the Final Plat for UPRR Subdivision as presented with the following conditions and most recent version of all plats. Motion passed 5-1. (Terry A. – Nay) Note: Lynn F. was excused absent.

Conditions Included in Approval:

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.

C. Ordinance 17 - Series 2023 (Second Reading) An Ordinance Approving the Final Plat for the Minturn North PUD (see Ord 15 - 2023 agenda item for supporting documents)

The following list reflects the remaining conditions of approval (as well as those that have been or will be resolved prior to 2nd reading – shown in strikethrough font) recommended:

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.
2. ~~The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16, Series 2023.~~

Public Hearing Opened
 No public comments
 Public Hearing Closed

Motion by Gusty K., second by Earle b., to approve Ordinance 16 – Series 2023 (Second Reading) an Ordinance Approving the Final Plat for UPRR Subdivision as presented with the following conditions. Motion passed 4-2. (Terry A. and Brian R – Nay) Note: Lynn F. was excused absent.

Conditions Included in Approval:

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.

D. Resolution 31 - Series 2023 A Resolution Approving the Minturn North Development Agreement

Minturn has held two public discussions on the topic of snow removal and the Snow Removal Plan. These discussions culminated in the adoption of the 2023/24 Minturn Snow Removal Plan; Resolution 30 – Series 2023. Within the Plan is identified the allowance for Minturn Residents to hand-shovel snow from sidewalks into the right of way of town owned streets. This is an effort to help mitigate the complications some residents face due to a lack of on-site snow storage. This also allows the Town to address other snow-related violations while following the Minturn Municipal Code in a fair and equitable manner.

Brian R. asked that in good faith the developer adhere to the spirit of the discussion. Council discussion ensued on this matter. Mr. Hermes, applicant, noted an amendment that any modification to the covenants that restrict existing uses would need to be approved by the town in advance.

Motion by Gusty K., second by Tom S., Resolution 31 – Series 2023 a Resolution authorizing the Mayor of the Town of Minturn to sign the Planned Unit Development agreement for Minturn North Planed Unit Development as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

- Condition of compliance to Jeff S. letter
- of the insertion of the town’s vision statement
- and addition that any modification to the covenants that restrict existing uses would need to be approved by the town in advance.

E. Ordinance 18 - Series 2023 (Second Reading) An Ordinance Approving the Dissolution of the Town of Minturn General Improvement District

Mike S. presented.

- After consideration of any protests against or objections to the dissolution of the General Improvements District in accordance with C.R.S. §§ 31-25-607 and 31-25-625, the Town has determined the following:
 - The General Improvement District is no longer necessary.
 - The General Improvement District has no outstanding indebtedness, obligations, or liabilities; and
 - Dissolution of the General Improvement District is in the best interests of the citizens of the Town, the owners of property located within the boundaries of the General Improvement District and all other concerned parties.
- In accordance with C.R.S. § 31-25-625, the Town hereby dissolves the General Improvement District. This action has no effect on the existence, legal status, or continued right of public access over or through any road, easement or other property interest within the General Improvement District or obtained when the General Improvement District was created.
- Town Council directs the Town Clerk, on or promptly following the effective date of this Ordinance, to file a certified copy of this Ordinance for recording in the public records of the Eagle County Clerk and Recorder’s office and, in accordance with C.R.S. § 31-25-625, upon such recording, dissolution of the General Improvement District shall be complete.
- Following dissolution, the Town shall first utilize the General Improvement District’s unexpended funds to cover the Town’s costs incurred in dissolving the General Improvement District. The Town shall then release any remaining unexpended funds to the Town’s general fund.

Mike S. noted this is supported by Battle Mountain supports this action as part of the settlement and that there are no changes from First Reading.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Motion by Kate S., second Brian R., to approve Ordinance 18 – Series 2023 (Second Reading) an Ordinance approving dissolution of the Town of Minturn General Improvement District as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

- F. Ordinance 19 - Series 2023 (Second Reading) An Ordinance Amending the Minturn Municipal Code to allow for Hand Shoveling of Snow from the sidewalk to a Town-Owned Street between the Hours of 4:00AM and 7:00AM.

Michelle M. presented that Minturn has held two public discussions on the topic of snow removal and the Snow Removal Plan. These discussions culminated in the adoption of the 2023/24 Minturn Snow Removal Plan; Resolution 30 – Series 2023. Within the Plan is identified the allowance for Minturn Residents to hand-shovel snow from sidewalks into the right of way of town owned streets. This is an effort to help mitigate the complications some residents face due to a lack of on-site snow storage. This also allows the Town to address other snow-related violations while following the Minturn Municipal Code in a fair and equitable manner. She noted there were no changes from First Reading.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Motion by Terry A., second by Gusty K., to approve Ordinance 19 - Series 2023 (Second Reading) An Ordinance Amending the Minturn Municipal Code to allow for Hand Shoveling of Snow from the sidewalk to a Town-Owned Street between the Hours of 4:00AM and 7:00AM. Motion passed 6-0. Note: Lynn F. was excused absent.

- G. Resolution 32 - Series 2023 A Resolution Approving the Belden Place Settlement Agreement

Note: Terry A. recused herself due to a Conflict of Interest.

Mike S. presented.

In Spring 2022, the Town Council held public hearings associated with the Belden Place PUD. On March 16, 2022, the Town Council approved the PUD Plan, Final Plat, Subdivision Improvements Agreement, and a cost sharing agreement related to drainage improvements. The Council was unaware that a few days prior to these public hearings the developer filed a lawsuit against the Town. The litigation has been pending for 18 months. The Town did receive a positive ruling on a motion to dismiss. However, that Court order did leave some claims pending. In the interim, the parties have discussed a settlement structure. The settlement agreement attached has been reviewed by Belden Place who has agreed to the provisions. The settlement agreement has also been

reviewed by Nick Poppe the Town’s CIRSA attorney. Here is a brief explanation as to how the proposed settlement works.

Similar to the Battle Mountain settlement, the Belden Place settlement is contingent to various approvals to be obtained after the agreement is signed. Specifically, the settlement allows for Belden Place to seek the following approvals from Council after the settlement is executed:

1. An application to have the 16 SFEs of water service not needed by Minturn North allocated to Belden Place. The original water moratorium, which still applies to Belden Place, allows for such a hearing and decision by Council. As you will see in the agreement, Belden Place will still be a few SFEs short for full buildout.
2. An application to amend the PUD plan and final plat for Belden Place to eliminate the Triplex on Lot 12/13/14 and replace it with a single-family unit plus an ADU. This will help lower the total number of SFEs required for full build out of the project.
3. An application to amend the Subdivision Improvements Agreement to modify provisions related to the number of SFEs required to serve Belden Place together with other minor changes.

During the period that these applications are being considered, the litigation will be stayed to prevent further expenditure of work on the matter. If any of these applications are denied, Belden Place may withdraw from the settlement agreement and proceed with the litigation. If the applications are approved, the litigation will be dismissed. Further, if the settlement is approved, Belden Place agrees that the Town contribution for drainage improvements will be void. Also, the Town would agree to a stipulation in a pending code enforcement case that would allow Belden Place not to fill in the excavation on the property (because presumably construction would commence shortly thereafter). Staff believes that the proposed settlement is a workable framework for resolving the Belden Place issues. The matters described above would be handled in public hearings where members of the public can participate. Only after that public process had played out would the Town dismiss the litigation. Staff recommends approval of the settlement agreement.

Motion by Gusty K., second by Kate S., to approve Resolution 32 - Series 2023 A Resolution Approving the Belden Place Settlement Agreement as presented. Motion passed 5-0. Note: Lynn F. was excused absent and Terry A. stood recused.

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

H. Ordinance 20 – Series 2023 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2023 Town of Minturn Budget – Brunvand

This is an annual Ordinance to account for various increases in revenues and expenditures which are anticipated to exceed their original budget. Each change in Exhibit “A” is listed in fund order showing the increased amount and the revised total budgeted amount. This Ordinance takes into account only those items which are anticipated to exceed their original line item budget. Revenues which exceed their original budget indicates additional revenue, expenses that exceed their original budget indicates over spending of that line item. Revenues and expenses that exceed their original

budget need to be supplemented in order to properly recognize and then utilize this variance in the appropriated budget. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed. This means the Ordinance and action requested only addressed excess revenue and expense, it does not address items that will save money by coming in under budget. This may give a false view that we are over spending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance 20 – Series 2023 (First Reading) an Ordinance amending the 2023 budget as set forth in the following exhibit “a”, to appropriate additional general fund revenues in the amount of \$280,372.00, and appropriating additional general fund expenditures in the amount of \$157,376.00, and appropriating additional enterprise fund revenues in the amount of \$343,000.00, and appropriating additional enterprise fund expenditures in the amount of \$218,701.00, and appropriating additional conservation trust fund revenues in the amount of \$3,000.00, and appropriating additional market fund revenues in the amount of \$4,000.00, and appropriating additional market fund expenses in the amount of \$19,300.00, and appropriating additional capital fund revenues in the amount of \$7,500.00, and appropriating additional scholarship fund expenses in the amount of \$1,400.00, and appropriating additional battle mountain fund revenues in the amount of \$2,000.00 as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

I. Ordinance 21 – Series 2023 (First Reading) An Ordinance Setting the 2024 General Property Tax Mill Levy for the Town of Minturn – Brunvand

This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn’s annual General Fund revenues.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Motion by Kate S., second by Brian R., to approve Ordinance No. 21 – Series 2023 (First Reading), an ordinance levying general property taxes for the year 2024, to meet general operating costs of government for the Town of Minturn, Colorado for the 2024 budget year as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

J. Ordinance 22 – Series 2023 (First Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2024 for the Town of Minturn – Brunvand

This is an annual ordinance approved by Council to establish the annual fee schedule and any proposed fee increases. The fee schedule has been discussed in previous meetings with Council and each department, changes to the fees are reflected in the schedule. All fees will go into effect on January 1, 2024.

During the discussion it was requested that the Little Beach Park fees be reviewed for second reading.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Motion by Gusty K., second by Terry A., to approve Ordinance No. 22 – series 2023 (First Reading) an Ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2024 as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

K. Ordinance 23 – Series 2023 (First Reading) An Ordinance Adopting the FY2024 Annual Budget and Recognizing the Town of Minturn’s 2024 Revenues and Expenses by Fund – Brunvand

This is an annual ordinance reports, allocates, and appropriates the beginning fund balance, all anticipated revenues, and all anticipated expenses for each fund as detailed in the budget document. To date all directed changes to the preliminary budget accepted at the first meeting in October 2023 have been assimilated into these final numbers. Council will receive a final budget shortly after second reading in December which will reflect the budget as approved by this Ordinance.

