



AGENDA

Town Council Regular Meeting | 5:30 PM

Wednesday, May 15, 2024

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/83092324115>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 830 9232 4115

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.** 05-01-2024 Minutes
- B.** Resolution 21 - Series 2024 A Resolution Approving an Intergovernmental Agreement with the Intermountain Transportation Planning Region
- C.** Liquor License: 161 Main St – Eagle River Whisky Application for a Colorado Liquor Sales Room (Distillery Tasting Room), Spence Neubauer, owner/manager
- D.** Battle North Settlement Correction Letter (the Trestle Area)

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. Eagle County Conservation District - Laura Bohannon

B. GoPro Games - Peggy Wolfe

C. Eagle Valley Childcare - Sarah Foglesong

D. Community Survey Review - David Flaherty, Magellan Strategies

10. BUSINESS ITEMS

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

A. Resolution 16 - Series 2024 A Resolution approving the Battle North Service Plan

B. Resolution 17 - Series 2024 A Resolution Approving a New Maintenance and Storage Building with Wildlife Conditions

C. Ordinance 09 - Series 2024 (Second Reading) An Ordinance Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District

D. Resolution 22 - Series 2024 A Resolution Appointing a Minturn Deputy Judge

E. Resolution 23 - 2024 Joint Wildfire Preparedness Proclamation

F. Ordinance 10 - Series 2024 (First Reading) An Ordinance Amending Chapter 16, Article 26 Community Housing Standards and Guidelines

11. DISCUSSION / DIRECTION ITEMS

A. Taylor St Parking

12. FUTURE AGENDA ITEMS

A. Future Meeting Topics

13. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings and Events:

- May 27, 2024 Memorial Day; Town Hall Closed
- June 1, 2024 - Town Cleanup Day
- June 5, 2024
- June 19, 2024
- July 2, 2024 Independence Day Celebration
- July 3, 2024? - Council to Discuss
- July 4, 2024 - Independence Day; Town Hall Closed



OFFICIAL MINUTES

Town Council Regular Meeting 5:30 | Executive Session 4:30

Wednesday, May 01, 2024

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/86140470818>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 861 4047 0818

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

Mayor Earle B. called the meeting to order at 4:30pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present Mayor Earle Bidez, Mayor Pro Eric Gotthelf, Town Council members Lynn Feiger (zoom), Gusty Kanakis, Tom Priest, and Brian Rodine. Note: Kate Schifani was absent due to a Conflict of Interest.

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

3. EXECUTIVE SESSION (4:30pm)

- A. An executive session for a conference with the town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4)(b) - discussion of amendments to SFE schedule in context of pending water court litigation.

Council convened in Executive Session at 4:30pm.

No direction was given as a result of the Executive Session.

The Council convened in Regular Session at 5:30pm for the public portion of the meeting.

4. APPROVAL OF CONSENT AGENDA

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

- A. 04-17-2024 Minutes
- B. West Vail Pass Sign On Letter of Support
- C. Resolution 18 - Series 2024 A Resolution setting the fee for Engine Compression Braking (Jake Braking) in the Town of Minturn
- D. Resolution 19 - Series 2024 A Resolution setting Check Signers for the Town of Minturn
- E. Liquor License - Liquor License: 131 Main St – The Minturn Country Club annual renewal of a Hotel and Restaurant Liquor License, Tom Ricci, owner/manager

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of May 1, 2024 as presented. Motion passed 7-0.

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Eric G., second by Gusty K., to approve the Agenda of May 1, 2024 as presented. Motion passed 7-0.

6. DECLARATION OF CONFLICTS OF INTEREST

7. PUBLIC COMMENT

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

Mr. Daren Tucholke, 533 Taylor St., discussed the Minturn North project. He expressed concern with the placement of the construction fence. He also expressed concern that 4th St will be closed and reopening in the fall of 2025 thereby limiting the access for residents to Taylor St. and that

this might be a safety concern for emergency vehicles. He also noted the project shows 18 parking spaces at the north end of Taylor but they have created 54 spaces.

8. COUNCIL COMMENTS & COMMITTEE REPORTS

Earle B. updated on the recent Transit meeting he attended. They are working on a 10year capital plan and outlined what that will include and who is anticipated to be included.

9. STAFF REPORTS

A. Manager's Report

Congressman Neguse Community Meeting

I attended the community meeting of Congressman Neguse on Wednesday, April 24th where the Congressman graciously took questions from the audience. I took this opportunity to ask the Congressman for help in scheduling a meeting between local representatives and CDOT Director Lew for the purpose of discussing the West Vail Pass project. Minturn’s desire to keep I-70 traffic out of our small community is imperative to Minturn’s safety needs and completing this project is one element toward pushing that needle forward. The Congressman indicated his office was willing to help in this area and we hope to hear more soon.

Certified Local Government - Grant Award

Madison Harris completed and was awarded on behalf of the Town a grant to cover \$25,000 toward the costs of a Resource Survey for the Town. This Resource Survey analyzes the structures in Minturn and provides valuable historical insight for each property as appropriate. This Resource Survey will be a valuable addition to Minturn’s Historic Preservation Program. This will work toward educating residents and property owners of the historic nature of the Town’s structures. The grant award letter has been included for reference.

Intermountain Transportation Planning Region (IMTPR)

I represented Minturn at the IMPTR meeting and annual retreat on April 19th. At this meeting the voting members approved updated bylaws, discussed the West Vail Pass project, and then started the retreat process which will be ongoing for at least the next meeting. IMPTR is considering sending a West Vail Pass Project support letter to CDOT Director Lew and Governor Polis on behalf of the Planning Region which includes all the municipalities, counties and regional transit agencies for Summit, Eagle, Pitkin, Garfield, and Lake counties.

Water Tank – Pressure Reducing Valve (For full use of both water tanks)

Minturn has received the list of action steps from the State of Colorado for the execution of installing a pressure reducing valve in an already-existing building. This will include a historic survey and environmental assessment in addition to following all BABA and Davis Bacon requirements. To summarize, going through the State to use the remainder of the water tank loan funds for this work will cost Minturn more than should the Town pay cash. I have asked Jarod Linke to provide a cost estimate for this project once he has reached sufficient design level to determine if this project as a cash expense is a better opportunity for the Town. The lining of the

old tank will already be a cash project, it is just a matter of determining the pressure reducing valve installation costs. More to come.

Minturn North Development

The Minturn North team is preparing to start work on the grading and utilities portion of the newly approved project. There will be an illuminated message board by the project, as well as additional signage with a QR code for where to find project information and contact numbers. The Town will share this information via the Town website as well. The developer has assured the Town that parking for the Game Creek trailhead will remain open except for when specific utility work to that area is conducted.

Out of Office

I will be out of the office June 17-21 and not attending the June 19th Council meeting. Mike Sawyer will attend that meeting, in person, in my absence.

Kate S. asked about information for the Minturn North Project. It was noted they have started a website to include project information and they will be using variable message sign boards.

10. SPECIAL PRESENTATIONS

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

11. BUSINESS ITEMS

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

- A. Ordinance 05 - Series 2024 (Second Reading) An Ordinance Approving the Battle North Development Agreement

Michelle M. presented. She noted there were no changes from First Reading.

For Council’s consideration is a proposed Development and Vested Property Rights Agreement (“Development Agreement”) to implement the Bolts Lake development concept and the Settlement Agreement with Battle Mountain. Council will recall that as part of the ski/resort development concept from 2008, the Town and Battle Mountain entered into a lengthy Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement approved by Ordinance No. 10 – Series 2008 (“2008 Annexation Agreement”). Pursuant to Section 1.4, the Development Agreement would supersede the 2008 Annexation Agreement, together with the Wastewater Agreement, Water Service Agreement, various Escrow Agreements, and the 2012 Agreement Regarding Escrows and Funding. Adoption of the Battle Mountain Code Changes (Ordinance No. 1 – Series 2024) replaced the prior Battle Mountain Preliminary PUD Plan (Resolution 18 – Series 2008). Between the adoption of the Battle Mountain code changes and the Development Agreement, all prior agreements and approvals for the 2008 Battle Mountain ski/resort development for the Bolts Lake property will be superseded by new approvals and agreements.

As provided for in the Settlement Agreement and outlined in Section 1.2 of the Development Agreement, the Development Agreement and associated approvals do not become effective until the Settlement Agreement closing happens and a stipulation for dismissal of the pending lawsuit is approved. At that time, the Development Agreement and other approvals will be recorded in the public records.

Conceptually, Council should think about the Development Agreement as accomplishing the following matters: (a) memorialize various promises and commitments made by Battle Mountain as part of the approval process, and (b) create a system of vested property rights allowing Battle Mountain (and its successors) to pursue the development in accordance with the approved zoning for a period of 30 years.

Section 2.1 implements certain guidelines for the zoning approved by the Council earlier this year. Section 2.1 b. identifies the presumptive methodology for implementing a river setback for purposes of the Town's watershed protection plan. With the implementation of best management practices, a 30 foot setback from the ordinary high watermark would be used to protect the Town's water supply. Section 2.1 c. identifies the need to allocate the costs of infrastructure improvements that Battle Mountain may develop with other beneficiaries of that infrastructure. This is particularly relevant for Maloit Park Road which will be upgraded as part of the Bolts Lake development but will also serve the school district property. While the Town agrees to work on such allocations, it does not guarantee that allocation of infrastructure improvement costs will ultimately be achieved.

Section 2.2 largely restates provisions contained in the zoning approved for the Bolts Lake area. Section 2.3 identifies that with the exception of Maloit Park Road and associated pedestrian paths, ownership of roads within the Bolts Lake development will be private or dedicated to one of the metropolitan districts. This will relieve the Town of maintenance obligations for these internal roadways.

Section 2.4 requires a restrictive covenant to be recorded against the Maloit wetlands area property preserving it in an undeveloped state. Battle Mountain will reserve the right to install, operate and maintain infrastructure within the wetlands area as well as to undertake various passive winter recreation activities consistent with EPA and or CDPHE guidelines. The Town similarly would have the right to approve recreational uses. Section 2.5 requires that Battle Mountain record a fishing easement along Cross Creek at the time that a final plat is recorded in that area. Access to Cross Creek will be at defined locations identified in the easement. Section 2.6 provides that no open space dedications will be made as part of future plats. As Council will remember, a large part of the Battle retained parcels is zoned as open space. Neighborhood parks can be required as part of future residential land use decisions.

Section 2.7 deals with water service to the Bolts Lake development area. As identified in the previously adopted code changes, water service to Town parcels and certain of the restricted parcels would need to be accomplished with Town water resources. Water service to the Battle retained parcels (the development property) will be undertaken by a separate water treatment facility constructed in accordance with the reservoir agreement with ERWSD (where ERWSD will operate the plant). The Development Agreement contains an express waiver of the right to receive

Town water for the Battle retained parcels and a waiver of the right to disconnect any portion of the Battle retained parcels due to the Town's failure to provide municipal water service. Plat notes to this effect will be included on all plats for the Bolts Lake area. The Development Agreement acknowledges that a separate water system will be constructed to serve the Bolts Lake development. As previously adopted in the code changes, the construction of the Bolts water treatment system will not be subject to the Town's 1041 regulatory powers. The Town further agrees that it will not review and approve the technical aspects of the Bolts water treatment plant as those will be reviewed and approved by both ERWSD and CDPHE. The Town may review and approve the location, character and extent of the Bolts water treatment plant as provided by state statute. In the event that a dispute arises as to the Town's authority to review and approve a portion of the Bolts water treatment system, the Town consents in section 4.10 to an alternative dispute resolution where 3 water law technical experts would be appointed to decide the question. It is important to note that this alternative dispute resolution only applies to the limited situation of a dispute involving the Town's ability to review and approve an element of the Bolts water treatment system.