Discussion ensued as to revenues in the various funds in general and specifically the Enterprise Fund. Michelle M. noted the payroll reallocation of wages from the Enterprise Fund to the General Fund. Significant discussion was held on the past, current, and future water rates for metered use but no changes were made.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Motion by terry A., second by Gusty K., to approve Ordinance No. 23 – series 2023 an Ordinance appropriating revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January, 2024 and ending on the last day of December, 2024 as presented. Motion passed 6-0. Note: Lynn F. was excused absent.

11. DISCUSSION / DIRECTION ITEMS

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics

13. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

--December 6, 2023

--December 20, 2023

--January 3, 2023

Motion by Kate S., second by Brian R., to adjourn at 9:58pm

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

**BILLING SERVICES AGREEMENT
BETWEEN
EAGLE RIVER WATER & SANITATION DISTRICT AND
TOWN OF MINTURN**

THIS BILLING SERVICES AGREEMENT effective this 1st day of January 2024, by and between TOWN OF MINTURN, a quasi-municipal corporation of the State of Colorado ("Town"), and EAGLE RIVER WATER & SANITATION DISTRICT, a quasi-municipal corporation of the State of Colorado ("District"). The Town and District are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, among its other functions Town owns and operates a water treatment and distribution system and provides trash collection services substantially within the boundaries of District; and

WHEREAS, District has sufficient experience, personnel, and equipment to perform certain services desired by Town; and

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein expressed, the Parties agree as follows:

**ARTICLE 1
GENERAL CONDITIONS**

- 1.1 District shall provide in a good and workmanlike manner the services described in this agreement upon the terms and conditions herein stated.
- 1.2 District shall be an independent contractor, and nothing herein contained shall be construed to create the relationship of principal and agent or employer and employee between Town and District. Any person or party hired by District shall be the employee, agent, servant, or contractor of District.
- 1.3 District shall comply with all applicable local, State and Federal laws, rules and regulations.
- 1.4 District shall provide the services described in Article 2 herein in accordance with the Rules and Regulations of District and any amendments thereto.

ARTICLE 2 SCOPE OF SERVICES TO BE PERFORMED BY DISTRICT

- 2.1 Billing Services. District agrees to provide billing services (“Billing Services”) for monthly water and trash collection services provided by Minturn to its customers, subject to the following:
- 2.1.1 Customer billings for water service and trash collection shall be issued at the same time and in the same manner as sewer service billings.
 - 2.1.2 All customer bills, which remain unpaid twenty-five days from the date of mailing of such bills, will have a Late Charge of five percent (5%) of any Balance Forward added thereto which shall be retained by District. Town authorizes District to pursue all collection procedures outlined in District’s Rules and Regulations, to include Certification of the unpaid amounts to the Eagle County Treasurer for collection with property taxes annually, as allowed by Eagle County. Such unpaid amounts may include Town’s unpaid water and trash collection service charges and District’s unpaid sewer service charges.
 - 2.1.3 Town, at the request of District, shall discontinue water and/or trash service to customers following notice of disconnection to such customers as provided in the Rules and Regulations of District.
 - 2.1.4 In the event a customer’s service is unable to be discontinued, Town will contract the work to correct any system deficiencies so that the customer’s water service is able to be discontinued. The cost of such work may be added to the customer billing as an adjustment.
 - 2.1.5 Approximately one month after the end of each billing period, District shall remit to Town, an amount equal to the total water and sewer services billed, less all amounts due from customers, which have any amounts in Balance Forward on their bills, which have remained unpaid for more than one hundred twenty (120) days.
- 2.2 Additional Services. The Town may request, and the District will provide additional labor and equipment as set forth on Exhibit A (“Additional Services”).

ARTICLE 3 COMPENSATION AND PAYMENT

- 3.1 Cost of Services. Town shall pay District for services performed according to the following:
- 3.1.1 The cost for Billing Services is \$40,954 per year, to be paid in monthly installments of \$3,412.83 each.
 - 3.1.2 Fees for Additional Services shall be billed at rates listed in Exhibit A or for amounts agreed to by District and Town.
- 3.2 Payment. Payment by Town to District shall be made within three (3) days following the approval of District's payment request in the regular meeting of Town Council following the end of the calendar month in which the services were performed.

ARTICLE 4 SPECIAL CONDITIONS

- 4.1 Insurance Requirements. At all times during the term of this Agreement, District shall carry and maintain in full force, at District's expense, the following insurance coverage. Such policies shall include a provision requiring a minimum of thirty (30) days' notice to Town of substantial change or cancellation of coverage or insurance policies.
- 4.1.1 General Comprehensive Liability insurance in an amount of \$424,000 per person and \$1,195,000 per occurrence, including the following coverage: property damage; underground explosion and collapse hazard; and personal injury.
- 4.1.2 Comprehensive Automobile Liability insurance on all owned vehicles used in connection with the services in an amount of \$424,000 per person and \$1,195,000 per occurrence combined single limits for Bodily Injury and Property Damage.
- 4.1.3 Worker's Compensation insurance in accordance with the provisions of the Worker's Compensation Act of the State of Colorado for all employees to be engaged in the services.
- 4.2 Certificates of Insurance. Prior to commencement of services, District shall provide Town with Certificate(s) of Insurance evidencing the insurance required by this Article and naming Town as an additional named insured as its interests may appear for all Comprehensive General Liability insurance.
- 4.3 Indemnity. To the extent permitted by law, and to the extent of the limits of any insurance coverage maintained by District, District further agrees to indemnify and hold Town harmless from, and defend all actions against, all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising from any negligent act or omission on the part of District, its agents, or employees, provided, however, that any claim for negligent acts or omissions must be brought in accordance with and subject to the limitations of the Colorado Governmental Immunity Act, C.R.S. 24-10-101, et. seq., as amended, as the same may now or hereafter exist, and nothing herein shall be deemed or construed to be a waiver of the rights granted hereunder. Town shall provide District with notice of the commencement of any action, subject to this paragraph, not more than five (5) days following receipt by Town of notice of commencement of such action. Notwithstanding the foregoing, the District does not waive the protections, monetary limitations, or immunities provided by the Colorado Governmental Immunity Act.
- 4.4 Renegotiation. Duties or services to be performed by District may be added or deleted and charges for services may be renegotiated by either Party upon thirty (30) days written notice to the other Party.
- 4.5 Assignment. Neither Party shall assign its rights and/or obligations under this Agreement without the express written consent of the non-assigning Party.

- 4.6 Term of Agreement. The term of this Agreement shall be January 1, 2024 to December 31, 2024.
- 4.7 Termination. The provisions of Section 4.6 notwithstanding, either Party shall have the right to terminate this Agreement upon thirty (30) days written notice to the other Party.

ARTICLE 5 MISCELLANEOUS

- 5.1. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties hereto relating to the services, and sets forth the rights, duties, and obligations of each to the other as of this date. The Agreement supersedes any prior and contemporaneous discussions, agreements or representations and warranties and any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. This Agreement may not be modified except by a writing executed by both Parties.
- 5.2. Binding Agreement. This Agreement shall inure to and be binding upon the Parties, their successors, and assigns.
- 5.3. No Waiver. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.
- 5.4. Controlling Law. This Agreement shall be governed by and construed in accordance with the law of the State of Colorado.
- 5.5. Subject to Annual Appropriation and Budget. Under no circumstances shall this Agreement constitute, or be considered as, a multiple-fiscal year obligation of either the District or the Town. The Town's and the District's individual obligations under this Agreement exist subject to annual budgeting and appropriations by their respective governing bodies, and shall remain subject to the same for the entire term of this Agreement.
- 5.6. Governmental Immunity. Nothing in this Agreement shall be construed to constitute a waiver, in whole or in part, of any of either of the Parties' rights and protections under the Colorado Governmental Immunity Act, § 24-10- 101, et seq., C.R.S., as amended from time to time.
- 5.7. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the Parties that any person other than Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.
- 5.8. Counterpart Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals as of the day and year first above written.


TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

EAGLE RIVER WATER & SANITATION DISTRICT:

By:  _____
Chair

ATTEST:


 _____
Secretary

EXHIBIT A
2024 FEE SCHEDULE FOR DISTRICT EQUIPMENT AND PERSONNEL

Equipment	2024 In District Hourly Rates
1 Ton Utility, Duramax	56.00
3" Pump	31.00
6" Power Prime Pump Trailer	62.00
Air Compressor (180 cfs)	25.00
Asphalt Cutter	38.00
Backhoe, John Deere #710 (1-1/2 cy, 3/8 cy Hoe)	93.00
Camera Locator	62.00
Camera Water or Sewer	223.00
Chain Saw	31.00
Composting Auger	38.00
Correlator-DigiCorr	99.00
Correlator-Zcorr	49.00
Demo Saw	31.00
End Dump Trailer	81.00
Forklift	49.00
Generator	62.00
Generator-Portable	43.00
Hoe/Pack Compactor	93.00
Jack Hammer and Hydraulic unit # 105 (1 ton)	56.00
Large Jetting Truck	136.00
Light Plant (mobile)	62.00
Loader	93.00
Lowboy Tractor	81.00
Lowboy Trailer	74.00
Mac-Trailer	31.00
Message Boards	31.00
Meter Test Bench	49.00
Mikasa Jumping Jack	56.00
Mini Excavator	93.00
Pickup with Plow	56.00
Pickup with Plow & Liftgate	56.00
Pump Truck	149.00
Rock Breaker/Hammer	186.00
Skid Steer	74.00
Skid Steer w/ Blower or Brush	99.00

Equipment	2024 In District Hourly Rates
Small Dump Truck	43.00
Small Jetting Truck	125.00
Small Portable Welder	25.00
Snowblower-Manual	18.00
Steamer	25.00
Tandem Dump Truck	62.00
TV Van	125.00
Utility Trailer	38.00
Valve Box Cleaner	25.00
Valve Box Operator/Cleaner	43.00
Valve Maintenance Trailer	81.00
Vehicle & Tools	43.00

Labor	2024 In District Hourly Rates
Construction Managers, Planning Supervisors, Project Engineers	95.00
General Manager	210.00
Executive Manager	165.00
Field Operations Personnel	65.00
Managers	115.00
Office Administration & Accounting Staff	75.00
Operational Interns/Temps	27.50
Operations Supervisors and Field Operations Leads & Planners	110.00
Water & Wastewater Operations Personnel	65.00

Test	Method	Matrix	2024 Cost
Alkalinity, Total	SM 2320B	Wastewater and Drinking Water	18.50
Biochemical Oxygen Demand	SM 5210B	Wastewater	68.00
Chlorine (DPD Residual)	SM 4500-CI G	Wastewater and Drinking Water	18.50
Chemical Oxygen Demand	SM 5220D	Wastewater	41.00
Conductivity	SM 2510A	Wastewater and Drinking Water	12.50
E. coli MPN	SM 9223	Wastewater and Drinking Water	38.00
Total Coliform and E. coli MPN	SM 9223	Wastewater and Drinking Water	50.00
Hardness	SM 2340C	Wastewater and Drinking Water	27.50