Article 3 deals with vested property rights for the Bolts Lake development. The easiest way to think of vested property rights is that it provides a guarantee that the government will not issue new land use regulations that diminish or conflict with the approvals granted for a property for a specific period of time. In other words, the government cannot change the rules surrounding the development of the property for a period of time in which the developer has the ability to implement the development plan. In the case of the vested property rights for Bolts Lake, section 3.3 establishes that the vesting period is for 30 years. This lengthy period of time reflects the complexity of implementing the Bolts Lake development together with the number of units that will be developed. A copy of ordinance No. 1 - Series 2024 adopting the Bolts Lake zoning is attached to the Development Agreement establishing the land use rights granted to Battle Mountain.

There are a limited number of Town code amendments contemplated to be addressed in the next few years without violating the vested property rights. Section 2.1 b. provides that the Town may amend the Community Housing guidelines to lower the top cap for affordable housing to no lower than 140% AMI. Further, the Town has the right to amend procedural elements of the code so long as they do not diminish or conflict with the rights granted under the Bolts Lake zoning. As the Council is aware, Town staff intends to undertake a revision to the Town land use code as part of implementing provisions in the community plan adopted last year. Finally, section 3.5 acknowledges the Town's ability to adopt updates to technical codes, implementation of federal or state mandates, the adoption of impact fees of general applicability, and modifications to processing requirements and appeal procedures.

Article 4 deals with events of default under the Development Agreement and remedies of the parties. I would point out that it is unlikely that Battle Mountain will default under this agreement. They have a limited number of commitments that will largely be fulfilled at or shortly after closing on the settlement agreement. Therefore, the remedies section is largely based around a future Town action that could impact the vested property rights. The Town will not be deemed in default under the Development Agreement under a scenario where a natural hazard is discovered that would limit development or if the action impairing the vested rights is due to an act of a third person.

Barring those scenarios, section 4.4 provides Battle Mountain with the remedy of specific performance. This means that Battle Mountain (or successor property owners) could go to court and seek an order compelling the Town to abide by the land use approvals and vested rights. If the Town failed to comply with the order, an injunction could issue against the Town. Under section 4.4 c, if a court were to determine that specific performance was not an available remedy, damages could be awarded against the Town. The Town, however, would have the right to remove the offending regulation and avoid the payment of monetary damages in such a situation. A goal of the Development Agreement is to prevent the Town from being liable for monetary damages. Section 4.5 creates a series of waivers intended to avoid monetary damages as a remedy and to bolster specific performances as the sole remedy. Battle Mountain specifically waives the right to receive monetary damages from the Town and the Town waves its right to pay monetary damages for a violation of the vested rights. Only if Battle Mountain is denied the remedy of specific performance would monetary damages against the Town be awarded. In any dispute involving the Development Agreement, the prevailing party will receive its attorney's fees and costs from the other party. Both parties waive their right to a jury trial in any action involving the Development Agreement.

The Development Agreement will be approved by ordinance. This means that there will be 2 opportunities for Council review and public comment. I look forward to discussing your questions and comments on this document at the upcoming meetings.

Lynn F. asked what would happen if the project falls through and would the vested rights be affected. Michelle M. noted that no documents will be recorded and official until the agreement is approved.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by Tom P., to approve Ordinance 05 – Series 2024 (Second Reading) An Ordinance Approving the Battle North Development Agreement as presented. Motion passed 7-0.

B. Resolution 16 - Series 2024 A Resolution approving the Battle North Service Plan

Michelle M. presented. She noted Staff is requesting this be continued. We are working on a staff memo from our consultants. She asked continue to May 15

As the council is aware, part of the Battle Mountain settlement agreement contemplates that the council will review a request for the formation of metropolitan districts as part of the proposed Bolts Lake development. Battle Mountain has submitted a draft service plan for the council's consideration. The service plan contemplates the formation of four metropolitan districts in order to primarily finance public improvements but also to operate and maintain certain improvements specific to the subdivision.

Late last year, we presented on metropolitan district topics including the potential adoption of a code section governing the formation of metropolitan districts. We can bring that ordinance back to council for further consideration. However, having the ordinance in place is not required to approve the Battle Mountain metropolitan districts. A request to allow metropolitan districts to be created within a municipal jurisdiction is at the discretion of the council. Therefore, any items that the Town would otherwise require if an ordinance were adopted can be imposed as part of the current approval process. The proposed service plan and intergovernmental agreement uses the form adopted by the town of Silt which was presented to council at the earlier meeting. Therefore, many of the items identified by council as provisions that should be incorporated into an ordinance are included in the proposed Service plan.

Battle Mountain proposes the formation of four metropolitan districts to finance public improvements and to maintain certain limited improvements. Four districts are proposed so that various partitions of the development can pay different amounts toward the financed debt and have potentially additional services provided by a specific district. One district will be the finance district that issues the debt. The other three districts will have agreements with the finance district to impose taxes and repay the debt. One district will be formed specifically to include land that is to be developed for affordable housing so that a lower mill levy can be applied to those parcels.

Under Section V of the service plan, the powers of the district are enumerated. As you will see, the districts will have the authority to finance as well as maintain certain private streets, limited water infrastructure, storm and sanitary sewer service, and parks, recreation and open space improvements. The service plan specifically precludes the districts from operating and maintaining the potable water treatment system and the raw water diversion facilities that provide water to it. Instead, those facilities will be owned, operated, and maintained by Eagle River Water and Sanitation District (ERWSD) pursuant to the Reservoir Agreement between Battle Mountain and ERWSD.

Financially, the service plan imposes various limits on how the districts can issue debt and provide for repayment. In section V.B.7, the district is limited to issuing debt in the amount of \$62,000,000. Section VI B. imposes caps on the interest rates that can be incurred on district debt. Prior to the issuance of debt, the metropolitan district must obtain a certificate from a municipal finance advisor stating that the proposed debt issuance is reasonable in light of current market conditions. Section VI.C limits the mill levies that can be imposed on properties. For metropolitan district Nos. 1 - 3, a maximum of 50 mills can be imposed. For metropolitan district No. 4, the affordable housing metropolitan district, the maximum mill levy is limited to 35 mills. As a further protection against excessive debt, the service plan limits debt repayment to 30 years. The combination of a maximum indebtedness, mill levy cap, and term of debt combine to provide guardrails on debt issuance and repayment to protect future land owners. At the public hearing, Battle Mountain will present to the council hypothetical taxation burdens on various types of property within the development.

It is worth noting that the town made comments to Battle Mountain about limiting the interest rate that can be charged on developer debt. Developer debt is issued by the developer but repaid by the metropolitan district. Under state statute, developer debt can be no more than 400 basis points (4%) above what general obligation government debt would be. We had attempted to limit

developer debt to 200 basis points above GO debt. Battle Mountain’s special district attorney noted to us that the developer debt interest rate question was extensively deliberated by the state legislature a few years ago. The 400 basis points above GO debt has now become the industry standard. As such, the draft service plan reflects what the state statute allows.

Exhibit B to the service plan constitutes a description of the public improvements anticipated to be financed by the metropolitan districts. You will note that these improvements are broken out in different categories. Of particular note, specific amounts have been budgeted for the potable water treatment plant, road improvements including to Maloit Park Road and Hwy. 24, and various trails. At the public hearing, Battle Mountain will provide more detail on the scope and location of the public improvements to be financed. Town staff would note that it believes that certain of the cost estimates for public infrastructure are low. What that means is that if there are cost overruns in certain categories of improvements, the districts would not be able to finance the construction of other improvements listed. That is due to the fact of the debt cap of \$62 million. As such, any improvements that could not be financed by the districts would need to be financed by the developer.

Protections of the Town in the service plan include statements that district debt shall not be considered debt of the Town of Minturn. The metropolitan districts are further restricted from applying for grants from entities such as Great Outdoors Colorado that would be in competition with the Town. The Service plan provides that Parks and Recreation facilities financed by the district will be open to the public as a whole. The districts shall not have the power of eminent domain absent a separate approval from Town Council. Any material amendments to the service plan require that the districts come to the Town for a future approval. In addition to the service plan, the districts will enter into an intergovernmental agreement with the Town of Minturn that will grant the Town the ability to seek specific performance from a court in the event that the districts act outside of the service plan limitations. Under such circumstances, the Town would be awarded its attorney’s fees against the districts.

At the meeting last December when we discussed metropolitan districts a few questions were asked. First, whether the governing body for a metropolitan district can exclude second home residents from being on the board. The answer is that under state statute an eligible elector for a metropolitan district includes second homeowners who can serve on boards. Second, what happens in the event of a bankruptcy of one or more of the districts. The service plan includes language specifically noting that district debt shall not be considered municipal debt. In the event of a bankruptcy, a trustee would likely be appointed who would continue to collect tax revenue consistent with the service plan and to repay bondholders to the greatest degree possible. Third, whether the districts can enforce homeowners association covenants or architectural guidelines. The service plan contains specific language that the districts do not have the authority to enforce private covenants or Town zoning.

In addition to the Town staff presentation, Battle Mountain will also be making a substantive presentation about the draft service plan. Further, Town municipal finance advisor Jim Mann directed a number of comments to Battle Mountain primarily related to the content of Exhibits B and C. On Monday, Battle Mountain will be providing a responsive memo to Jim's comments. We will supplement the packet with this memo.

The council has the flexibility to take two meetings to make a decision on the service plan. Therefore, if council continues to have questions or requests further information related to the metropolitan district requests, this matter can be continued to May 1 for additional consideration.

Motion by Gusty K., second by Kate S., to continue to 5/15 Resolution 16 – Series 2024 a Resolution of the Town Council of the Town of Minturn approving the Consolidations Service Plan for Battle North Metropolitan District Nos. 1-4 as presented. Motion passed 7-0.

C. Ordinance 06 - Series 2024 (Second Reading) An Ordinance Amending the Nuisance Code Relating to Wildlife

Michelle M. presented. There were no changes from First reading

Section 7-2-10 of the Town code defines the term “nuisance.” Other provisions of the code enable to Town to, among other things, require property owners to abate or remove circumstances that constitute or have been declared nuisances.

An amendment to Section 7-2-10 of the Town code is proposed to include within the definition of a “nuisance” any act, condition or use of property that creates a hazard to the safety of wildlife, including but not limited to circumstances that cause a demonstrable risk of wildlife injury or fatality. Other minor amendments are included to conform the existing definition to nuisance law generally. The proposed amendments clarify and strengthen the Town’s ability to require removal or abatement of hazardous conditions to protect the health, safety, and general welfare of its residents and visitors and eliminate demonstrable risks of wildlife injuries or fatalities. Consistent amendments to the Town’s fencing regulations are simultaneously proposed under separate cover.

Over the years there have been various injuries to and/or fatalities of wildlife within the Town caused by fences. These events in proximity to the Town’s residents and visitors create a variety of risks, including but not limited to attracting predators, foul or offensive odors, growth or propagation of disease-carrying insects, and psychological or emotional trauma from witnessing dead or dying animals. Various areas within the Town are also frequented by wildlife and/or constitute their accustomed fawning/calving grounds.

The amendments clarify that portions of the code other than Chapter 7, Article 2 can identify nuisances subject to abatement under Chapter 7, and that any condition declared a nuisance by a state agency may also be considered a nuisance by the Town. The words “welfare” and “morals” are also added to the definition to conform the regulation to nuisance law generally and strengthen the Town’s ability to protect the wellbeing of its residents and visitors.

The remaining changes are to make clear that conditions that are hazardous to wildlife also present identifiable risks to the human residents and visitors to the Town and, therefore, those wildlife hazards are also nuisances. The amendments are consistent with the positions of Colorado Parks and Wildlife regarding areas frequented by wildlife or constituting their accustomed fawning/calving grounds.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Tom P., second by Gusty K., to approve Ordinance 06 - Series 2024 (Second Reading) An Ordinance Amending the Nuisance Code Relating to Wildlife as presented. Motion passed 7-0.

D. Ordinance 07 - Series 2024 (Second Reading) An Ordinance Amending the Fence Code

Michelle M. presented, there were no changes from first reading.