Test	Method	Matrix	2024 Cost
Heterotrophic Plate Count	SM 9215B	Drinking Water	27.50
Nitrogen, Ammonia	SM 4500-NH3E	Wastewater	25.00
Nitrogen, Nitrate + Nitrite	SM 4500-NO3F	Wastewater	18.50
Nitrogen, Total	Lachat Method 10-107-04-4-A	Wastewater	37.00
pH	SM 4500-H+B	Wastewater and Drinking Water	25.00
Simplified, TKN	Hach TNT 880	Wastewater	38.00
Solids, Total Dissolved	SM 2540C	Wastewater and Drinking Water	31.00
Solids, Total Suspended	SM 2540D	Wastewater and Drinking Water	25.00
Solids, Total	SM 2540B	Wastewater	25.00
Solids, Total Suspended + Volatile Suspended	SM 2540D and SM 2540G	Wastewater and Drinking Water	38.00
Sulfate	EPA 375.4	Wastewater and Drinking Water	25.00
Total Coliforms - presence/absence (BacT Sample)	SM 9223B	Drinking Water	31.00
Phosphorus, Reactive (Ortho)	SM4500-P E (Hach 843, 844, 845)	Wastewater	18.50
Phosphorus, Reactive (Ortho)	Lachat Method 10-115-01-1-M	Wastewater	31.00
Phosphorus, Total	SM4500-P E (Hach 843, 844, 845)	Wastewater	18.50
Phosphorus, Total	Lachat Method 10-115-01-1-F	Wastewater	38.00

Late fees (This additional cost applies to samples not received during the time period requested)	Accepted sample drop off times/days	Matrix	2024 Cost
Total Coliforms – presence/absence (BacT Sample)	7:00 am to 3:00 pm (Monday-Thursday)	Drinking Water	\$9.00
Solids, Total Dissolved	First two weeks of the month (Monday or Tuesday ONLY)	Wastewater and Drinking Water	\$30.00
E. coli MPN and Total Coliform plus E. coli MPN	Before 9:00 am (Monday, Tuesday, or Thursday)	Wastewater and Drinking Water	\$22.50

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 33 – SERIES 2023**

**A RESOLUTION TO AMEND AND RESTATE THE TOWN
MANAGER’S EMPLOYMENT AGREEMENT**

WHEREAS, the Town and Town Manager Michelle Metteer entered into an Employment Agreement on December 6, 2017 (“Employment Agreement”) and subsequently amended the same; and

WHEREAS, Metteer has served as Town Manager with distinction and received positive employment reviews; and

WHEREAS, the Town desires to enter into an amended and restated Employment Agreement consistent with the terms and conditions discussed below.

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

1. The Minturn Town Council approves the Amended and Restated Agreement for Employment attached as **Exhibit A** and authorizes the Mayor or his designee to sign on behalf of the Town of Minturn:

**INTRODUCED, READ, APPROVED, ADOPTED, AND RESOLVED THIS 6TH
DAY OF NOVEMBER, 2023**

EMPLOYER:
TOWN OF MINTURN,
COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

AMENDED AND RESTATED AGREEMENT FOR EMPLOYMENT

THIS AGREEMENT is made and entered into this 6th day of December, 2023, by and between the Town of Minturn, a Colorado home rule municipality (the "Town"), and Michelle Metteer ("Metteer") (each a "Party" and collectively "the Parties").

WHEREAS, the Town and Metteer entered into an Employment Agreement on December 6, 2017 ("Employment Agreement") and subsequently amended; and

WHEREAS, Metteer has served as Town Manager with distinction and received positive employment reviews; and

WHEREAS, the Town desires to enter into an amended and restated Employment Agreement consistent with the terms and conditions discussed below.

NOW THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

SECTION 1. SCOPE OF SERVICES

1. Scope of Services.

Metteer shall perform all duties, obligations and responsibilities of the Town Administrator specified by Colorado statutes, the Town of Minturn Home Rule Charter, the Municipal Code and as requested by Town Council. Metteer shall report directly to and serve at the pleasure of Town Council. Metteer shall exert her full-time professional skill, attention, knowledge and judgment in providing the foregoing services.

The work and services to be performed by Metteer hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations, including the Town Municipal Code and Charter and any other applicable laws, ordinances, or regulations of the Town of Minturn.

2. Term.

Metteer shall serve as the Town Manager on an on-going basis subject to the provisions of Section 5.1 of the Town Charter.

3. Compensation and Benefits.

In consideration for the services specified herein by Metteer, Town agrees, starting on January 1, 2024, to pay Metteer for her services rendered at an annual rate of \$150,000 to be payable in accordance with Town policy. Town shall provide Metteer a car allowance of four hundred dollars (\$400.00) per month to be included in her monthly taxable compensation. Metteer shall also be entitled to participate in those programs and receive those benefits offered by Town to its full-time exempt employees, as such

benefits may be amended by the Town in its discretion. In addition, the Town shall grant Metteer a license to occupy the premises located at 210 Eagle Street as set forth in Section 5 below. Metteer's salary may be increased by Town Council during the annual budgeting process without effectuating a subsequent amendment of the Employment Agreement.

4. Performance Goals.

Town Council shall review and evaluate the performance of Metteer annually or at such times as determined by Council.

Town Council and Metteer shall define goals and performance objectives which the parties determine necessary for the proper operation of the Town of Minturn; said goals and objectives to be reduced to writing by Metteer and presented to the Council within a reasonable time after their establishment. The goals and performance objectives shall generally be attainable within the time limitations specified and within the annual operating and capital budgets and appropriations provided.

5. Residence.

A. Metteer shall reside within 15 roadway miles (as calculated by a program such as google maps) of the Town as a condition of employment during the term of this Agreement. As part of Metteer's compensation, the Town shall offer Metteer a license to occupy the Town-owned premises located at 210 Eagle Street (the "Premises"). Metteer shall pay all costs and expenses attributable to the housing (with the exception of internet, water and sewer) including ordinary maintenance and repair, electric/gas, and renter's insurance in reasonable amounts required by the Town.

B. Up to two pets are permitted on the Premises. Metteer will be liable for any damage caused by pets.

C. Metteer's license to occupy the Premises is subject to termination forty-five days after the termination of Metteer's employment. Upon termination of this Agreement or vacation of the Premises, whichever occurs first, possession of the Premises shall be returned to the Town in a clean and orderly condition. All reasonable costs to restore the Premises to a clean and orderly condition shall be the responsibility of Metteer.

D. Metteer hereby authorizes the Town to deduct from Metter's paycheck all amounts necessary to restore the Premises to a clean and orderly condition; to compensative the Town for any damage caused by Metteer or pets in the Premises, ordinary wear and tear excepted; and/or to cover unpaid costs and expenses described in paragraph A above.

6. Outside Activity.

The employment provided for by this Agreement shall be Metteer's primary employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Town and the community, Metteer may elect to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not interfere with nor involve a conflict of interest with her responsibilities under this Agreement.

7. Termination and Severance Pay.

A. Nothing within this agreement shall prevent, limit or otherwise interfere with the right of Town to terminate the employment of Metteer at any time during this agreement. In the event Metteer is terminated for any reason, other than cause, Town agrees to pay Metteer six months' salary, plus accrued and unused vacation time, as severance pay. Any severance payment made under this agreement shall be contingent on Metteer's execution of a full and complete waiver and release of claims or actions arising out of Metteer's employment, or termination thereof. "Cause" for purposes of this section shall mean:

1. Employee's gross negligence or willful malfeasance of her duties and responsibilities;
2. Employee's plea of guilty or no contest to or conviction of a felony or crime of moral turpitude, such as an act of fraud or crime of dishonesty;
3. Employee's commitment of any unethical, fraudulent or felonious act with respect to her duties to the Employer;
4. Employee's prolonged unexcused absence from employment (other than by reason of disability due to physical or mental illness).

B. In the event Metteer voluntarily resigns her position with Town, Metteer shall give Town a minimum of 60 days' notice to the Mayor, in advance and in writing, unless the parties otherwise agree. Voluntary resignation by Metteer does not entitle her to severance pay.

C. Upon termination of this Agreement, Metteer shall deliver possession of the house located at 210 Eagle St. to the Town, within 45 days from the date of termination.

8. Miscellaneous Provisions.

A. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

B. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

C. Third Parties. There are no intended third-party beneficiaries to this Agreement.

D. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

E. Modification. This Agreement may only be modified upon written agreement of the Parties.

F. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either Party without the written consent of the other.

G. Governmental Immunity. The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

H. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Employment Agreement as of the date first above written.

EMPLOYER:
TOWN OF MINTURN,
COLORADO

EMPLOYEE:
MICHELLE METTEER

By: _____
Mayor

Michelle Metteer

ATTEST:

Town Clerk

Town of Minturn
P.O. Box 309 | 302 Pine Street
Minturn, CO 81645
970-827-5645
www.minturn.org



Town Council
Mayor – Earle Bidez
Mayor Pro Tem – Terry Armistead
Council Members:
Gusty Kanakis
Tom Sullivan
Lynn Feiger
Kate Schifani
Brian Rodine

Section 3, Item D.

November 29, 2023

CDPHE
RREO Grant Committee

Dear RREO Program Committee:

The Town of Minturn is pleased to extend our support for the grant application submitted by the Town of Avon to enhance the Avon Recycling Center—a vital initiative that holds significant benefits not only for Avon but also for neighboring municipalities, including Minturn.

The proposed inclusion of a Styrofoam densifier is a commendable step forward. The absence of a local outlet for Styrofoam, coupled with the fact that none of the recycling haulers in Eagle County currently collect it, results in all local Styrofoam being directed to landfills. The Town of Avon's initiative to install a Styrofoam densifier creates an invaluable resource, serving as the first hub for Styrofoam recycling in Eagle County.

The strategic placement at the free community recycling center ensures accessibility for other nearby municipalities, enabling them to utilize and benefit from this crucial facility. At present, the lack of Styrofoam recycling has led to a near zero styrofoam diversion rate in Eagle County. The proposed solution not only addresses this issue but also aligns seamlessly with the adopted goals of the Climate Action Plan, a shared commitment embraced by the Town of Avon, the Town of Minturn, and Eagle County as a whole.

By supporting the upgrade of the Avon Recycling Center, we collectively contribute to the enhancement of the entire region's recycling infrastructure and take a significant stride towards achieving our environmental sustainability objectives. We believe that this initiative will positively impact our communities and foster a culture of responsible waste management.

Thank you for considering our endorsement of the Town of Avon's grant application. We are confident that the successful implementation of this project will yield lasting benefits for our communities and the broader Eagle County region.