Section 10-8-280 of the Town code, entitled “Barbed wire fences prohibited,” makes it unlawful to construct or maintain within the Town barbed wire and certain other types of fences. The ordinance is not clear, however, regarding whether the term “maintain” as used in that section refers to repairs of a fence (i.e., physical repairs or alterations of an existing fence) or allowing an otherwise unlawful fence to remain in place.

An amendment to section 10-8-280 is proposed to clarify that: (1) all of the types of fencing prohibited by the section, not just barbed wire, are unlawful within the Town; (2) allowing an unlawful fence to remain in place is a violation of the code without regard to whether the owner actually constructs or physically maintains the fence; and (3) fencing creating a demonstrable risk to the health or safety of the public, or of wildlife injuries or fatalities, are nuisances subject to prosecution and abatement under Chapter 7, Article 2 of the code.

Over the years there have been various injuries to and/or fatalities of wildlife within the Town caused by fences. These events in proximity to the Town’s residents and visitors create a variety of risks, including but not limited to attracting predators, foul or offensive odors, growth or propagation of disease-carrying insects, and psychological or emotional trauma from witnessing dead or dying animals. Various areas within the Town are also frequented by wildlife and/or constitute their accustomed fawning/calving grounds.

The proposed amendments do not expand the kinds of hazardous fences prohibited within the Town but clarify and strengthen the Town’s ability to require removal or abatement of hazardous fencing to protect the health, safety, and general welfare of its residents and eliminate demonstrable risks of wildlife injuries or fatalities.

The proposed amendments require the risks that render a fence a nuisance to be “demonstrable.” Therefore, abatement or removal of a hazardous fence would require some actual evidence of a risk, as opposed to a purely hypothetical concern. What form that evidence would take would depend upon the specific circumstances at issue in each enforcement action. Its necessity, however, will prevent undue burden on property owners from enforcement actions without such “demonstrable” basis, while enabling the Town to effectively require abatement of hazardous

circumstances creating identifiable risks to wildlife and/or the Town’s residents or visitors. Consistent amendments to the code’s definition of the term “nuisance” are simultaneously proposed and presented under separate cover.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Tom P., second by Kate S., to approve Ordinance 07 - Series 2024 (Second Reading) An Ordinance Amending the Fence Code as presented. Motion passed 7-0.

E. Ordinance 08 - Series 2024 (Second Reading) An Ordinance Amending Chapter 8 of the Minturn Municipal Code for Civil Infraction

Michelle M. presented and noted no changes from First Reading.

Amendments of Minturn Municipal Code sections 1-2-10 (concerning the definition of “misdemeanor”), 2-5-20 (concerning municipal court procedures), and 8-1-50 (concerning interpretation of the traffic code) are proposed to clarify that, notwithstanding any other provisions of the code, the Model Traffic Code, or the Municipal Court Rules to the contrary, violations of the Town code constitute civil matters and are not criminal offenses.

Section 1-4-20 of the code provides that violations of its terms constitute “misdemeanors.” Code section 1-2-10 defines the term “misdemeanor” as a “violation” and specifies that it is “not intended to mean crime or criminal conduct.” Other sections of the code, the Model Traffic Code as adopted by the Town, and the Colorado Municipal Court Rules applied in Minturn’s court, however, include language commonly associated with criminal offenses and criminal procedures. Related questions have arisen that resulted in unnecessary delay, expense and inconvenience for the Town and individuals involved in municipal court proceedings. Such unresolved questions may also have been used by defendants in municipal court matters to attempt to gain advantage by increasing the burden and expense to the Town of resolving their cases.

To avoid continuing issues, Section 2 of the proposed ordinance amends section 1-2-10 of the code, which defines the term “misdemeanor.” The existing definition is deleted entirely and replaced with a new definition clarifying that, despite any terms of the code to the contrary, misdemeanor violations of the Town code are civil infractions. The new definition is consistent with the intent expressed in the existing language, but clarifies and strengthens the definition.

Section 3 of the proposed ordinance amends section 2-5-20 of the code, which requires that procedures in Minturn’s municipal court will be in accordance with the Municipal Court Rules of Procedure. Those rules provide that trial shall be to the court unless a defendant is entitled to jury trial by the Constitution of the State of Colorado, an ordinance or charter of a municipality, or by Colorado state law generally.

The proposed amendments to section 2-5-20 clarify that, despite any provisions of the Town Charter, the code, or the Municipal Court Rules to the contrary, trials in the Minturn municipal

court will be to the court, and there shall be no jury trial unless required by the state Constitution or applicable state law, and a defendant timely demands a jury trial in accordance with that law. The amendments should eliminate questions concerning whether the Town Charter or any provision of the Town code requires or enables jury trials in the municipal court.

Demands for jury trials are rare in Minturn’s courts. When a jury trial has been necessary, however, it has been burdensome and sometimes practically impossible for the municipal court to efficiently and effectively summon a group of Town residents for jury service, and to administer a jury trial.

In addition, the majority of matters in Minturn’s municipal court are traffic infractions. Colorado law indicates that jury trials are not required for non-criminal violations of municipal traffic codes. The proposed amendments clarifying the civil nature of code violations and limited availability of jury trial are consistent with state law. They are also expected to reduce the number of jury demands received in the municipal court, with corresponding benefits to the efficiency of the court in resolving matters presented to it.

Without regard to the proposed amendments, jury trial will remain available to defendants in the municipal court in some circumstances. Where the conduct at issue is also unlawful under a state statute, and a conviction could be punishable by imprisonment under state law, jury trial will remain available as a matter of controlling state statute. There may also be extreme circumstances where conduct in violation of the Town code would be considered criminal despite the terms of the code to the contrary. Although those circumstances are expected to be extremely rare if encountered at all, the state Constitution includes a right to jury trial in all criminal matters.

Consistent with the above, Section 4 of the proposed ordinance adds language to section 8-1-50 of the Town’s traffic code specifying that violations of the traffic code are civil matters and not crimes or criminal offenses.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Eric G., second by Gusty K., to approve Ordinance 08 – Series 2024 (Second Reading) An Ordinance Amending Chapter 8 of the Minturn Municipal Code for Civil Infraction as presented. Motion passed 7-0.

F. Resolution 20 - Series 2024 Appointing Planning Commission Member

Earle B. noted that Darell W., appointed recently as the Alternate, asked if he should be moved up to position from Alternate. This Resolution will be for the Alternate seat.

Madison H. outlined the process to solicit applications and the process that will be utilized to appoint the single applicant. The first candidate with four votes will be seated as a Commissioner.

Darell Weigert, Planning Commission Alternate, spoke stating that in the past the current alternate was moved up to the full seat, and the new candidate was appointed as the new Alternate. It was noted that this has happened but is not a precedent.

Ms. Tracy Andersen, applicant, spoke. She noted that, if appointed, she would be on both the HPC and the PC commission. She said that, because there is a second applicant, she would withdraw her name to avoid being on both commissions. She stated she would rather stay on the HPC.

Mr. Eric Rippeth was allowed time to introduce himself, why he would like to serve, and a Round Robin interview by the Council with questions including town outlook, Battle Mtn lands, code changes, and preferences.

The qualified applicants were:

- Eric Rippeth (1951 Hwy 24 #23)
- Tracy Andersen (1016 Mountain Drive) – withdrew her application

Discussion ensued as to seating. It was agreed by Council and amongst the parties that Darell W. will be the 1 yr Commissioner and Eric will be the two-year alternate.

Motion by Tom P., second by Kate S., to approve Resolution 13 – Series 2024 as presented appointing Eric Rippeth as the two year Alternate and Darell W. as the one year Commissioner through March 31, 2025 as presented. Motion passed 7-0.

Mayor Bidez swore in Eric R. as the Alternate Commissioner. Darell W. was not sworn in as he is already an active and appointed Commissioner. They will assume their seats at the May 8, 2024 Planning Commission meeting.

G. 161 Main Street - Request Exemption from Sec. 16-17-110. - Underground utilities.

Madison H. presented.

The property owners of 161 Main Street recently received approval to construct a shed structure on their property to conduct a tasting room out of as they draft plans for a permanent structure. The plans show a temporary overhead electric utility line attaching off the pole at the back of the property. The property owner would like to request temporary exemption from Sec. 16-17-110 - Underground utilities.

Mr. Spence Newboure, applicant, was available for questions.

Motion by Eric G., second by Kate S., to approve 161 Main St request a Variance for exemption from Sec. 16-17-110. - Underground utilities as presented. Motion passed 7-0.

H. Resolution 17 - Series 2024 A Resolution Approving a New Maintenance and Storage Building with Wildlife Conditions

Review of Planning Commission actions from their regular meeting of January 24, 2024. The following actions were taken by the Planning Commission, acting as the Minturn Design Review Board, which may be called-up for further review by the Minturn Town Council: 806 Cemetery Road • Final Plan DRB Application for New Maintenance and Storage Building.

At the February 21, 2024 Town Council meeting, Council requested referral guidance from Colorado Parks and Wildlife regarding a recommendation on the proposed building window given the entirety of the Cemetery is located within a wintering elk corridor. Correspondence from Devin Duval, District Wildlife Manager, Colorado Parks and Wildlife indicated comfort with a closure that mirrors adjacent trail networks to minimize disturbance and impacts to migratory and wintering wildlife with a construction window of June 22 through November 22 annually.

Brian R. asked if this followed the requirements placed on the bike park and those closures. He felt this should be standardized for that area. Discussion ensued on this and comparable areas.

Lynn F. felt strongly that we follow the recommendations from the Colorado Parks and Wildlife as presented.

Mr. Pedro Campo, spoke as the applicant representative, noting the need for consistency in the area. He noted the outdoor ware on the equipment and the need for this shed.

Mr. Kunal Parikh, Cemetery Clerk, spoke in support and felt this was retribution on this issue due to a separate issue between the town and the Cemetery.

Ms. Tracy Andersen, 1016 Mtn Drive, spoke opposed to the applicant in that the elk population is dwindling and felt we should defer to the expertise of Mr. Devin Duval, Colorado Parks and Wildlife.

Earle B. echoed this sentiment.

Kate S. asked for clarification on what trail closures this would mirror.

Lynn F. noted we could ask for clarification from Colo Parks and Wildlife

Motion by Kate S., second by Lynn F., to continue to May 15, 2024 Resolution 17 - Series 2024 A Resolution Approving a New Maintenance and Storage Building with Wildlife Conditions as presented. Motion passed 7-0.

- I. Ordinance 09 - Series 2024 (First Reading) An Ordinance Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District

Madison H. presented.

Review and approve Ordinance 09 - Series 2024 Amending Chapter 16 of the Minturn Municipal Code to Create the Cemetery Zone District and Associated Use and Development Standards within the Lionshead Character Area on first reading. One of the conditions of approval set by the

Planning Commission for 806 Cemetery Road for a new maintenance and storage building, was that the Applicant would work with staff to draft zoning standards and allowable uses for the cemetery, as that zoning does not currently exist.

Earle B. asked re the use code by right of accessory buildings and structures. Madison H. clarified this would include the proposed shed. Earle B. felt this was potentially too broad.

Lynn F. commented that we could add the term “accessory” before structures.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by Lynn F., to approve Ordinance 09 - Series 2024 (First Reading) An Ordinance Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District adding the term “accessory” structures as presented. Motion passed 7-0.

12. DISCUSSION / DIRECTION ITEMS

A. Residential Tiered Water Rate Structure

Michelle M. presented and introduced Mr. Jim Mann, Town Consultant. In response to your request to evaluate the implementation of a tiered rate structure for single family water users, and to modify the tiered rate structure for the municipal and sprinkler rate classes, below is a proposed methodology and accompanying analysis of the concept. It is my understanding that this is in response to a recommendation identified in the Minturn Water Nexus Report and Action Plan (Resolution 05, Series 2024 approved on February 7, 2024) that suggested a tiered residential rate structure would further encourage residents to conserve the finite water resource.

Residential Tier Rate Structure

Currently, the rate methodology the Town is using for residential water users three-fold: base rate, debt repayment rate, volumetric rate. A summary of the rate components is as follows:

- Base Rate – monthly rate that covers the basic operation of the water treatment plant and system up to the point that water is being delivered to the customer (think before the meter). Current 2024 rate is \$116.77/month per SFE
- Debt Repayment Rate – monthly rate that is meant to cover the annual debt service payments and annual debt service coverage on the outstanding debt of the utility. Current 2024 rate is \$17.37/month per SFE
- Volumetric Rate – use rate per 1,000 gallons of water use (think after meter) that is meant to cover the added cost of water production for delivery. Current rate is \$8.82/1,000 gallons of use
 - For residential customers, the current volumetric rate structure will generate \$178,226 based on the test year data

- SFE Multiplier – for non-municipal/sprinkler accounts, a SFE multiplier is used that applies to the Base and Debt Repayment rates (i.e., if you are a 2.0 SFE customer, the Base/Debt calculation would be as follows: $(\$116.77 + \$17.37) \times 2.0 = \$268.28$)
- Municipal Code defines an SFE (single family equivalent) as “...the basic unit for determination of water charges and usage. One (1) SFE shall be equal to the water required to serve up to three thousand (3,000) square feet of building area as measured from the exterior dimensions of development and two thousand (2,000) square feet of outside irrigated area.”

In looking at the concept of implementing a tiered rate structure, Town staff met with representatives of the Eagle River Water and Sanitation District to understand the revised rate methodology that they are looking into that is similar in nature. In that meeting, ERWSD indicated that they were looking to eliminate the SFE multiplier on the volumetric calculation, however we pointed out that may produce a result that is punitive to certain users, therefore the Town is looking to utilize the multiplier on single-metered structures with multiple dwelling users. For the residential side of the implementation, we looked at establishing a three-tiered rate structure that becomes more costly the more water that is consumed. The goal of the structure was to generate the same volumetric revenues as are currently produced. Based on the average residential customer utilizing approximately 3,000 gallons/month, the following was developed:

- Tier 1 – 0 – 3,000 gallons \$ 6.75/1,000 gallons
- Tier 2 – 3,001 – 6,000 gallons \$ 9.75/1,000 gallons
- Tier 3 – 6,001 or more gallons \$12.75/1,000 gallons

Further, any single-family residence that is greater than 1 SFE calculation, the SFE multiplier is only applied to the base and debt rates. The SFE multiplier does not apply to the Fer allowance in gallons. Utilizing the same 2 SFE example, the base and debt rates are doubled, however the gallon allowance in the tiers remain as stated above (there is no multiplier).

This methodology, if implemented, would generate \$177,049 in volumetric revenues, a drop of \$1,177, which is based on the test year data. Our goal was to not increase the overall volumetric burden. Most customers will see a reduction in their annual water liability, while a few heavy users will see increases.

Currently, the Town utilizes a tiered rate structure for irrigation and sprinkler only accounts. It is my understanding that the irrigation and sprinkler only accounts are only charged the volumetric water rates for the period of time when the meter is hooked up (sprinkler accounts are generally hooked up May through October).

Town staff has identified that the irrigation and sprinkler class of accounts was not paying the monthly Base or Debt fees and was utilizing a SFE multiplier on the tiers resulting in few accounts moving out of the lowest Fer for volumetric usage. The current rate structure generates the following revenues, based on the test year:

- Irrigation Base \$ 24,125.20
- Sprinkler Base \$ -

- Irrigation Volumetric \$ 10,851.20
- Sprinkler Volumetric \$ 71,647.50

- Base Year Revenue \$106,643.90

To correct the above, the following tiered rate structure was developed to address the above:

- Charge all accounts the Base and Debt fees, multiplied by their appropriate SFE
- Leave Tier usage same for Irrigation and Sprinkler, but eliminate the SFE multiplier

Irrigation Rates would be as follows:

- Tier 1 – 0 – 8,000 gallons \$12.50/1,000 gallons
- Tier 2 – 8,001 – 16,000 gallons \$20.00/1,000 gallons
- Tier 3 – 16,001 – 24,000 gallons \$27.50/1,000 gallons
- Tier 4 – 24,001 – 32,000 gallons \$35.00/1,000 gallons
- Tier 5 – 32,001 or more gallons \$42.50/1,000 gallons

Sprinkler Rates would be as follows:

- Tier 1 – 0 – 20,000 gallons \$13.25/1,000 gallons
- Tier 2 – 20,001 – 30,000 gallons \$21.00/1,000 gallons
- Tier 3 – 30,001 – 40,000 gallons \$28.75/1,000 gallons
- Tier 4 – 40,001 – 50,000 gallons \$36.50/1,000 gallons
- Tier 5 – 50,001 or more gallons \$44.25/1,000 gallons

This methodology would generate the following revenues based on the Test Year data:

- Irrigation Base \$ 24,125.20
- Sprinkler Base \$ 25,352.46
- Irrigation Volumetric \$ 11,185.50
- Sprinkler Volumetric \$ 85,521.76

- Base Year Revenue \$146,204.92

Due to the Irrigation and Sprinkler Class of accounts previously not being charged the monthly Base and Debt Fees, the amount of revenues anticipated from this class is the majority of the increase.

A couple of notes that should be considered prior to finalizing the tiered structure for Residential, Irrigation and Sprinkler:

- Total SFEs should be scrubbed and checked. There are a variety of accounts within the Test Year data that did not have an SFE calculation
- There are a number of accounts that showed zero usage for the entire Test Year that should be evaluated

Brian R. supported the changes and felt this was fairer for the customers.

Lynn F. felt this was much different from the current ERWSD program and felt this was double dipping against the large homeowners.

Gusty K. felt this would cause people not to water their lawns and that was not a good change. He encouraged a higher use allowance in the lower tiers.

Earle B. asked to see how many would be affected up or down based on their use. Lynn F. added that it might be useful to pull out second homeowners since they are not here and would have skewed averages.

Tom P. expressed a revisit to changing the tier allowances cost and increase the costs to higher users.

Lynn F. stated the main concern of the moratorium was nonrecycled water, water that is not returned to the system due to outdoor water use. Her concern was that outdoor water use is a larger impact and should pay for that.

Michelle M. in response to a question, that average Minturn home lots are much smaller than the ERWSD average.

Brian R. discussed the potential to further differentiate between full-time and part-time residents. He asked about peak use rates or peak months use.

Discussion ensued as to recommendations to the proposal.

B. Downtown Development Authority (DDA)

Michelle M. and Jim Mann presented and introduced Mr. Bill Shrum from Downtown Colorado Inc.

The Town of Minturn has been considering the values a DDA could bring to this community off and on for almost three years. In this time, staff and some business owners of Minturn’s downtown area have investigated this option with the culmination of the attendance at the 2022 DCI Conference in Colorado Springs. From there the Town returned with an action plan for the potential to create a DDA from which we have slowly been progressing ever since. The Town most recently left off with the need for a secondary financial analysis to better understand the potential income revenues of a DDA, which is what has brought us here today.

A Downtown Development Authority functions as a “quasi-municipal corporation which is intended to halt or prevent deterioration of property values or structures in a Central Business District.”¹ To this end, a DDA is focused with finding ways for improving real estate development, infrastructure, and operations of a downtown area. It does this by leveraging any future increase in assessed property valuations within the approved DDA boundary. The Town could also assess a mill levy however feedback throughout this process has indicated a local DDA should be able to support these objectives by solely relying on the Tax Increment Financing This allows the DDA to reinvest in Minturn’s Downtown and keep money in Minturn which would have otherwise gone

to the bevy of other organizations that see revenue through property taxes such as the School District, Cemetery District, Library District, Eagle County, and others. The complete mill levy breakout can be found on electronic page 81 of the 2024 Minturn Budget. This is all done through a mechanism called tax increment financing (TIF). For those that want to take a deeper dive into the mechanics of TIFs, here is an excellent, albeit long, presentation by Troy Bernberg with Northland Public Finance. Also attached to this memo is a TIF FAQ.

Staff is recommending the above concept which includes no increase in tax rates. To form a DDA, firstly, the Council must approve the concept. An election of the property owners included in the DDA boundary is then required. If approved, a DDA has a lifespan of 30 years with the potential to be extended by an affirmative action of the Council. An important understanding to consider before moving forward with a DDA is the amount of tax increment funding from the eventual increase in property values that could be brought in by the DDA. Prior to formation, a financial analysis is conducted to determine if a potential DDA area could bring in funds providing enough value to create a financially healthy DDA. Jim's findings have determined that even though reinvestment in Minturn's Downtown is unknown at this time, there are a variety of different scenarios which create opportunities for increased revenues supporting a financially healthy DDA.

Discussion ensued as to how this DDA might grow to encompass more of the town than just the 100 block. Once the boundaries are established by a public vote of those initially included in the original DDA district. To grow you must be contiguous and once the DDA is established a property would need to petition into the DDA and be accepted by the DDA.

Mr. Larry Stone, 152 Main St, commented how a transit hub could be beneficial and asked if a bike path or transit system could qualify as infrastructure for the DDA? Yes, it can be included.

Michelle M. asked for direction if the Council is interested in continuing this project and potential election in November.

Jim Mann outlined potential estimates of revenue for the DDA.

Discussion ensued about how the DDA might and might not conflict with the historical preservation and the towns small town feel that currently exists.

Ms. Krista Driscoll, 113 Nelson, asked about sales tax. It was clarified that no sales tax increase is being considered. She asked how the DDA dissolves. It is a 30year approval, which can be dissolved or extended. After 50years of existence, you can continue to revenue with the approval of Council. The baseline value does change based on the property value growth. Further, the DDA does not receive sales tax.

Direction given to continue to proceed with research and study.

13. FUTURE AGENDA ITEMS

14. ADJOURN

Motion by Kate S., second by Eric G., to adjourn the meeting at 9:08pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings and Events:

- May 4, 2024 - Highway Cleanup
- May 9, 2024 - Council Retreat
- May 15, 2024 - Town Council Meeting
- June 1, 2024 - Town Cleanup Day
- June 5, 2024 - Town Council Meeting
- June 19, 2024 - Town Council Meeting



To: Mayor and Council
From: Jay Brunvand
Date: May 15, 2024
Agenda Item: Resolution 21 – Series 2024

REQUEST:
Council is asked to approve Resolution 21 – Series 2024 a Resolution for the Mayor or his designee to sign the attached intercounty IGA.

INTRODUCTION:
The proposed IGA will create a intercounty transportation planning region and commission in order to provide a more seamless transportation system between the represented members.

ANALYSIS:
N/A

COMMUNITY INPUT:
Past Community Surveys have indicated the need for a more fluid transit system within Eagle County. This commission will extend that need to a regional area.

BUDGET / STAFF IMPACT:
Assist in project costs.

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

RECOMMENDED ACTION OR PROPOSED MOTION:
This Resolution is approved within the Consent Agenda, no separate motion is required.