Sincerely,

Earle Bidez,
Mayor

**TOWN OF MINTURN
AND HDR ENGINEERING, INC.**

Minturn Water Treatment Plant Design and Construction Services

**AMENDMENT 02
Rev: November 10, 2023**

THIS IS AN AMENDMENT made as of _____, 2023 to the “Original Agreement” between the Town of Minturn (Minturn) and HDR Engineering, Inc. (HDR) dated July 20, 2022, titled Design and Engineering of a Water Treatment Plant; Resolution No. 30 – Series 2022.

Minturn and HDR agree to amend such Agreement as follows:

PROJECT BACKGROUND AND OBJECTIVES

The Town of Minturn (Minturn) is evaluating alternatives for water supply and distribution. HDR will assist Minturn with determination of the highest value alternatives for their water supply needs on an “on-call” basis with specific issues. The purpose of this amendment is to allocate a budget for which HDR can invoice to for time spent on miscellaneous water system consultation.

TASK SERIES 100 – PROJECT MANAGEMENT AND COORDINATION

The proposed scope of work and required deliverables anticipated for this phase of the project include the following:

TASK 101 – PROJECT MANAGEMENT AND QUALITY CONTROL

Add additional project management time for a duration of 12 months.

TASK SERIES 600 – ADDITIONAL SERVICES

TASK 601 – ADDITIONAL WATER SYSTEM ENGINEERING SERVICES

HDR will provide additional engineering services to the Town of Minturn on matters related to the water treatment and distribution system. Example tasks include:

- Evaluation of existing wells #3 and #4 to provide increased production, thereby reducing Minturn’s dependence on surface water sources including both well yield testing and Groundwater Under the Direct Influence (of surface water) testing as defined by CDPHE
- Assistance with review and input on developer plans in the Maloit Park / School District area for a new pump station connecting to Town of Minturn water main
- Assistance with review and input on water service to the Frank Medina property during the development and construction of an adjacent lot and relocation of Town’s water main
- Miscellaneous consultation on other matters related to the treatment and supply of water that are not yet defined

Assumptions:

Because the deliverables for Task 600 are not yet defined, HDR will provide services requested by Minturn and as allowed by the remaining budget under this specific Task 600. Upon reaching 80% of the allocated budget, the additional services budget will be renegotiated by Minturn and HDR.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year written below:

HDR ENGINEERING, INC.

TOWN OF MINTURN, CO

By: 

By: _____

Title: Sr. Vice President

Title: _____

Date: 2023-11-20

Date: _____

Attachment: Fee Schedule (budget) for Proposed Scope of Work

-----End of Document-----

DATE: 11/28/2023		HDR Engineering, Inc.										Total Fee with Subconsultants w/ Markup
Town of Minturn Water Treatment Plant Amendment 02		Project Manager/Engineer (J Limke)	Process Engineer I (M Larson)	Process Staff Engineer (S Schumacher)	Accounting/Adm'n (Shick/Velasquez)	Hours	Labor	Travel/Other Expenses	Printing	Total Expenses	HDR Fee	
Hourly Billing Rate		\$ 245	\$ 170	\$ 130	\$ 120							
100	PROJECT MANAGEMENT AND MEETINGS											
101	Project Management and Quality Control	24			24	48	\$ 8,760			\$ -	\$ 8,760	\$ 8,760
	Sub-total	24	0	0	24	48	\$ 8,760	\$ -	\$ -	\$ -	\$ 8,760	\$ 8,760
600	ADDITIONAL SERVICES											
601	Additional Water System Engineering Services	200	160	160		520	\$ 97,000			\$ -	\$ 97,000	\$ 97,000
	Sub-total	200	160	160	0	520	\$ 97,000	\$ -	\$ -	\$ -	\$ 97,000	\$ 97,000
Total Project Hours		224	160	160	24	568						
Fee		\$54,880	\$27,200	\$20,800	\$2,880		\$ 105,760	\$ -	\$ -	\$ -	\$ 105,760	
Subconsultant Budget w/ Mark-up												
TOTAL FEE (ROUNDED)												\$ 105,760



To: Minturn Town Council
From: Michelle Metteer
Date: December 6, 2023
RE: Town Manager Update

Safe Streets for All (SS4A) Grant Award

The town of Minturn has been awarded a SS4A grant in the amount of \$80,000 for the creation of a Safety Action Plan (Plan). This Plan will identify the primary areas of risk to pedestrians, vehicles, and multimodal forms of transportation. The town will look to utilize this Plan toward supporting larger grant applications to address transportation safety within town. I participated in the grant kick-off meeting this week and will work to create an RFP for finding a facilitator to take the town through the community-centric process of creating the Plan.

Revitalizing Main Streets (CDOT) Grant Application

Minturn has applied for a grant to improve upon the initial work planned for the Railroad Ave corridor. With the approximately \$80k committed by the Minturn North Development, Minturn would like to utilize those funds as a match toward a larger project of improving the North Minturn area corridor's access to Main Street. The Town will conduct the approved Railroad Ave work regardless of the grant approval, but if the grant is approved, we will be able to add a bulbout at the Railroad Ave/North Main Street intersection, additional walkways along the municipal lot and North Main Street and work at the Main Street intersection that is in line with the recently approved Community Plan. Total project cost applied for is \$252,000 with a 10% match included.

Minturn Concrete Water Tank #3

Tank #3 is now online and operational. Final payment to the contractor and subs has been approved. John Volk is applying to the CDPHE for approval of the .1 baffling factor which allows the town to utilize the tank for necessary contact time requirements.

Evacuation Planning

I met with representatives of the Eagle County Emergency Management Team, Sheriff's Office, Fire Protection District and Wildland Fire to discuss Minturn's evacuation planning efforts. Conducting a tabletop exercise and a full-blown evacuation exercise can get very expensive, so I am looking into planning grants to help facilitate this effort. A discussion point addressed in this meeting is finding the balance between traffic calming measures and emergency/safety measures. These two items can often contradict, and the community should be cognizant of working toward finding a balance.

Community Wildlife Protection Plan (CWPP)

I represented Minturn on Tuesday, November 28th for the next steps in the updating of the CWPP. This is still a work in progress, but I anticipate, when completed, this will come before the Minturn Town Council for the option to adopt the plan. If interest was again the discussion in finding a balance between emergency management planning and street calming activities and how those two efforts often do not align. Minturn will continue to work toward finding a balance in this area.

Magnesium Chloride Discussion

The Magnesium Chloride discussion has been removed from the Council discussion items due to feedback received from CDOT representative MR. Kane Schneider. I participated in a Zoom call with CDOT Region 3 Engineer John Kronholm, Mr. Schneider and Joseph Bajza on Thursday, November 30th. The meeting was originally scheduled for the purpose of discussing Mag Chloride talking points at the Council discussion, but Mr. Schneider quickly devolved the discussion into, what I perceived to be an adversarial position on the contents of the Minturn/CDOT Annual Maintenance Contract. Mr.

Schneider's position is that the Town is responsible for the 24/7 plowing of the entirety of HWY 24 through Minturn, including the parking lanes and traffic lanes. This includes any de-icing efforts. In contrast, Mr. Bajza, head of plow operations for DCOT, indicated Minturn and CDOT maintain a productive arrangement and hopes that can continue.

Minturn's maintenance contract with CDOT began in 2006 and Jay Brunvand, town clerk/treasurer, indicates the contract was always discussed as a "team effort" whereby CDOT would lower their blades when coming through town and Minturn's PW staff would handle the removal of snow in the parking lanes. Jay provided me emails from past contract negotiations indicating this understanding. I will now work to address Mr. Schneider's claims and either work with CDOT representatives to maintain the understanding of the teamwork that has benefited both parties in the past or dissolve the contract. Minturn PW does not have the bandwidth to maintain the traffic lanes of HWY 24 24/7 for the small contract amount of approximately \$38,0934.

Regardless of the above, at this time, CDOT indicated Mag Chloride use on HWY 24 is rare, so the Mag Chloride discussion is a moot issue.



To: Mayor and Council

From: Jay Brunvand

Date: December 6, 2023

Agenda Item: Ordinance 20 – Series 2023

REQUEST:

Council is asked to approve Ordinance 20 – Series 2023 (Second Reading).

INTRODUCTION:

This is an annual Ordinance to account for various increases in revenues and expenditures which are anticipated to exceed their original budget. Each change in Exhibit “A” is listed in fund order showing the increased amount and the revised total budgeted amount.

ANALYSIS:

This Ordinance takes into account only those items which are anticipated to exceed their original line item budget. Revenues which exceed their original budget indicates additional revenue. In order to properly recognize and utilize this surplus, we must include it in the budget. In order to properly account for and access supplemental spending in expenses which exceed their budgeted line those line items must be increased. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed. This means the Ordinance and action requested only addresses excess revenue and expense, it does not address items that will be under budget. This may give a false view that we are overspending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

COMMUNITY INPUT:

As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:

This Ordinance is formal documentation of additional income received and expenses made throughout the FY2023. The impact to the budget is very real and very necessary to include as an update to the originally approved FY2023 budget in order to be in compliance with and prepared for our annual audit.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Ordinance 20 – Series 2023 (Second Reading) An ordinance amending the 2023 budget as set forth in the following exhibit “A”, to appropriate additional general fund revenues in the amount of \$309,472.00, and appropriating additional general fund expenditures in the amount of \$224,101.00, and appropriating additional enterprise fund revenues in the amount of \$356,000.00, and appropriating additional enterprise fund expenditures in the amount of \$361,701.00, and appropriating additional conservation trust fund revenues in the amount of \$5,400.00, and appropriating additional market fund revenues in the amount of \$4,000.00, and appropriating additional market fund expenses in the amount of \$19,300.00, and appropriating additional capital fund revenues in the amount of \$7,500.00, and appropriating additional scholarship fund expenses in the amount of \$1,400.00, and appropriating additional battle mountain fund revenues in the amount of \$4,500.00,

ATTACHMENTS:

- Ordinance 20 – Series 2023

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 20 – SERIES 2023**

AN ORDINANCE AMENDING THE 2023 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT “A”, TO APPROPRIATE ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF ~~\$280,372~~ 309,472.00, AND APPROPRIATING ADDITIONAL GENERAL FUND EXPENDITURES IN THE AMOUNT OF ~~\$157,376~~ 224,101.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF ~~\$343,000~~ 356,000.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPENDITURES IN THE AMOUNT OF ~~\$218,701~~ 361,701.00, AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND REVENUES IN THE AMOUNT OF ~~\$400~~ 5,400.00, AND APPROPRIATING ADDITIONAL MARKET FUND REVENUES IN THE AMOUNT OF \$4,000.00, AND APPROPRIATING ADDITIONAL MARKET FUND EXPENSES IN THE AMOUNT OF \$19,300.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES IN THE AMOUNT OF \$7,500.00, AND APPROPRIATING ADDITIONAL SCHOLARSHIP FUND EXPENSE IN THE AMOUNT OF \$1,400.00, AND APPROPRIATING ADDITIONAL BATTLE MOUNTAIN FUND REVENUES IN THE AMOUNT OF ~~\$2,500~~ 4,500.00,

WHEREAS, in accordance with Section 8.8 of the Minturn Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year, and;

WHEREAS, Jay Brunvand, Treasurer, has verified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves, and;

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

Upon the Town Manager’s verification that there are current year revenues available for appropriation in the General Fund, Enterprise Fund, Conservation Trust Fund, Special Revenue Fund, Marketing Fund, Capital Fund, Scholarship Fund, and Battle Mountain Resort Fund and un-appropriated prior year cash balance available in one or more of those funds, the Town Council hereby makes supplemental appropriations as specified in attached Exhibit “A”.

Section 2.

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby amended in accordance with the requirements of the Home Rule Charter and the Town’s Financial Policies.

Section 3.

The adoption of this Ordinance will promote the health, safety and general welfare of the Minturn community.

Section 4.

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 15th DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6th DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**ORDINANCE 20 – SERIES 2023
EXHIBIT “A”**

GENERAL FUND:		Addition	Revised Budget
Additional Revenue	\$ 280,372 309,472.00		
<u>Town Hall Rent</u>	<u>01-00-4511</u>	<u>500</u>	<u>2,000</u>
Building Permits	01-00-4210	100,000	150,000
Liquor License Fees	01-00-4230	2,000	3,500
Business License Fee	01-00-4240	4,000	26,500
Fran Fee-PSCO	01-00-4260	10,000	50,000
Muni Traffic Fines	01-00-4430	20,000	35,000
ERFPD Impact Fee	01-00-4512	3,372	3,372
Snow Dump	01-00-4519	1,000	9,500
<u>Land Lease-Mtn Mgmt</u>	<u>01-00-4520</u>	<u>3,600</u>	<u>18,000</u>
Inv Earned	01-00-4540	140,000 165,000	175,000 200,000
 Additional Expense	 \$ 157,376 224,101.00		
Eng Services	01-01-5221	75,000 100,000	50,000 175,000
<u>Dues and Fees</u>	<u>01-01-5235</u>	<u>5,000</u>	<u>50,000</u>
ERFPD Impact Fees	01-01-5240	3,229	3,229
Workers Comp	01-01-5300	1,086	11,086
Town Liab Ins	01-01-5310	2,561	35,061
Building Inspections	01-02-5214	10,000	48,000
Events-Emp'ee Ins	01-05-5091	8,000 8,325	20,000 20,325
Public Building R/M	01-06-5290	22,500 24,000	37,500 39,000
<u>Supplies</u>	<u>01-06-5140</u>	<u>500</u>	<u>5,500</u>
<u>Telephone</u>	<u>01-06-5200</u>	<u>900</u>	<u>3,500</u>
<u>Vehicle R&M</u>	<u>01-06-5231</u>	<u>500</u>	<u>6,500</u>
<u>Public Buildings</u>	<u>01-06-5290</u>	<u>24,000</u>	<u>39,000</u>
Street/Sidewalk Maint	01-06-5352	16,000 25,000	56,000 65,000
Snow Removal Contract	01-06-5353	19,000	26,500 46,500
 ENTERPRISE FUND:			
Additional Revenue	\$ 343,000 356,000.00		
Misc Rev	02-00-4275	3,000	22,000
System Imp Fee	02-00-4322	20,000	62,500
<u>Garbage Fee</u>	<u>02-00-4330</u>	<u>13,000</u>	<u>135,000</u>
Tank Loan	02-00-4575	320,000	320,000
 Additional Expense	 \$ 218,701 361,701.00		
Water Meter Install	02-06-5160	32,000 75,000	32,000 75,000
Plant R&M	02-06-5293	60,000 75,000	100,000 115,000
H2O Water Rights	02-06-5352	5,876	145,876
<u>Garbage Collection</u>	<u>02-06-5353</u>	<u>20,000</u>	<u>135,000</u>
Mosquito Control	02-07-6001	825	5,425
Water Plant CIP	02-09-8002	20,000	105,000
Water Tank CIP	02-09-8003	100,000 165,000	100,000 165,000
 CONSERVATION TRUST FUND:			
Additional Revenue	\$ 400 5,400.00		
<u>CTF Revenue</u>	<u>03-00-4010</u>	<u>5,000</u>	<u>15,000</u>
Inv Earn	03-00-4540	400	800
 Additional Expense	 \$ 0.00		
 SPECIAL REVENUE FUND:			
Additional Revenue	\$ 0.00		
Additional Expense	\$ 0.00		

MARKET FUND:

Additional Revenue	\$ 4,000.00		
Sponsorship	05-00-4592	4,000	10,000
Additional Expense	\$19,300.00		
Supplies-General	05-01-5100	14,000	21,000
Supplies-Promotional	05-01-5105	5,100	20,100
Supplies-Contract Labor	05-01-5110	200	15,200

CAPITAL FUND:

Additional Revenue	\$ 7,500.00		
Investment Earned	06-00-4540	7,500	12,000
Additional Expense	\$ 0.00		

GID FUND:

Additional Revenue	\$ 0.00		
Additional Expense	\$ 0 .00		

SCHOLARSHIP FUND:

Additional Revenue	\$ 0.00		
Additional Expense	\$ 1,400.00		
Scholarship Awards		1,400	8,000

BATTLE MOUNTAIN RESORT FUND:

Additional Revenue	\$ 2,500 <u>4,500</u> .00		
Interest Earned	09-00-4540	2,500 <u>4,500</u>	4,500 <u>7,000</u>
Additional Expense	\$ 0.00		



To: Mayor and Council
From: Jay Brunvand
Date: December 6, 2023
Agenda Item: Ordinance 21 – Series 2023

REQUEST:

Council is asked to approve Ordinance 21 – Series 2023 (Second Reading).

INTRODUCTION:

This is an annual Ordinance setting forth and approving the Fiscal Year 2024 mill levy on Second Reading.

ANALYSIS:

This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn’s annual General Fund revenues.

As a result of the November 2023 Colorado Legislative Special Session several things are still up in the air. I have talked with our County Assessor’s office on what and when we should expect a final assessment number. They relayed to me that they are waiting for thier computer consultant to meet with the State Department of Property Taxation to get some direction on timelines. They will need to write some new code in order to take the residential value adjustment from \$15,000 to \$55,000 within our assessment system.

Because this is a state-wide issue and because all Assessors in the state are facing similar issues trying to make the assessment match new law, we are all in a somewhat wait-and-see mode. My recommendation is to pass the mill levy at 17.934 because that is the one constant that will not change. Then once the final assessment is released, we can make informed decisions from there.

COMMUNITY INPUT:

As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:

This Ordinance formally sets the town mill levy at our allowed 17.934 mills for the following year and is a major source of revenue for the town’s General Fund.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Ordinance No. 21 – Series 2023 (First Reading), an ordinance levying general property taxes for the year 2024, to meet general operating costs of government for the Town of Minturn, Colorado for the 2024 budget year.

ATTACHMENTS:

- Ordinance 21 – Series 2023

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 21 – SERIES 2023**

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2024 BUDGET YEAR.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado will adopt the annual budget for Fiscal Year 2024 in accordance with Local and State Government Budget Law, on December 6, 2023, and;

WHEREAS, the assessed valuation for the Town of Minturn, Colorado as certified by the Eagle County Assessor is approximately **\$47,511,530.00** and will generate approximately **\$852,072.00** based on the authorized 17.934 mills of the Town of Minturn, and;

WHEREAS, at General Election on November 3, 1998, the citizens of Minturn, Colorado have established the Town Mill Levy at 17.9340 mills in accordance with Article X, Section 20 of the Colorado Constitution, and;

WHEREAS, the final assessed valuation for the fiscal year 2024 will be available by December 6, 2023 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. That for the purpose of meeting general operating expenses of the Town of Minturn during the 2024 budget year, there is hereby levied a tax of 17.934 mills upon each dollar of the total valuation for assessment of all taxable property within the Town of Minturn for the 2024 budget year. This assessment of 17.934 mills shall be duly made by the County of Eagle, State of Colorado, as directed by the Colorado Revised Statutes (as amended), and as otherwise required by law.

Section 2. The Minturn Town Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Town of Minturn, Colorado as here in above determined and set.

Section 3. The Minturn Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town on Minturn, Colorado and the inhabitants thereof.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 15th DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6th DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



To: Mayor and Council
From: Jay Brunvand
Date: December 6, 2023
Agenda Item: Ordinance 22 – Series 2023

REQUEST:
Council is asked to approve Ordinance 22 – Series 2023 on Second Reading.

INTRODUCTION:
This is an annual Ordinance setting forth and approving the various fees proposed for Fiscal Year 2024 on Second Reading. The Town Municipal Code has many fees cited in various areas of the Code. This Ordinance combines those fees into one document. It is important to note that in the event a fee conflicts with the Code, the Code will prevail.

ANALYSIS:
This is an annual ordinance approved by Council to establish the annual fee schedule and any proposed fee increases. The fee schedule has been discussed in previous meetings with Council and each department, changes to the fees are reflected in the schedule. All fees will go into effect on January 1, 2024. This revised Fee Schedule attached reflects changes to LBP fees, snow dump fees, and broke out other fees more clear per discussions.

COMMUNITY INPUT:
As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:
This Ordinance formally sets the town fee schedule as laid forth in the Minturn Municipal Code and is a major source of revenue for the town’s various funds. It is important to note that the fees are set administratively and are allowed by law to change year to year as necessary; whereas, a tax, such as the town’s mill levy, is set by the voters and can only change via a formal election of the citizens.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to approve Ordinance No. 22 – series 2023 (First Reading) an Ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2024

ATTACHMENTS:

- Ordinance 22– Series 2023

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 22 – SERIES 2023**

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX “A” OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2024

WHEREAS, The Town of Minturn reviews and approves such fees by ordinance annually and as necessary, and;

WHEREAS, The fee schedule is available for review during regular business hours at the Town Offices as well as the Official Town Website.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1.

The following fees and deposits are hereby set as set forth or added in Appendix “A” is adopted.

Section 2.