ATTACHMENTS:

- Resolution 21 – Series 2024

**TOWN OF MINTURN, COLORADO
RESOLUTION 21 – SERIES 2024**

A RESOLUTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTIES OF EAGLE, GARFIELD, LAKE, PITKIN AND SUMMIT COUNTY GOVERNMENTS AND DESIGNATED MUNICIPALITIES THEREIN AND THE TOWN OF MINTURN FOR THE PURPOSE OF THE CREATION AND DESIGNATION OF AN INTERMOUNTAIN REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING COMMISSION REPRESENTING THE INTERMOUNTAIN TRANSPORTATION PLANNING REGION

WHEREAS, The Town Council recognizes the need and desire to continue to support and expand the County and regional transportation system; and,

WHEREAS, the Town of Minturn Town Council and Staff have reviewed and support the submitted Intergovernmental Agreement; and,

NOW, THEREFOE, BE IT RESOLVED by the Minturn Town Council of the Town of Minturn, that:

SECTION 1: The Minturn Town Council supports and directs approval and adopting of this Intergovernmental Agreement as detailed in Exhibit A attached to this Resolution,

SECTION 2: The Minturn Town Council hereby authorizes The Town Mayor or his designee to execute any and all necessary documents to implement the proposed Intergovernmental Agreement,

SECTION 3: This resolution to be in full force and effect from and after its passage and approval.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 15th DAY OF MAY, 2024

Earle Bidez, Mayor

Attests:

Jay Brunvand, Town Clerk/Treasurer

INTERGOVERNMENTAL AGREEMENT FOR A
REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING
Intermountain Regional Planning Commission (IMRPC), representing the Intermountain
Transportation Planning Region (IMTPR)

THIS AGREEMENT made this nineteenth day of April 2024 by and among the following local
governments in the Intermountain Transportation Planning Region:

Eagle County
Town of Avon
Town of Eagle
Town of Gypsum
Town of Minturn
Town of Red Cliff
Town of Vail

Garfield County
Town of Carbondale
City of Glenwood Springs
Town of New Castle
Town of Parachute
City of Rifle
Town of Silt

Lake County
City of Leadville

Pitkin County
City of Aspen
Town of Basalt
Town of Snowmass Village

Summit County
Town of Blue River
Town of Breckenridge
Town of Dillon
Town of Frisco
Town of Keystone
Town of Montezuma
Town of Silverthorne

Roaring Fork Transportation Authority (RFTA)
Eagle Valley Transportation Authority

Participation in this agreement by each aforementioned party is made only upon execution of a
Certificate of Participation.

This Agreement is thereby executed in multiple Certificates of Participation, each of which shall
constitute an original, but all of which, taken together, shall constitute the same document.

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually, and;

WHEREAS, Section 43-1-1101 C.R.S. recognizes Regional Planning Commissions as the proper forum for transportation planning, and;

WHEREAS, Section 43-1-1102(5) C.R.S. requires that Regional Planning Commissions formed for the purpose of transportation planning must be formed pursuant to Section 30-28-105 C.R.S., and;

WHEREAS, the parties to this Agreement desire to cooperate in developing and maintaining a long range Regional Transportation Plan, the purpose of which is to identify the mobility needs of the Intermountain Transportation Planning Region, and prepare a plan for addressing the needs, and;

WHEREAS, Section 43-1-1103 C.R.S. requires that any Regional Planning Commission formed for the purpose of transportation planning is responsible for regional transportation planning for said region, and;

WHEREAS, the Intermountain Transportation Planning Region, consisting of the areas within the counties of Eagle, Garfield, Lake, Pitkin, and Summit was designated in the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (2 CCR 601-22) as adopted by the Transportation Commission of Colorado and effective April 19, 2024, and;

WHEREAS, the parties to this Agreement are governing bodies or officials having charge of public improvements within their jurisdictions in the Intermountain Transportation Planning Region.

NOW, THEREFORE, the parties hereby mutually agree as follows:

1. Designation of Regional Planning Commission. The parties to this Agreement shall have one representative each on the Regional Planning Commission for the Intermountain Transportation Planning Region.
2. Responsibilities of Regional Planning Commission. The Regional Planning Commission shall be responsible, in cooperation with the state and other governmental agencies, for carrying out necessary continuing, cooperative, and comprehensive transportation planning for the Intermountain Transportation Planning Region; for creating, amending, and updating Regional Transportation Plans pursuant to all applicable federal and state laws and rules or regulations including public participation provisions; for recommending the priority for any transportation improvements planned for the region; for abiding by the Regional Planning Commission Bylaws and for participating in the State Transportation Improvement Program development process. The Regional Planning Commission shall keep records of its resolutions, transactions, contractual undertakings, findings, and determinations, which shall be public records.
3. Chairperson and Officers. The Regional Planning Commission shall elect its Chairperson and Vice Chairperson, whose terms shall be two years, with eligibility for reelection. The Chairperson, or the Vice Chairperson, shall be the representative of the Intermountain Transportation Planning Region on the State Transportation Advisory Committee (STAC).

4. Contracting. The Regional Planning Commission may, with the consent of the parties to this Agreement, contract the services of other eligible individuals or entities to carry out all or any portion of the responsibilities assumed by the Regional Planning Commission under this Agreement.

5. Distribution of state or federal funds. The Regional Planning Commission may, through contracts or Memoranda of Agreement, receive and expend state or federal funds designated for regional transportation planning.

6. Meetings must be held at least quarterly and shall be open to the public. Notice of the meeting shall be provided to its members and Contact List and posted on the TPR website no less than one week prior to the meeting. If the meeting provides a virtual option, the meeting link will be included in the public notice.

7. Quorum and Voting. Each member is entitled to one vote, either in person or via email. A quorum is required and shall be as determined by the Bylaws of the Commission.

8. Meeting Minutes and Agendas. The Commission is responsible for recording minutes of its meetings and posting them publicly on its website. The Commission's Administrator and Chairperson are responsible for creating the meeting agenda. The meeting agenda shall be posted on the Commission's website and distributed to members and interested parties on its TPR Contact List.

9. Terms of this Agreement. This Agreement shall remain in full force and effect for so long as the parties to this Agreement consider necessary to complete and maintain Regional Transportation Plans for the Intermountain Transportation Planning Region and for periodic updates or amendments as may be required. Any party to this Agreement may, however, terminate its participation in this Agreement six months after providing written notice of such termination to the other parties of this Agreement. This Agreement may be terminated at any time by agreement of all parties to this Agreement unless a grant contract is in effect with the State. In this case, the State must approve such termination and arrangements for completing the project.

10. Modification and Changes. The terms of this Agreement may be modified at any time by agreement of all parties to this Agreement.

CERTIFICATE OF PARTICIPATION
IN THE INTERGOVERNMENTAL AGREEMENT FOR
A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING

Intermountain Transportation Planning Region (IMTPR)

THIS is to certify that the Town of Minturn has agreed to participate in this Intergovernmental Agreement for the Intermountain Regional Planning Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above on page 1.

Earle Bidez, Mayor
Town of Minturn

Attest:
Jay Brunvand
Clerk, Town of Minturn

Date

Seal:



To: Mayor and Council

From: Jay Brunvand

Date: May 15, 2024

Agenda Item: Consideration of a spirituous tasting room

REQUEST:

Staff is requesting Council to review and approve the attached Application for Colorado Liquor Sales Room (Distillery tasting room) to be located at the barn at 161 Main St.

INTRODUCTION:

This application is to MOVE the existing tasting room associated with Eagle River Distilling, LLC and currently located in the Meadow Mtn Business Park to a new construction located at 161 Main St, they will then forfeit their MMBP tasting room permit. This is a very specific application and has very limited conditions of which a municipality may deny the application.

The conditions for denial are:

- 1) Traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations
- 2) Granting the permit would result in violations of the Colorado Liquor Code or local laws
- 3) Issuance would violate local zoning laws

State law states this application for a Sales Room will be granted to the entity unless any of the three conditions apply. In the opinion of staff, none of the conditions apply. Attached please find Colorado Dept of Revenue Bulletin 14-02 which is a good summary of the request, application, and guidelines.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The state does not allow a fee for this application.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

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

ATTACHMENTS:

- Application and supporting documentation.

Application for Colorado Liquor Sales Room

Regulation 47-428, 1 C.C.R. 203-2

Type of Sales: Malt Liquor Limited Winery Winery Distillery

Duration: Temporary (3 days or less) Permanent

Name of Applicant exactly as it appears on your current Colorado Liquor License

Eagle River Distilling LLC

Trade Name of Applicant

Eagle River Whisky

State Sales Tax Number

95312711-0000

Applicant Liquor License Number

03-17117

Business Address

Street Address

23698 US 24, Unit E-1

City

Minturn

State

CO

ZIP Code

81645

Mailing Address

Street Address

PO Box 1253

City

Minturn

State

CO

ZIP Code

81645

Phone Number

(970) 763-8660

Email Address

spence@erwhisky.com

Sales Room Address

Street Address

161 Main St

City

Minturn

State

CO

ZIP Code

81645

Date of Events

Section 3, Item C.

From Date: Time: AM PM

To Date: Time: AM PM

If the event is occurring on the same day during the events time period reported, select the day(s) below.

- Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Rights to Premises Granted by: (attach a copy of the Premises Use Authorization letter or lease if not previously submitted)

Renting/Leasing Percent Basis: Yes No

If Yes, List Percent and Interested Party. Use Additional Sheet if Necessary.

Alcohol will be sold (check all that apply):

- For on-premises consumption (if selected, please file this application with the Local Licensing Authority and the State Licensing Authority)
- For off-premises consumption

The Sales Room Applicant affirms they have complied with local zoning restrictions?

- Yes No

Additional Required Documents

- Attach an outlined diagram of proposed premises.
- Attach a copy of the premises control plan describing how the premises will be controlled to ensure compliance with liquor code and rules. It must include restricting sales to minors and visibly intoxicated persons and insuring that customers cannot leave the premises with an open container of alcohol.
- Attach a copy of any contracts and/or operating agreements pertaining to the sales room.

Local Licensing Authority Name

Date Application Copy Submitted to Local Licensing Authority

Oath of Applicant

Section 3, Item C.

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor, Beer and Wine Code and Liquor Rules which affects my permit.

Applicant Signature

Date (MM/DD/YY)



04/29/24

Title
Member

Notice to Local Licensing Authority

This application for a Sales Room will be granted to the above name applicant unless any of the below listed conditions apply. If any of these conditions apply please contact the State Licensing Authority immediately.

- Issuance of this permit would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.
- If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (specify).
- Issuance of this permit would violate local zoning laws.

For events lasting **three consecutive days or less**, the Local Licensing Authority has **ten (10) business** days to submit its determination to the State Licensing Authority.

For events lasting **four or more consecutive days**, the Local Licensing Authority has **forty-five (45) days** to submit its determination to the State Licensing Authority.

Local Licensing Authorities can send the approval via mail or email to dor_liqlicensing@state.co.us

If the Local Licensing Authority does not submit a response or determination within the time specified, the State Licensing Authority shall deem that the Local Licensing Authority has determined that the proposed sales room will not impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant will sufficiently mitigate any impacts identified by the Local Licensing Authority.