In the event of a conflict between the fees, rates and charges listed in this Appendix A and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 15th DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6TH DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code				
ITEM	DESCRIPTION	FEE 2023	OTHER	2024 Revisions
Administration				
Copies	per page	\$0.25		
CD-Town Code		\$50.00		
Bad Check fee		\$35.00		
Open Records Request				
Attorney-Administrative Description	per hour, minimum 1hr after first hour in 15min increments	\$185.00		
Town Staff-Administrative Description	per hour, minimum 1hr after first hour in 15min increments	\$33.58		
Past due monthly fee		\$35.00 plus 1.5%/month		
Real Estate Transfer Tax	per sale due at time of sale		1%	
Lodging Tax			1.5%	
Sales Tax - City			4%	
Use Tax - Construction			4%	
Credit Card Fee	For charges in excess of \$500		3%	
Meeting Room Fees				
	Deposit may be required			
Set-Up Fee	Used in Special circumstances. Will generally only use the space for Town related business or for Town partners. Will generally require they set up on their own.	\$50.00		
Flip Chart and Easel		\$25.00		
LCD Projector/screen		\$100.00		
Sound System/Microphones		\$100.00		
Full Room with Kitchen		\$300.00		
Full Room Without Kitchen		\$200.00		
Cleaning Deposit	Based on actual cost	\$250.00		
Nonprofit			\$50 set up fee	
Little Beach Park				
Minturn Resident		\$150/block \$250/day		\$150/half day \$250/day
Non Profit		\$50/\$100		\$50/\$100
Non Resident		\$200/block \$300/day		\$300/half day \$500/day
Special Event Permit				\$250/Town Property \$100/Private Property
Business Licenses:				
Initial License Fee		\$120.00		\$75.00
	Prorated at \$10/month			
Business License Fee	(Due 4/1-3/31)	\$120.00		\$75.00
In-Home License Fee		\$36.00		\$75.00
Home Business License-Renewal	(Major household income)	\$120.00		\$75.00
Mobile Food Vendor License		\$120.00		\$75.00
Outdoor Recreation License		\$120.00		\$75.00
Short Term Rental License		\$300.00		\$300 PER Bdrm/Sleep Rm
Snow Plow Business		\$120.00		\$75.00
Each additional vehicle		\$12.00		\$20.00
Peddler or Solicitor:				
License Fees				
1 Day		\$15.00		
2 Days Consecutively		\$30.00		
3 Days Consecutively		\$45.00		
5-Days Consecutively		\$75.00		
7 Days Consecutively		\$120.00		\$75.00
30 Days consecutively		\$240.00		\$75.00
Annual License	(Due 4/1)	\$240.00		\$75.00
Contractor:				
Annual License Fee - General	Valid for 3yrs	\$240.00		\$100/yr
Business List Print Fee		\$40.00		

ITEM	DESCRIPTION	FEE 2023	OTHER	2024 Revisions
MISCELLANEOUS FEES				
Professional Use Fee	Inc use of town Eng, Lawyer, etc	Set administratively based on cost Cost + 20%		
LIQUOR LICENSE APP FEES				
	All fees as set by State			
PUBLIC SAFETY				
Incarceration Fee	Assessed at current daily fee charged by the ECO Sheriff's Office			
Records Requests-Criminal Justice		.25pg + \$5.00 Admin Fee		
Clearance Letter	per individual	\$10.00		
Court Transcripts		\$250.00 Deposit/Actual Cost		
Court Fines		per Judge		
Court Fines-Payment Plan Fee	Per court direction	\$25.00		
Court Cost Fee		\$25.00		\$25 + 25% Aministrative Fee
Community Service Fee		\$25.00		
MINTURN BIKE PARK				
Programs-fee based	less than 4hrs/14ppl	\$100.00		
Programs-fee based	more than 4hrs/14ppl	\$200.00		
Exclusive Use for camp or clinic	less than 4hrs/14ppl	\$250.00		
Exclusive Use for camp or clinic	more than 4hrs/14ppl	\$500.00		
PUBLIC WORKS				
SNOW DUMP-TANDEM		\$50.00		\$75.00
SNOW DUMP-END DUMP		\$90.00		\$125.00
USE OF SNOW DUMP AT COMM GARDEN	MUST HAVE PRIOR WRITTEN APPROVAL-BILL USER NOT OPERATOR			\$150/SEASON
SNOW DUMP-FINE	ILLEGAL DUMPING-MINIMUM x4			
Water				
Cash deposit		\$100.00		
Debt Service Fee	Per SFE/Month	\$17.37		
Turn-on/Reconnect Fee		\$50.00		
Turn-off/Disconnect Fee		\$50.00		
Turn-on/Reconnect	For non metered water only	\$400.00		
Tap, inspection, connection fee				
(1) Residential Unit; per unit plus Tier fee per sq foot floor		Tap Fee \$12,940 SIF Tier 1 \$10.95/sqft SIF Tier 2 \$14.52/sqft SIF Tier 2 \$17.47/sqft		
Accessory Dwelling Unit (>750sf)	.5sfe	10.95sf		
Cash in Lieu of Water		\$40,501.00		
(2) Hotel/Lodge/Motel/Lock-off/Accommodation Unit:				
(a) per efficiency room		\$9,652.45		
(b) per room		\$6,650.00		
Out of Town Tap Fees are 25% higher				
Tap, Inspection, Connection Fee				
Commercial Service Line Size in inches: Set to equal ERWSD rates		These will automatically change once set by ERFDP in January		
	3/4in (1.5 SFE)	\$17,840.00		
	1in (2.6 SFE)	\$30,918.00		
	1in 1/2 (5.8 SFE)	\$68,973.00		
	2un (10.3 SFE)	\$125,730.00		
	3in (23.0 SFE)	\$275,911.00		
	4in (40.9 SFE)	\$486,376.00		
	6in (92.1 SFE)	\$1,095,240.00		
All out of Town Taps	Sec. 13-29(b)(1)	+ 50%		
Construction Use Rates	Sec. 13.65			
Any water use for construction	per month flat fee plus use	\$100.00		

ITEM	DESCRIPTION	FEE 2023	OTHER	2024 Revisions
Portable meter fee		\$100.00		
Portable meter water use		\$10.00/1000 gal		
Portable meter deposit or lost meter		\$1,750.00		
Unusual Water User Fee	Sec. 13.66	set Administratively		
Unmetered Water Rate	Sec. 13-4			Base x3
Monthly rate per SFE for Residential	Residential	\$137.70	Base + 25%	\$330.48
Policy related to other uses Commercial	Commercial	\$137.70	Base + 25%	\$330.48
Replaces Sec. 13-29(b)(2) Residential out of Town	Residential out of Town	\$165.24	Base + 50%	\$498.15
	Commercial out of Town	\$192.78	Base + 75%	\$578.34
	Seniors-Grandfathered (65 years or older)	\$82.62	Base -25%	\$247.86
Metered Water Rate	Sec. 13-4			
(a) Residential, basic monthly charge	per SFE	\$110.16		
plus a monthly above 0 gals. Use charge per 1,000 gallons		\$8.32		
(b) Commercial, basic monthly charge	per SFE	\$110.16		
plus a monthly above 0 gals. Use charge per 1,000 gallons		\$8.32		
(c) 25% discount for Residential Owner-Occupant over 65 years of age		\$82.62		
Out of Town Water Rate are 50% higher for Residential and 75% higher for Commercial	Sec. 13-29(b)(2)	R=\$166.05 C=\$192.78		
IRRIGATION/SPRINKLER USAGE RATES (NO STRUCTURE)	IRRIGATION	SPRINKLER USAGE RATES	SPRINKLER	
SFE factor based on meter size/kgal		(SFE based on associated structure)/kgal		
Tier 1 (0-8)	\$12.49	Tier 1 (0-20)	\$12.49	
Tier 2 (8-16)	\$18.74	Tier 2 (21-30)	\$18.74	
Tier 3 (16-24)	\$28.10	Tier 3 (31-40)	\$28.10	
Tier 4 (24-32)	\$42.19	Tier 4 (more than 40)	\$42.19	
Tier 5 (more than 32)	\$63.28		\$63.28	
Trash Collection	Plus \$10/can more than one	34.98		
Street Cut Fee				
Basic permit fee	Performance Bond may Required	\$75.00		
Basic utility fee		\$50.00		
	per Sec. 11-26			
	replacement of paving w/oil&chip surface/ per sq. ft.	Per Bid		
	dirt cuts	Per Bid		
	Backfilling	time, material, staff time		
	Saw cuts per lineal foot w/min fee 25.00	time, material, staff time		
	Any re-work	time, material, staff time		
Application for Encroachment	Sec. 11-3	\$40.00		
Encroachment Fee		\$16sqft annually		
Eagle River Fire Protection District Impact Fees*	THESE WILL AUTO UPDATE WHEN SET BY ERFPD IN JANUARY			
new meter size:	3/4 inch	\$1,734.00		
	1 inch	\$2,949.00		
	1.5 inch	\$5,724.00		
	2 inch	\$9,192.00		
	3 inch	\$19,078.00		
	4 inch	\$29,484.00		
	6 inch	\$57,234.00		

*Fees may be increased administratively to adjust for inflation. MMC Sec. 18-16-110

ITEM	2023 FEE	DETAIL	2024 REVISED AMOUNT
PUD Applications			
Pre-Application Conference			
PUD Concept Plan	\$850 + \$40/Unit + \$5,000 Deposit		
PUD Preliminary Development Plan	\$2500 + \$40/Unit + \$5,000 Deposit		
PUD Final Development Plan	\$1500 + \$40/Unit + \$5,000 Deposit		
Minor PUD Concept/Preliminary Development Plan	\$1000 + \$40/Unit + \$5,000 Deposit		
Changes to Approved PUD Plans-			
(Minor) Approved by Planning Director	\$350 + \$1,000 Deposit		
(Minor) Approved by Planning Commission	\$500 + \$25/Additional Units + \$1,000 Deposit		
(Major) Approved by Town Council	\$1000 + \$25/Additional Units + \$5,000 Deposit		
Subdivision Application			
Administrative Replat	\$500 + Cost		
Correction Plat	\$350 + Cost		
Preliminary Subdivision Plat	\$1500 + 25/Lot + \$5,000 Deposit		
Final Subdivision Plat	\$1000 + 25/Lot + \$3,000 Deposit		
Minor Subdivision			
Amended Final Plat	\$650 + Cost		
Minor Type A Subdivision	\$850 + Cost		
Minor Type B Subdivision	\$850 + Cost		
Miscellaneous			
Annexation	\$5,000 + \$10,000 Deposit		
Disconnect/De-Annexation	\$3,000 plus associated costs		
Amendments To Text of Land Use Regulations	\$1,750 + Cost		
Amendments To Official Zone District Map	\$1,000 + Cost		
Conditional Use Permit Application	\$800 + Cost		
Limited Use Review	\$450 + Cost		\$150 + Cost
Temporary Use Permit	\$425 + Cost		
Temporary Use Permit Security Deposit	TBD on Per Case Basis		
Variance	\$575 + Cost		
Vacation of Public Easements and ROW	\$750 + Cost		
Sign Permit	\$60 + 1.50/Sq. Ft.		
Design Review Board			
Major Design Review Application	\$200		
Minor Design Review Application	\$75		
Special Planning Commission meeting	\$500 + Cost		
Appeal - Planning Commission or Town Council	\$300 + Cost		
Professional Review - Single structure project < 1 acre			
Multiple structure projects or projects 1 to 3 acre			
Buidling Permits new construction - based on valuation:**			
\$1.00 to \$500.00			
\$501.00 to \$2,000.00		\$3.87 for each additional \$100 valuation over \$500.00	
\$2,001.00 to \$25,000		\$17.78 for each additional \$1,000 valuation over \$2,000	
\$25,001.00 to \$50,000		\$12.83 for each additional \$1,000 valuation over \$25,000	
\$50,001.00 to \$100,000.00		\$8.89 for each additional \$1,000 valuation over \$50,000	
\$100,001.00 to \$500,000.00		\$7.11 for each additional \$1,000 valuation over \$100,000	
\$500,001.00 to \$1,000,000.00		\$6.03 for each additional \$1,000 valuation over \$500,000	
\$1,000,001.00 and up		\$4.64 for each additional \$1,000 valuation over \$1,000,000	
Construction without a permit		Purchase of Building Permit plus Fine of 75-100% value of permit to be determined by Town	
Single item permits ex: re-roofing, basement finish, mechanical, plumbing		\$75 for each additional inspection - to be determined by building official	
Plan Review		65% of permit fee	
Cleanup Deposit			
Street Use Fee		1/2% of the project valuation that is valued at \$500 or greater	
Application Review Deposit:			
Deposits are required to cover staff and consultant time attributable to a particular land use application review, meeting attendance, and phone consultations over and above the minimum application fee required for the application. Applicant will bear the burden of all staff & consultant costs above and beyond the first staff member. For multi-step applications (e.g. PUD Concept, PUD Preliminary Plan, PUD Final Plan) any unused deposit amounts from one application may be applied toward the next application. Minimum deposit balances for each land use application type must be maintained or replenished upon notice by the Town.			
Costs:			
Costs attributable to the review by consultant, and additional staff time, are billed at actual hourly rates. Cost assessed after first hour.			
Tempoary Use Permit Security Deposit:			
Security deposit amounts for the cleanup or restoration following the termination of an approved temporary use are determined by the Planning Director on a case by case basis dependent on the intensity, scope, timing, and location of the use; and, upon the intensity, scope, timing, and location of the anticipated mitigation needed to return the unit, site, or area to its pre-permit condition.			