Licensing Authority Signature

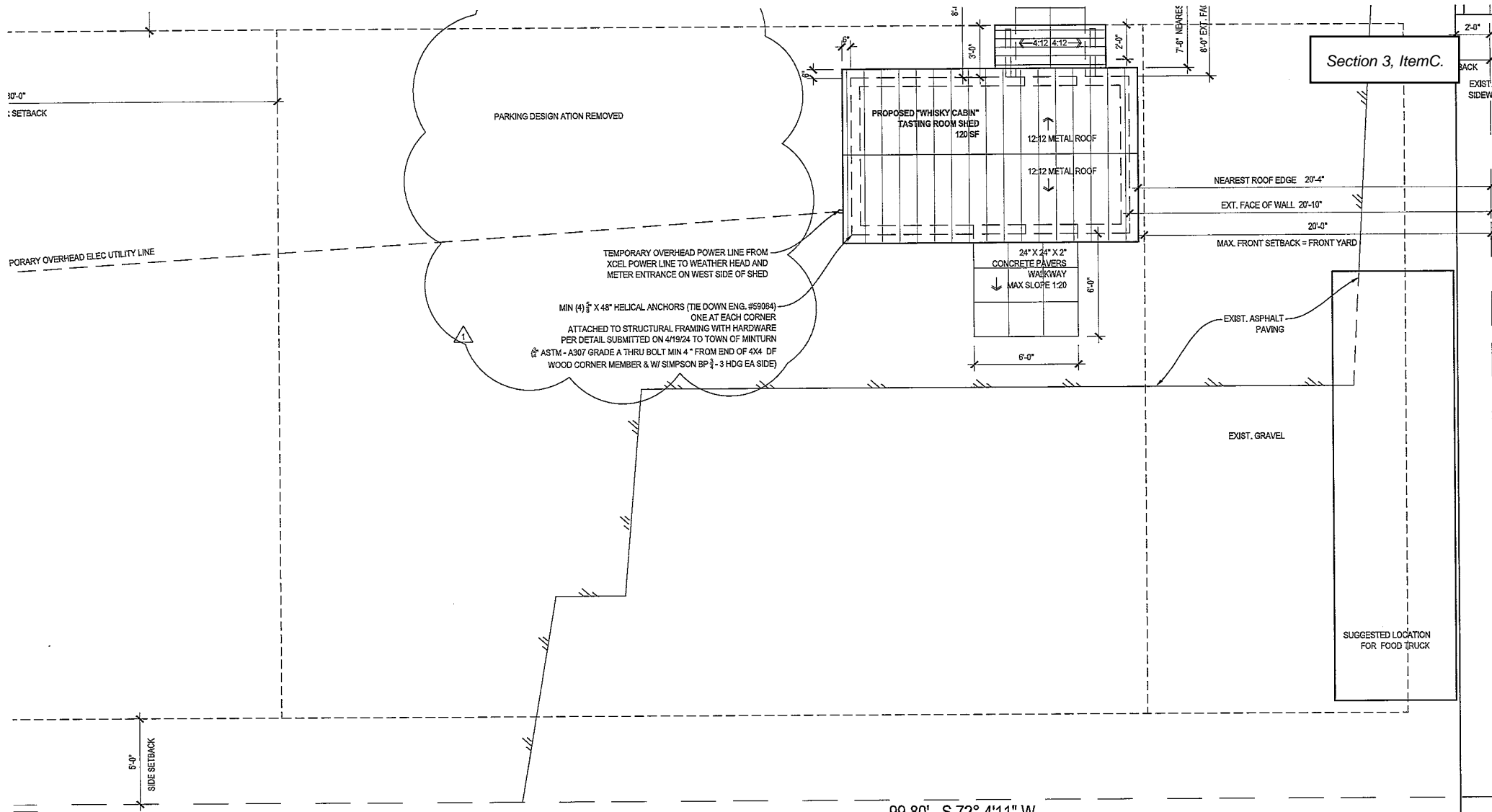
Date (MM/DD/YY)

Local Licensing Authority Contact Name

Phone Number

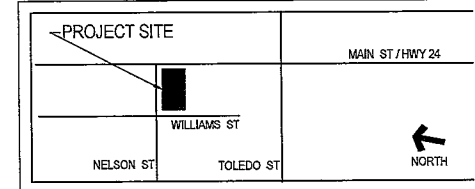
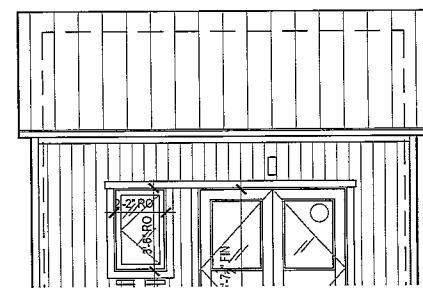
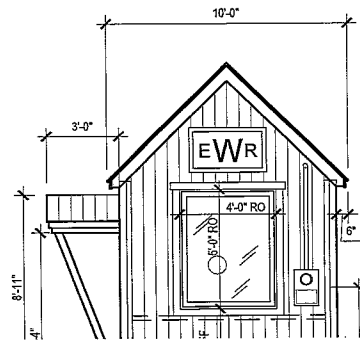
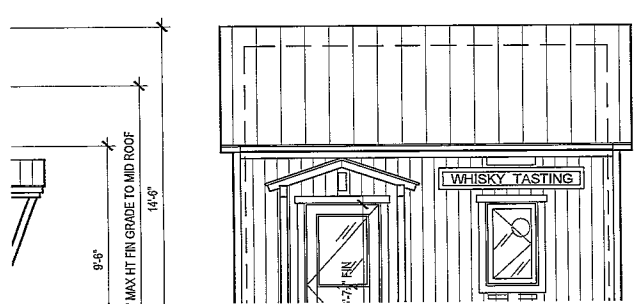
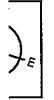
Object Do Not Object

If the Local Licensing Authority objects to the sales room, provide a separate page with details of the objection.



Section 3, Item C.

SITE PLAN IS BASED ON PEAK LAND SURVEYING, INC. SURVEY DATED 11/16/2023 JOB # 2062.5



F6 VICINITY PLAN - MINTURN

L100 NO SCALE

35

GENERAL NOTES:

Eagle River Distilling LLC
dba Eagle River Whisky
23698 US Hwy 24
PO Box 1253
Minturn, CO 81645
970-763-8660

April 29, 2024

Premises Control Plan - 161 Main St, Minturn CO 81645

Hours of Operation: Wednesday - Sunday – 12PM – 6PM

Boundary: There will be no modified premises. Service area will only be inside the tasting room

Ingress and Egress: The premises is 120 square feet. The employee in the tasting room can observe entrance and exiting of customers.

Signage: “No open alcoholic beverages beyond this point” sign will be placed on the front and rear doors. The Colorado DR 8471 (“Minor Warning Sign”) will be conspicuously displayed behind the bar.

Responsible Service: All staff will be TIPS trained and certified to help prevent sale of alcohol to visibly intoxicated persons. Staff will be instructed to ID anyone that appears under 50 years old. IDs appearing fraudulent will be confiscated and the CO Liquor Enforcement Division will be called.

EAGLE RIVER HOLDINGS, LTD.

Premises Use Authorization

April 29, 2024
Eagle River Distilling LLC
dba Eagle River Whisky
23698 US 24
Unit E-1
Minturn, CO 81645

Eagle River Holdings, Ltd. ("Owner") gives permission to Eagle River Distilling LLC dba Eagle River Whisky ("Tenant") to use the property located at 161 Main Street, Minturn, CO 81645. Tenant may use the property for a distilled spirits tasting room, for on and off premises liquor sales.

Tenant may occupy the premises for a term of 1 year, starting May 1st, 2024 and ending April 30, 2025.

This agreement may be renewed with the approval of both the Owner and Tenant at the end of the term.

Tenant agrees to indemnify and save harmless Owner from all damages and claims arising out of any act, omission or neglect by Tenant, and from any and all actions or causes of action arising from the Tenant's occupation or use of the property.

Owner agrees to notify Tenant of any change in land ownership, development, or use 30 days prior to change in status.

Owner: 

Title: Chief Executive Officer - Eagle River Holdings, Ltd

Date: 04/29/2024

Tenant: 

Title: Member - Eagle River Whisky

Date: 04/29/2024



COLORADO
Department of Revenue

Enforcement Division - Liquor & Tobacco

Physical Address:
1881 Pierce Street
Lakewood, CO 80214

Mailing Address:
P.O. Box 173350
Denver, CO 80217-3350

BULLETIN 14-02

REFERENCE: MANUFACTURER SALESROOM GUIDE

October 21, 2014

Colorado Liquor Enforcement Division

Guide To Manufacturer Salesrooms Applications for Vinous and Spirituous Liquor

The Colorado Liquor Enforcement Division (Division) recognizes the growth and popularity of manufacturer sale rooms (MSR) for wineries, limited wineries, and distilleries pursuant to sections 12-47-402(2), C.R.S., 12-47-403(2)(e), C.R.S., 12-47-402(6), C.R.S. and Regulation 47-428, 1 C.C.R. 203-2.

In order to assist applicants in obtaining an MSR license, the Division is providing the following guidelines for MSR applications:

1. Complete Form DR8057 (Application for Colorado Vinous or Spirituous Liquor Manufacturer Sales Room) in its entirety. An MSR license cannot be issued if the application is incomplete. Typical mistakes include (but are not limited to) incomplete addresses, company and business names not matching on lease documents, insufficient premises control plans, and undefined licensed premises.
2. A copy of the MSR application must be provided to the local licensing authority where the MSR is located. If the MSR is temporary (three days or less), the state and local licensing authority must receive the MSR application no less than ten (10) business days prior to the event. If the MSR is permanent (more than three days), the state and local licensing authority must receive the application no less than 30 days prior to the sale of alcohol at the MSR.
3. The local licensing authority may object to the issuance of the MSR license pursuant to Regulation 47-428, 1 C.C.R. 203-2.
4. The Licensee may operate the MSR directly, hire individual staff to conduct sales at the MSR, or hire a company to conduct sales at the MSR. If the Licensee hires individual staff or a company to conduct sales at the MSR, the Licensee remains responsible for managing the MSR including hiring and terminating employees, ordering alcohol, and making any other management decisions.
5. If the Licensee hires an individual or company to conduct sales at the MSR, the Licensee shall provide to the Division copies of any contracts, agreements, leases, etc. between the Licensee

and the individual or company which detail the relationship between the Licensee and the company.

6. An individual or company hired to conduct sales at an MSR may be compensated on a percentage of sales basis. However, payment based on a percentage of alcohol sales constitutes a financial interest in a Licensee. Colorado law prohibits financial interests between certain license types. This prohibition may preclude the Licensee from hiring an individual or company to conduct sales at the MSR (compensated on a percentage of sales basis) if such individual or company has a financial interest in another license type and if overlapping financial interests are prohibited between the license types. A matrix detailing allowed and prohibited financial interests between all license types is attached.
 - a. In order to determine if a prohibited financial interest exists, the Licensee must disclose to the Division the name, birth date, and social security number of such individual or the names, birth dates, and social security numbers of all owners of the company.
 - b. If an individual or a company's compensation for conducting sales at the MSR is equal to 10% or more of the Licensee's overall alcohol sales, such individual or the owners of such company must complete form DR8404-I (Individual History Record) and provide fingerprints for a criminal background check.
7. The Licensee may also hire a manager of the MSR in accordance with Regulation 47-318, 1 C.C.R. 203-2. The manager may make management decisions for the MSR on behalf of the Licensee (including the hiring and firing of staff, ordering alcohol, and any other management decisions relating to the MRS). If the Licensee hires an individual to manage the MSR, the Licensee shall disclose all information regarding the manager to the Division. Such information shall include:
 - a. The Licensee shall provide copies of any contracts, agreements, leases, etc. between the Licensee and the individual that detail the relationship between the Licensee and the manager, and
 - b. Each manager must complete form DR8404-I (Individual History Record) and provide fingerprints for a criminal background check.
8. As stated in paragraph number 6, an individual hired to manage an MSR may be compensated on a percentage of sales basis. However, payment based on a percentage of alcohol sales constitutes a financial interest in a Licensee. Colorado law prohibits financial interests between certain license types. This prohibition may preclude the Licensee from hiring an individual to manage the MSR (compensated on a percentage of sales basis) if such individual has a financial interest in another license type and if overlapping financial interests are prohibited between the license types. A matrix detailing allowed and prohibited financial interests between all license types can be found on the Liquor Enforcement website or [click here](#) for the link.
9. The licensed premises of the Licensee's MSR may include another company's premises as long as a written agreement is in place providing to the Licensee exclusive control over the sale of

alcohol throughout the licensed premises (i.e., MSR sales of alcohol must be under the control of the Licensee or the Licensee’s MSR manager and not the other company). The Licensee must provide a mechanism by which MSR alcohol sale transactions of the Licensee are kept separate from the other company’s sales or business transactions. In some instances, a single point of sale system may be acceptable as long as sales records and proceeds of MSR alcohol sales are kept separate from the other company’s transactions. All money, funds, and electronic payments (debit cards, credit cards, etc.) related to MSR sales of alcohol must be remitted directly to the Licensee and cannot be commingled with the other company’s business transactions.

You may submit your application and all necessary documents and diagrams to DOR_LED@state.co.us. If you have any questions, please call the Division at 303-205-2300.

Karp Neu Hanlon PC

ATTORNEYS AT LAW

www.mountainlawfirm.com

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
0133 Prospector Rd.
Suite 4102J
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

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

DATE: May 10, 2024
TO: Planning & Zoning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain letter agreement

Section 2(a)(ii) if the Settlement Agreement with Battle Mountain discusses the creation of Restricted Parcels over which the Town could obtain an easement or option for purchase. Looking at the last sentence of that paragraph (below), it included a reference to the “Trestle Area” among other named parcels.

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

The Trestle Area is not a parcel of land that is being created by exemption plat, or upon which the Town will receive an easement or option to purchase. The Trestle Area is located below the future dam for Bolts Lake reservoir and will remain property owned by Battle North. In the numerous discussions between the Town and Battle North, I do not recall that transfer or encumbrance of this area was ever contemplated by the parties. Instead, it appears to be an accidental insert into the Settlement Agreement. To that end, the staff supports approval of the letter agreement with Battle Mountain clarifying that the Trestle Area is not a restricted parcel as defined in that document.



Battle North LLC
164 Railroad Ave – PO Box 56
Minturn CO, 81654
802-473-0275

May 8, 2024

VIA E-MAIL

Michelle Metteer
Town of Minturn
302 Pine Street
Minturn, CO 81645
E-mail: manager@minturn.org

Michael J. Sawyer
Karp, Neu, Hanlon PC
201 14th Street, Suite 200
P.O. Box 2030
Glenwood Springs, CO 81602
E-mail: mjs@mountainlawfirm.com

Re: Settlement Agreement dated September 6, 2023 (“**Settlement Agreement**”) by and among Battle One Developer, LLLP, a Georgia limited liability limited partnership, Battle Two Developer, LLLP, a Georgia limited liability limited partnership, Battle North, LLC, a Georgia limited liability company, Battle South, LLC, a Georgia limited liability company, and Battle One A Developer, LLC, a Georgia limited liability company (collectively, together with their respective successors and assigns, “**Battle**”); and the Town Council for the Town of Minturn, Colorado (“**Town Council**”), the Town of Minturn Water and Sanitation Activities Enterprise, an enterprise fund established pursuant to C.R.S. §37-45.1-101 *et seq.* (the “**Enterprise**”), and the Town of Minturn, Colorado, a home rule municipal corporation (collectively with Town Council and the Enterprise, the “**Town**”)

Dear Town:

This letter agreement (“**Letter Agreement**”) is entered into to confirm certain agreements between Battle and Town concerning the Settlement Agreement. Initially capitalized terms used but not otherwise defined in this Letter Agreement have the meaning assigned to such terms in the Settlement Agreement.

As contemplated by the Settlement Agreement, the Parties will process and take final action on an application for an Exemption Plat that will, upon Town approval and Recording, create certain Restricted Parcels. Section 2(a)(ii) of the Settlement Agreement provides that unless the Parties otherwise agree in writing prior to the Closing Date, the Trestle Area is a Restricted Parcel intended to be created by the Exemption Plat. Following discussions between the Parties, the Parties agree that the Trestle Area will not be a Restricted Parcel and will not be a separate parcel created by the Exemption Plat.

Please confirm your agreement to the foregoing by signing where indicated below and return a copy of this counter-signed Letter Agreement to Battle.

Sincerely,

Battle One Developer, LLLP,
a Georgia limited liability limited partnership

By: Bassel Battle Investment, Corp.,
a Colorado corporation,
its General Partner

By: _____
Name: Lorne Bassel
Title: President

Battle Two Developer, LLLP,
a Georgia limited liability limited partnership

By: Bassel Battle Investment, Corp.,
a Colorado corporation,
its General Partner

By: _____
Name: Lorne Bassel
Title: President

Battle North, LLC,
a Georgia limited liability company

By: Bassel Battle Investment, Corp.,
a Colorado corporation, its Manager

By: _____
Name: Lorne Bassel
Title: President

Battle South, LLC,
a Georgia limited liability company

By: Bassel Battle Investment, Corp.,
a Colorado corporation, its Manager

By: _____
Name: Lorne Bassel
Title: President

Battle One A Developer, LLC,
a Georgia limited liability company

By: Bassel Battle Investment, Corp.,
a Colorado corporation, its Manager

By: _____
Name: Lorne Bassel
Title: President

Accepted and Agreed:

TOWN OF MINTURN,
a Colorado home rule municipal corporation

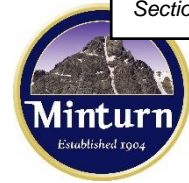
By: _____
Name: _____
Title: Mayor

TOWN COUNCIL FOR THE TOWN OF MINTURN,
the legislative body of the Town of Minturn

By: _____
Name: _____
Title: Mayor

MINTURN WATER AND SANITATION ACTIVITIES ENTERPRISE,
an enterprise fund established pursuant to
C.R.S. §37-45.1-101 *et seq.*

By: _____
Name: _____
Title: Mayor



To: Minturn Town Council
From: Michelle Metteer
Date: May 15, 2024
RE: Town Manager Update

Minturn North Construction Information

Information on the Minturn North construction project can be found at: <https://www.minturnnorth.com/construction-updates>. Additionally, the fully approved construction plan set is available [here](#). An FAQ has also been created and is available on the town’s website, in the town hall lobby and attached to this Manager’s Report.

Wood Chipping Pickup

Eagle Valley Wildland is providing free wood chipping pickup to Minturn residents this year. This is part of an effort for residents to Firewise their homes. More details are on the attached information sheet as well as the scheduled pickup days.

Bear Aware

Please remember to properly lock your garbage containers if the containers are stored outside. There is a large bear who has been active in the area and needs to be trained to not access garbage. Thank you for the help!

Community Events

With the results of the Community Survey, staff will be reevaluating the community events to ensure the events being offered by the town are in alignment with the interests of the community. Any proposed changes to the annual event lineup will be brought to the Council and public for consideration.

Street Sweeping

Please excuse our mess while public works continues their annual street sweeping operations. Signs are posted the day before in hopes residents will avoid parking in upcoming street sweeping areas, so any help residents can provide by moving their vehicles in advance is greatly appreciated.

Safe Streets 4 All (SS4A)

I have submitted Minturn’s contract for the Safe Streets 4 All (SS4A) grant award Minturn received. Once approved by the Department of Transportation, this project will allow Minturn to facilitate public discussions and conduct a thorough analysis of Minturn’s roadways with an emphasis on finding ways to improve vehicular and pedestrian safety. A stakeholder group will be requested, and a representative Council member will be asked to take part in the process. More to come.

Out of Office

I will be out of the office June 17-21 and not attending the June 19th Council meeting. Mike Sawyer will attend that meeting, in person, in my absence.



MINTURN NORTH

CONSTRUCTION UPDATE

MAY 8, 2024

COMCAST SERVICE DISRUPTION

Comcast has not started work on the Minturn North project. If you have experienced service disruption, please contact Comcast.

TRASH ON SITE

The residents of the mobile homes owned by an unaffiliated third-party vacated the property at the end of last week. In doing so, they left trash strewn about which was further compounded by a bear. This incident occurred without our knowledge, however, we have ordered a dumpster to be placed on the site and all trash will be collected and removed. Please keep in mind daily supervision has not been directed to the site since we just received our grading permit this week, Monday, May 6th. Pursuant to Section 2.12 of the approved PUD, "Trash shall be contained within bear proof containers. Trash and debris must be cleaned from the site daily and placed in a trash receptacle to assure cleanliness. Trash receptacles shall be replaced when full within 24 hours."

TRAILHEAD PARKING

Per the approved PUD, we are adding space for 54 dedicated trailhead parking spaces.

SNOW REMOVAL

Minturn North donated 0.9 acres of land to the Town of Minturn at the South end of the property for snow removal and other uses as deemed appropriate by the Town.

CONSTRUCTION FENCING

Construction Fencing has been placed within the property boundary for the safety of the public and contractors working on site. Fencing avoided the property boundary at the trailhead parking so that the public parking could continue and in areas where Taylor Avenue encroaches onto the Minturn North property. Safety is our highest priority; therefore, the Minturn North property is being fenced to allow for heavy equipment work to occur safely and freely throughout the site. Unauthorized access to the site is not permitted under any circumstance.

FOURTH STREET CLOSURE

Fourth Street is currently open; however, it will be closed upon commencement of infrastructure work. Fourth Street is being rebuilt to meet the traffic safety requirements of the Town of Minturn Code and Minturn North PUD approvals.

Additionally, the following improvements benefitting the Town and Taylor Avenue residents will occur in the area of Fourth Street:

- Deep and shallow utility work will be crossing North to South which creates a "looped infrastructure system."
- Installation of a new sidewalk connection from Fourth Street to the ECO Trail
- New ECO Trail connection and S-Curve Improvements

All improvements are paid for by Minturn North. Fourth Street is expected to re-open upon the completion of the on-site infrastructure improvements this Fall.

We understand that there will be disruption to the Taylor Avenue Residents and will do our best to communicate utility disruptions as well as infrastructure progress to the Town and Taylor Avenue residents. Infrastructure work is expected to begin May 20 and continue for approximately 6-months except for Minturn Road paving which is to occur summer of 2025.

FUTURE NOTIFICATIONS

A QR Code will be placed on the construction fencing perimeter so that Taylor Avenue residents can easily obtain construction updates. Upon infrastructure commencement, an electronic sign will be placed at the intersection of Taylor Avenue and Minturn Road which will convey upcoming work and utility service disruptions. Proper notice will be provided by the utility companies. Additionally, the Town of Minturn website will also be available for updates.

MINTURN ROAD AND HWY 24 TURN LANE

The paving of Minturn Road is scheduled to occur summer of 2025; however, the Hwy 24 turn lane will be installed later this summer.

MOBILE HOME REMOVAL


Four of the five mobile homes are owned by a third party who originally leased the property from UPRR. The third-party owner of the mobile homes is responsible for the home removal and remediation. One of the mobile homes is owned by Minturn North. All homes are expected to be removed by June 1, 2024. Removal of the homes requires appropriate permitting which is in progress.

2024 ESTIMATED CONSTRUCTION SCHEDULE

Mobilization	May 20 – May 31
Earthwork	May 27 – August 5
Water Main	June 3 – August 19
Sewer Main	June 1 – August 2
Shallow Utilities	July 15 – September 15
Curb/Gutter/Paving	August 15 – September 23
Final Grade	September 23 – November 15

NOTE: All dates are subject to revision and refinement as work progresses.

- **Construction Days/Hours are 7:00 AM to 6:00 PM Monday through Saturday.**
- **48 Hours Written Notice to be provided to affected users in advance of any waterline shutdown.**
- **Maximum waterline shutdown length to be 6 hours.**
- **An electronic message board located at the Taylor St and Minturn Rd intersection will provide notices of utility outage dates/times.**
- **A project construction sign with safety and emergency contact information will be located at the Taylor Avenue and Minturn Road intersection.**



For additional construction updates, scan here.



COMMUNITY SLASH REMOVAL CHIPPING PROGRAM MAY 2024

Section 8, Item A.

COMMUNITIES SERVED:	PILES MUST BE STACKED BY:
Red Hill/Sky Legend	4/28
Town of Gypsum	4/28
Eagle Ranch	5/5
Town of Eagle	5/5
Edwards Metro (Homestead, Edwards Estates)	5/12
Cordillera Valley Club	5/12
Wildridge/Wildwood	5/12
Eagle-Vail	5/19
Minturn	5/19
Red Cliff	5/19

What we DO want:

- Trees, logs and branches up to 15 inches in diameter.
- All materials must be free from wire or nails.
- HIGH, neatly stacked piles.
- Piles must be clear of vehicles.
- Piles within 5 feet of roadway (not on road or sidewalk).
- Piles smaller than 2 cubic yards should be combined with neighboring piles if practical.