** Valuation is based upon the national average per/square foot construction cost published semi-annually by the International Code Council, with a 1.4 multiplier applied as a regional cost differential.

Other:
*For all applications requiring legal descriptions to be published in the newspaper, additional fees will be charged on a per cost basis, for publications that are in excess of \$50

*Review fees charged by a state or federal agency shall be made payable to the reviewing agency based on current rates and paid at the time of application.

*No application shall be considered or reviewed until the application fees are paid in full and the application is deemed complete. Where multiple applications are required, multiple fees shall be assessed. Fees are not required for Town-initiated applications.

*Application fees shall be paid by cash or by a check made payable to the Town of Minturn, and shall be submitted with the application to the Town of Minturn Planning Department.

*Additional Town Staff services may be billed at an hourly rate as deemed necessary.



To: Mayor and Council
From: Jay Brunvand
Date: December 6, 2023
Agenda Item: Ordinance 23 – Series 2023

REQUEST:
Council is asked to approve Ordinance 23 – Series 2023 on Second Reading.

INTRODUCTION:
This is an annual Ordinance appropriating all estimated beginning fund balances, revenues, and expenses in each fund and adopting the FY2024 budget.

ANALYSIS:
This is an annual ordinance that reports, allocates, and appropriates the beginning fund balance, all anticipated revenues, and all anticipated expenses for each fund as detailed in the budget document. To date all directed changes to the preliminary budget accepted at the first meeting in October 2023 have been assimilated into these final numbers. Council will receive a final budget shortly after second reading in December which will reflect the budget as approved by this Ordinance.

COMMUNITY INPUT:
As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:
This Ordinance represents the formal funding mechanism per State law in the budget approval process.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:
Motion to approve Ordinance No. 23 – series 2023 (second reading) an Ordinance appropriating revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January, 2024 and ending on the last day of December, 2024 as presented.

ATTACHMENTS:

- Ordinance 23 – Series 2023

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 23 – SERIES 2023**

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado has appointed Jay Brunvand, Treasurer, to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jay Brunvand, Treasurer, has submitted a proposed 2024 Budget to this governing body on October 4, 2023, for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public as required by law at the Minturn Town Center, a public hearing was scheduled and held on November 1, 2023 and interested citizens were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, this proposed budget balances by fund as required by law, and;

WHEREAS, the final assessed valuation will be available by December 6, 2023 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

The budget for the Town of Minturn, Colorado for the fiscal year 2024 as submitted and summarized by fund as described below is hereby adopted, which adoption shall constitute appropriations of the amounts specified therein as revenues and expenditures from the Funds indicated; and that the estimated Beginning Balances, Revenues and Other Sources are hereby declared to be a reasonable projection of the amount of Revenue available for appropriation and to provide an adequate Fund Balance at the close of the fiscal year beginning January 1, 2024 and ending December 31, 2024 more particularly described as follows:

<u>FUND</u> <u>DESCRIPTION</u>	<u>BEGINNING FUND</u> <u>EST. BALANCE</u>	<u>FY2024</u> <u>REVENUE</u>	<u>FY2024</u> <u>EXPENSES</u>
General Fund	\$2,753,903	\$2,997,177	\$2,996,554
Enterprise Fund	\$1,463,322	\$2,205,533	\$2,196,350
Conservation Trust Fund	\$ 82,371	\$ 14,219	\$ 61,000
Special Revenue Fund	\$ 27,260	\$ 10,000	\$ 10,000
Market Fund	\$ 8,331	\$ 37,000	\$ 37,000
Capital Fund	\$ 400,093	\$ 510,023	\$ 510,000
Scholarship Fund	\$ 271,618	\$ 10,000	\$ 7,100
Battle Mtn Fund	\$ 160,844	\$ 2,500	\$ 150,000

Section 2.

The Town Council hereby authorizes and directs the Town Manager and Treasurer to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby adopted all in accordance with the requirements of the Home Rule Charter and the Town’s Financial Policies.

Section 3.

The budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town of Minturn, Colorado.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 15th DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6th DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk



To: Mayor and Council
From: Jay Brunvand
Date: December 6, 2023
Agenda Item: Ordinance 24 – Series 2023

REQUEST:
Council is asked to approve Ordinance 24 – Series 2023 on first Reading.

INTRODUCTION:
This is an annual Ordinance changing the pay structure for the Town Council and Mayor as previously discussed and directed.

ANALYSIS:
As previously discussed, this ordinance sets the pay for Council and Mayor when such is requested to be adjusted. The Council/Mayor pay schedule has not been adjusted since 2008. This structure will go into effect for seats elected during the 4/2/24 election and thereafter. As each seat stands for election it will be increase to this structure.

COMMUNITY INPUT:
As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:
This affects the General Fund budget by increasing the payrates as laid forth in the Ordinance.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:
Motion to approve Ordinance No. 24 – series 2023 (first reading) an Ordinance amending Chapter 2 of the Minturn Municipal Code by repealing and re-enacting section 2-2-30 establishing and providing compensation for the Town Council and the Mayor of the Town of Minturn, Colorado as presented.

ATTACHMENTS:

- Ordinance 24 – Series 2023

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 24 - SERIES 2023**

AN ORDINANCE AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 2-2-30 ESTABLISHING AND PROVIDING COMPENSATION FOR THE TOWN COUNCIL AND THE MAYOR OF THE TOWN OF MINTURN, COLORADO.

WHEREAS, the Mayor and Town Council periodically review compensation provided to the members of the Mayor and Town Council to ensure the Town's budgetary goals are met, and to ensure elected officials are adequately and fairly compensated for their time and talents; and

WHEREAS, the Home Rule Charter of the Town of Minturn, Colorado provides that compensation for the Mayor and Town Council members can neither be increased nor decreased during their term of office; and

WHEREAS, the regular municipal election is scheduled for April 2, 2024, and it is appropriate that compensation is established prior to newly elected officials taking office.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. AMENDMENT. Section 2-2-30 of the Minturn Municipal Code is repealed and re-enacted as follows:

As prescribed in the Minturn Home Rule Charter, Section 4.5, beginning with the April 1, 2008 regular election, this Section sets the monthly compensation for any member of the Town Council or Mayor elected in the regular municipal election of ~~April 1, 2008~~ April 2, 2024, or elected or appointed thereafter. Councilmembers shall be compensated at the rate of four hundred dollars (\$400.00) per month plus two hundred (\$200.00) two hundred dollars (\$200.00) per month plus two hundred (\$100.00) for any additional posted meeting attended by him or her during his or her term of office. The Mayor shall be compensated at the rate of eight hundred Dollars (\$800.00) per month plus four hundred dollars (\$400.00) four hundred Dollars (\$400.00) per month plus two hundred dollars (\$200.00) for any additional posted meeting attended by him or her during his or her term of office.

Section 2. SEVERABILITY. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20TH DAY OF DECEMBER, 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Town Council
From: Michelle Metteer, Town Manager
Date: December 6, 2023
Agenda Item: Ordinance No. 25 - Series 2023, Approving an update to short term rental fees

REQUEST:

Approve Ordinance No. 25 - Series 2023, approving an update to short term rental fees.

INTRODUCTION:

In 2017, the Minturn Town Council approved Ordinance 4 – Series 2017, establishing requirements for short term rental properties in Minturn. Short term rental properties now make up much of the visitor lodging in Minturn, and have a large impact on neighboring properties and the Town as a whole. Additionally, short term rental management was identified as a priority housing tool in the 2019 Minturn Housing Action Plan.

ANALYSIS:

The Town of Minturn implemented short term rental guidelines in 2017. At that time, a cap was set at 50 total properties, or 10% of Minturn’s total housing inventory. To date, we are at half that (25 properties, this fluctuates somewhat year to year). Pricing at that time was set at \$300 annually, and was a flat fee regardless of the size of the rental.

Due to neighborhood impact, staff time necessary to manage short term rentals, and in comparison with other area and other regional mountain communities, town staff are recommending that we move to a tiered fee system.

COMMUNITY INPUT:

Town staff have received input and feedback from the community since the implementation of short term rental guidelines in Minturn. That feedback has included concerns about neighborhood impact and the housing challenges that exist in our area.

BUDGET / STAFF IMPACT:

This change will create an estimated additional \$10,000 annually in short term rental fees.

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance No. 25 - Series 2023, approving an update to short term rental fees.

ATTACHMENTS:

- Ordinance No. 25 – Series 2023

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 25 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING
CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE
SHORT TERM RENTAL LICENSE FEES

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, Short Term Rentals make up much of the visitor lodging accommodation inventory in Minturn; and

WHEREAS, Ordinance No. 04 – Series 2017 the Town Council adopted regulations for Short Term Rentals; and

WHEREAS, Section 6-7-10 of the Minturn Municipal Code establishes Applicability and Purpose for Short Term Rental Regulations; and

WHEREAS, by Resolution No. 33-Series 2019, the Town Council adopted the Minturn Housing Action Plan; and

WHEREAS, Short Term Rental Management was identified as a priority housing tool within the Minturn Housing Action Plan.

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 26 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 6 – Business Licenses and Regulations

ARTICLE 7 – Short Term Rentals

* * *

Sec. 6-7-30. – Amendments.

Sec. 6-7-30. – License Application.

(d) Fee. In addition to any sales tax license, a fee of three hundred dollars (\$300.00) per bedroom/sleeping room shall be paid to the Town for any short-term rental license issued under this Article. ~~The three hundred dollar (\$300.00)~~ This fee shall be inclusive of any inspection fees applicable under this Code. If the short-term rental license is denied, the applicant shall be refunded the application ~~three hundred dollar (\$300.00)~~ fee minus all fees attributable to inspections.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20th DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk



To: Mayor and Town Council
From: Michelle Metteer, Town Manager
Date: December 6, 2023
Agenda Item: Ordinance No. 26 - Series 2023, Approving an update to court cost fees

REQUEST:

Approve Ordinance No. 26 - Series 2023, Approving an update to court cost fees.

INTRODUCTION:

Sec. 2-5-60. Of the Minturn Municipal Code establishes court cost fees for Municipal Court. This fee was previously changed from \$15 to \$25, but not corrected in the Town Code.

ANALYSIS:

Sec. 2-5-60. of the Minturn Municipal Code establishes court cost fees for Municipal Court. This fee was previously changed from \$15 to \$25, but not corrected in the Town Code.

Town Staff is recommending to make this correction within the Town Code, to clear up any confusion or discrepancies with regard to court cost fees.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT:

Budget and Staff impact should be minimal from a cost standpoint, though the benefits could help in both budgetary areas and staff resources. This correction will improve administrative management of municipal court fees.

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance No. 26 - Series 2023, Approving an update to court cost fees.

ATTACHMENTS:

- Ordinance No. 26 – Series 2023

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 26 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING
CHAPTER 2 OF THE MINTURN MUNICIPAL CODE TO AMEND THE
MUNICIPAL COURT COSTS

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 Municipal Court in and for the Town, created by Section 6.1 of the Charter of the Town, is established as a qualified municipal court of record; 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, Section 2-5-20. of the Minturn Municipal Code provides the Town the authority to impose fines and penalties in accordance with Section 1-4-20.

WHEREAS, the Minturn Municipal Court has determined that the proposed amendments to Chapter 2 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 2 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 2 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 2 – Administration

ARTICLE 5 – Municipal Court

* * *

Sec. 2-5-60. – Amendments.

Sec. 2-5-60. – Court Costs.

(a) Plea entered at or subsequent to arraignment: The Municipal Judge shall assess court costs ~~in the amount of fifteen dollars (\$15.00)~~, in the amount of twenty-five dollars (\$25.00) plus 25% of the assessed fine which shall be assessed against all defendants upon entry of a conviction at or subsequent to arraignment, but the Municipal Judge may suspend the cost in the interest of justice. No cost shall be assessed when conviction is by a plea of guilty entered by mail pursuant to the penalty assessment procedures set forth in this Code.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20th DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Town Council
From: Michelle Metteer, Town Manager
Date: December 6, 2023
Agenda Item: Ordinance No. 27 - Series 2023, Approving an update to the special event permit fee

REQUEST:

Approve Ordinance No. 27 - Series 2023, Approving an update to the special event permit fee.

INTRODUCTION:

In 2012, Minturn Town Council approved Ordinance No. 09 – Series 2012, establishing requirements for special event permits and fees. The special event permit fees have not been adjusted since 2012.

ANALYSIS:

Sec. 6-3-100 (c) of the Minturn Municipal Code stipulates “If the application includes a request to use any Town property or any Town service in connection with the special event, then, before the permit is issued, the applicant shall pay to the Town any necessary charges, fees or deposits required by the Town in connection with the use of the requested Town property or the provision of the requested Town service.”

Town staff are recommending that the permit fee for special events on town property include the rental fee of said property, and be set accordingly.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT: N/A

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance No. 27 - Series 2023, approving an update to the special event permit fee.

ATTACHMENTS:

- Ordinance No. 27 – Series 2023

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 27 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING
CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE
SPECIAL EVENT PERMIT APPLICATION FEE

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, by Ordinance No. 09-Series 2012, the Town Council established requirements for Special Event Permits and Fees; and

WHEREAS, Sec. 6-3-100 (c) of the Minturn Municipal Code stipulates “If the application includes a request to use any Town property or any Town service in connection with the special event, then, before the permit is issued, the applicant shall pay to the Town any necessary charges, fees or deposits required by the Town in connection with the use of the requested Town property or the provision of the requested Town service.”

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 6 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 6 – Business Licenses and Regulations

ARTICLE 3 – Special Event Permits

* * *

Sec. 6-3-100. – Amendments.

Sec. 6-3-100. – Application Fee.

(a) An applicant shall pay to the Town a nonrefundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. The amount of the application fee shall be ~~one hundred dollars (\$100.00)~~ and set by the Town Council as adopted in the Minturn Fee Schedule. ~~part of its annual budget process.~~ The application fee shall be doubled for applications received by the Town Administrator forty-four (44) days or less prior to the proposed special event.

(b) Application fees may be waived at the discretion of the Town Administrator for nonprofit, religious or school district organizations.

(c) If the application includes a request to use any Town property or any Town service in connection with the special event, then, before the permit is issued, the applicant shall pay to the Town any necessary charges, fees or deposits required by the Town in connection with the use of the requested Town property or the provision of the requested Town service.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20th DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk



To: Mayor and Town Council
From: Michelle Metteer, Town Manager
Date: December 6, 2023
Agenda Item: Ordinance No. 28 - Series 2023, Approving an update to the Contractor License Duration Period and Fee.

REQUEST:

Approve Ordinance No. 28 - Series 2023, Approving an update to the Contractor License Duration Period and Fee.

INTRODUCTION:

In 2014, the Minturn Town Council approved Ordinance 03 – Series 2014, establishing requirements for contractors operating in Minturn. Originally, the fee was set at \$240 and the license period was for (3) three years.

ANALYSIS:

Objective 8.4 of the 2023 Minturn Community Plan, stipulates that the Town regularly evaluates internal processes to improve operations and efficiency. Town staff have determined that the three year license period is both unnecessary and incompatible with other Town licensing processes. Staff recommends the license period be changed to annual.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT:

Budget and Staff impact should be minimal from a cost standpoint, though the benefits could help in both budgetary areas and staff resources. This change will improve administrative management of contractor licenses.

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance No. 28 - Series 2023, Approving an update to the contractor license duration period and fee.

ATTACHMENTS:

- Ordinance No. 28 – Series 2023

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 28 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING
CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE
CONTRACTOR LICENSE FEE AND PERIOD

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, by Ordinance No. 03-Series 2014, the Town Council established requirements for Contractor Registration; and

WHEREAS, Chapter 8, Objective 8.4 of the 2023 Minturn Community Plan, stipulates that the Town regularly evaluates internal processes to improve operations and efficiency.

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 6 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 6 – Business Licenses and Regulations

ARTICLE 4 – Contractor Registration

* * *

Sec. 6-4-40. – Amendments.

Sec. 6-4-40. – Fee Schedule.

~~The registration fees applicable to the registrations enumerated in this Article shall be two hundred forty dollars (\$240.00) for the 2014 registration cycle. Thereafter, the amount of the registration shall be fixed by the Town Council as part of its annual budget process.~~

The registration fee shall be \$100 annually beginning with the 2024 registration cycle. Thereafter, the amount of the registration fee shall be fixed by the Town Council as part of the Minturn Fee Schedule.

Sec. 6-4-50. - Period of validity.

The registration of a contractor shall be valid for one (1) year ~~three (3) years~~.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20th DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



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.

December 6, 2023

- Special Presentation – Bolts Reservoir Project Update (ERWSD)
- Discussion/Direction – Minturn Cemetery Fence & Wildlife Encounters/Deaths
- Discussion/Direction – Metro District code provisions
- FY 2024 2nd Reading of Budget Ordinances
- Discussion/Direction – Magnesium Chloride use on HWY 24
- Resolution __ - Series 2023 A Resolution Approving the Town Manager’s Contract
- Ord__ - Series 2023 (First Reading) An Ordinance Increasing Council Pay
- Ord__ - Series 2023 (First Reading) An Ordinance Adjusting the Timeline and Approval Process for Short Term Rental Fees
- Ord__ - Series 2023 (First Reading) An Ordinance Adjusting the Approval Process for Minturn Municipal Court Fees
- Ord__ - Series 2023(First Reading) An Ordinance Adjusting the Approval Process for Special Event Fees
- Ord__ - Series 2023 (First Reading) An Ordinance Adjusting the Approval Process for Short Term Rental Fees

December 20, 2023

- Ord__ - Series 2023 (Second Reading) An Ordinance Increasing Council Pay
- Ord__ - Series 2023 (Second Reading) An Ordinance Adjusting the Timeline and Approval Process for Short Term Rental Fees
- Ord__ - Series 2023 (Second Reading) An Ordinance Adjusting the Approval Process for Minturn Municipal Court Fees
- Ord__ - Series 2023(Second Reading) An Ordinance Adjusting the Approval Process for Special Event Fees
- Ord__ - Series 2023 (Second Reading) An Ordinance Adjusting the Approval Process for Short Term Rental Fees
- Ord__ - Series 2023 (First Reading) An Ordinance Amending the Exemption Plat Process
- Ord__ - Series 2023 (First Reading) An Ordinance Rezoning the Battle North Property
- Ord__ - Series 2023 (First Reading) An Ordinance Amending Chapter 13 and Appendix C of the MMC to Exempt Battle North Water Service Requirements
- Ord__ - Series 2023 (First Reading) An Ordinance Amending MMC Sec. 16-21-710(b)(2) Addressing Development Agreements and Vested Rights
- Executive Session – Battle Diligence Environmental Matters – Polly Jessen

January 3, 2023

- Ord__ - Series 2023 (Second Reading) An Ordinance Adjusting the Approval Process for Short Term Rental Fees
- Ord__ - Series 2023 (Second Reading) An Ordinance Amending the Exemption Plat Process
- Ord__ - Series 2023 (Second Reading) An Ordinance Rezoning the Battle North Property
- Ord__ - Series 2023 (Second Reading) An Ordinance Amending Chapter 13 and Appendix C of the MMC to Exempt Battle North Water Service Requirements
- Ord__ - Series 2023 (Second Reading) An Ordinance Amending MMC Sec. 16-21-710(b)(2) Addressing Development Agreements and Vested Rights
- Discussion/Direction: Minturn Cross Creek Wellfield Exploration Update
- Discussion/Direction: Cross Creek Wellfield Improvements (Wells 3 & 4 Update)

Dates to be Determined:

- Reassessment of the Minturn Single Family Equivalent (SFE) Definition
- Irrigation Tiered water rate structure
- Single Family Tiered Water Rate Structure