What we DON'T want:

- No construction materials or treated lumber.
- No rotten wood, root wads, stumps, dirt or rocks.
- No grass clippings, trash, weeds, or bags of leaves.
- No piles on the road or any paved surface.
- No piles in ditches or depressions.
- Do not place piles directly under power lines, near gas meters, phone/utility pedestals or mailboxes.



NON-CHIPPABLE ITEMS WILL NOT BE PICKED UP

QUESTIONS →



Tswaner@eagleriverfire.org



EAGLE COUNTY CONSERVATION DISTRICT

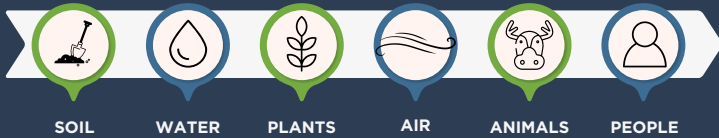
Section 9, Item A.

OUR IMPACT

CONSERVATION- OUR CULTURE, OUR FUTURE

WHAT WE CONSERVE

Helping landowners with natural resource management & conservation practices



OUR FUTURE PLANS

Top concerns from the community for natural resource management



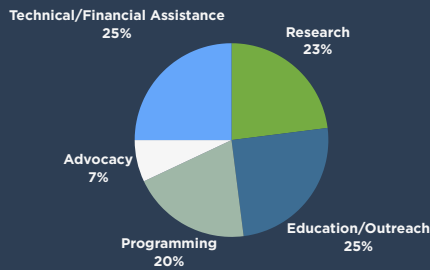
.81¢ of every \$1.00

Goes back into your land



Conserving
404,620 ACRES

WHAT WE DO



HOW YOU CAN PARTICIPATE

SPREAD THE WORD

Tell your neighbors & friends that we're here to help.



SUPPORT US

Every dollar you donate today will go directly towards preserving the natural resources we all treasure.



LET US HELP YOU

Visit our website to learn more about technical & financial assistance available to you.



GET INVOLVED

- Volunteer:** Help protect, restore and enhance our environment
- Internship:** Promote our conservation & marketing efforts
- Ideas:** How can we continue to improve your lands?



HOW WE DO IT

Education/Outreach	Workshops, collaboration, public talks, community engagement
Technical Assistance	Site visits, consultations, land management strategies
Financial Assistance	Cost shares, matching funds, rebates, donations, scholarships
Research	Monitor & track natural resource concerns and changes
Advocacy	Represent landowners, provide a unified voice, policy & legislation
Programming	Grant writing, program & project building/implementation

CONTACT US

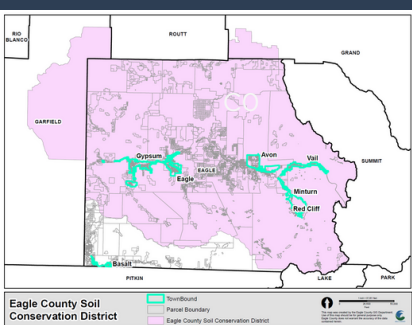
970-445-0307
eaglecountycd@gmail.com
EagleCountyCD.com

Office location
441 Broadway Street, Eagle

PO Box 360
Eagle, CO 81631

Office hours
Tuesday & Wednesday
9-12pm

ECCD BOUNDARIES



2022/2023 SEED SALES

- Native Wildflower Mix **13 Acres**
- Dry Native Mountain Mix **85 Acres**
- Native Low Grow Mix **3 Acres**
- Fine Fescue Lawn Mix **3 Acres**
- Semi Irrigated Pasture Mix **120 Acres**



Photo credit: EagleValleyWild.org



EAGLE COUNTY CONSERVATION DISTRICT

CONSERVATION

Section 9, Item A.

“OUR CULTURE, OUR FUTURE”

WHO WE ARE

Eagle County Conservation District (ECCD) was established after the Soil Conservation Act of 1935 during the Dust Bowl due to poor land management practices. We, as stewards of the land, preserve and restore our natural resources - soil, water, air, plants, animals, and people. Our goal is to foster a healthy balance of these elements for future generations by offering technical and financial assistance to our community.

WHO WE SERVE

ECCD serves people in Eagle County who are passionate about conserving the natural resources that make our region thrive. We are dedicated to protecting, restoring, and enhancing our lands and water through various programs, education, and outreach efforts.

Photo credit: EagleValleyWild.org

HOW CAN ECCD HELP?

ECCD OFFERS AN ARRAY OF SERVICES:

- Collaboration for wildfire protection
- Turf replacement and irrigation system rebates
- Adaptive and resilient land management strategies for a drier climate
- Funding for noxious weed removal and land restoration
- Curation of native and drought-tolerant vegetation specialized for Eagle County
- Promotion of local food systems and regenerative agricultural practices
- Legislative advocacy for our land stewards
- Landscape and irrigation evaluations for property owners
- Virtual fencing for cattle on public lands to promote carbon sequestration
- Preservation of Colorado’s western heritage

“ **The seeds we plant are worth more than numbers** ”

We are at a critical intersection. All of our past programs have been grant-funded, however, these funds are non-renewable.

Now the Eagle County Conservation District needs sustainable funding to continue our programming efforts. With your contribution, we can strive towards a healthier Eagle County through fuels mitigation strategies, outdoor water efficiency, resilient land management planning and various programs that promote sustainable living.

Remember: Every dollar you donate today will go directly towards preserving the natural resources we all treasure. Together, we can make a difference and protect our environment in Eagle County.

**FUNDRAISING-
THE KEY TO PROTECTING
OUR FUTURE**



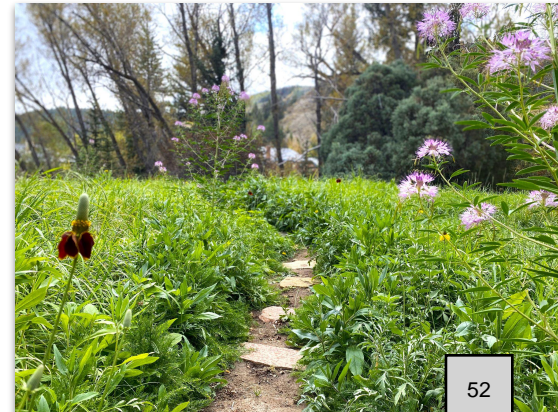
GIVE TODAY



EAGLE COUNTY CONSERVATION DISTRICT



SCAN ME

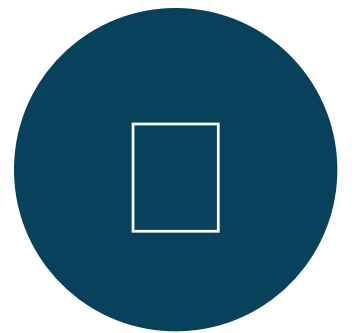




Minturn Family Enrichment Center

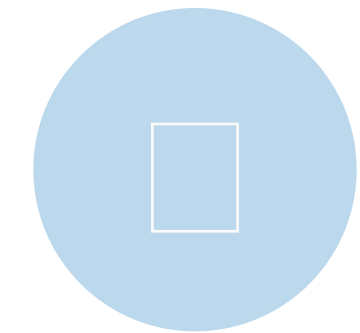
Presented By:
Sarah Foglesong

Background on EVCCA



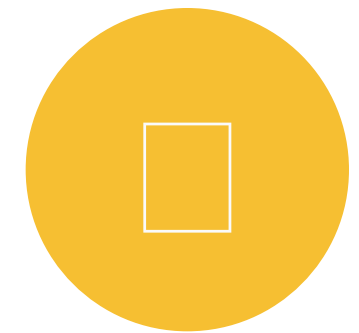
Establishment

Established in 2000, EVCCA has been a cornerstone of early childhood education in Eagle County.



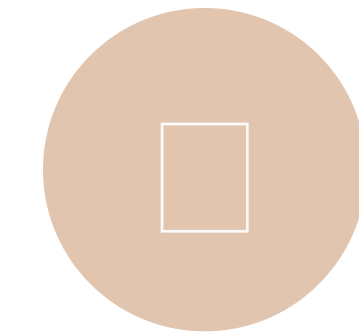
Mission

Our mission is to provide high-quality early learning programs to children and support families of Eagle Valley.



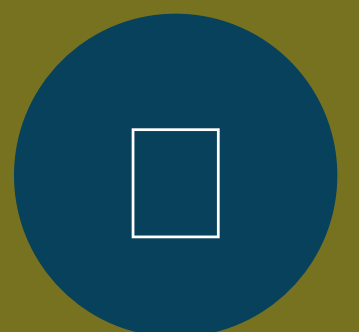
Philosophy

Children of all abilities are individuals who are curious about their world and have the powerful potential to learn from all that surrounds them.



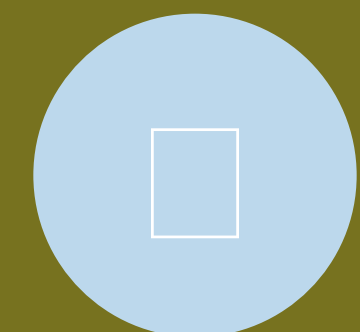
Role of the Child

Children are active constructors of their own learning, with teachers present as guides, resources, and caregivers.



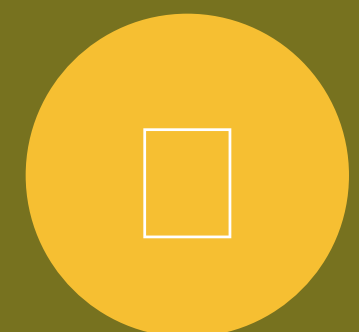
Always Improving

As the needs and expectations of our communities grow and change, EVCCA centers strive to grow and change with them.



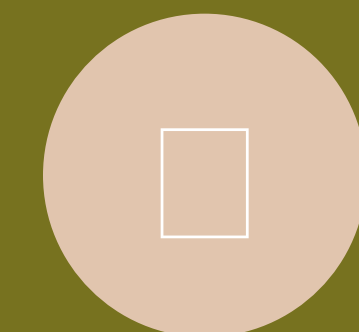
Relationship-Focused

Trusted resource for families, promoting healthy child development and community engagement.



Accountable

Licensed, state-inspected centers staffed with highly trained educators. Centers participate in the CO Quality Rating Improvement System.

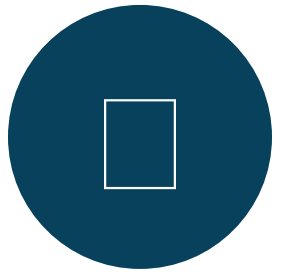


Play-based

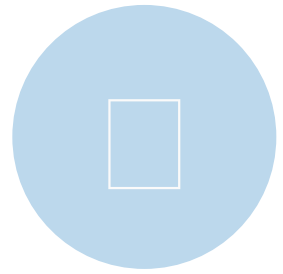
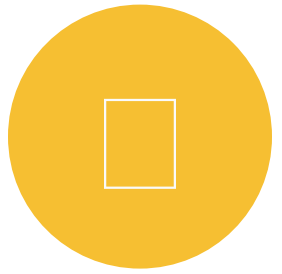
Current centers cater to children ages 8 weeks to 6 years, providing daily opportunities for children to learn through play.

Enhancing Early Care & Learning in Minturn and Beyond

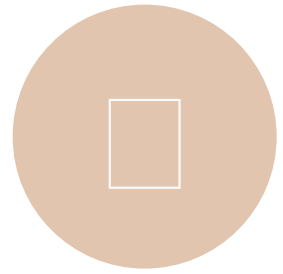
Expand Access for Working Families
Provide essential early care and education services and expand especially infant and toddler care.



Model Nature-based Learning
Demonstrate what nature-based learning looks like in mountain resort communities.



Support Local Families
Strengthen family resilience by providing a central hub for families to connect and engage with one another.



Support Thriving Communities
Create homegrown environmental stewards by nurturing early connections to nature.

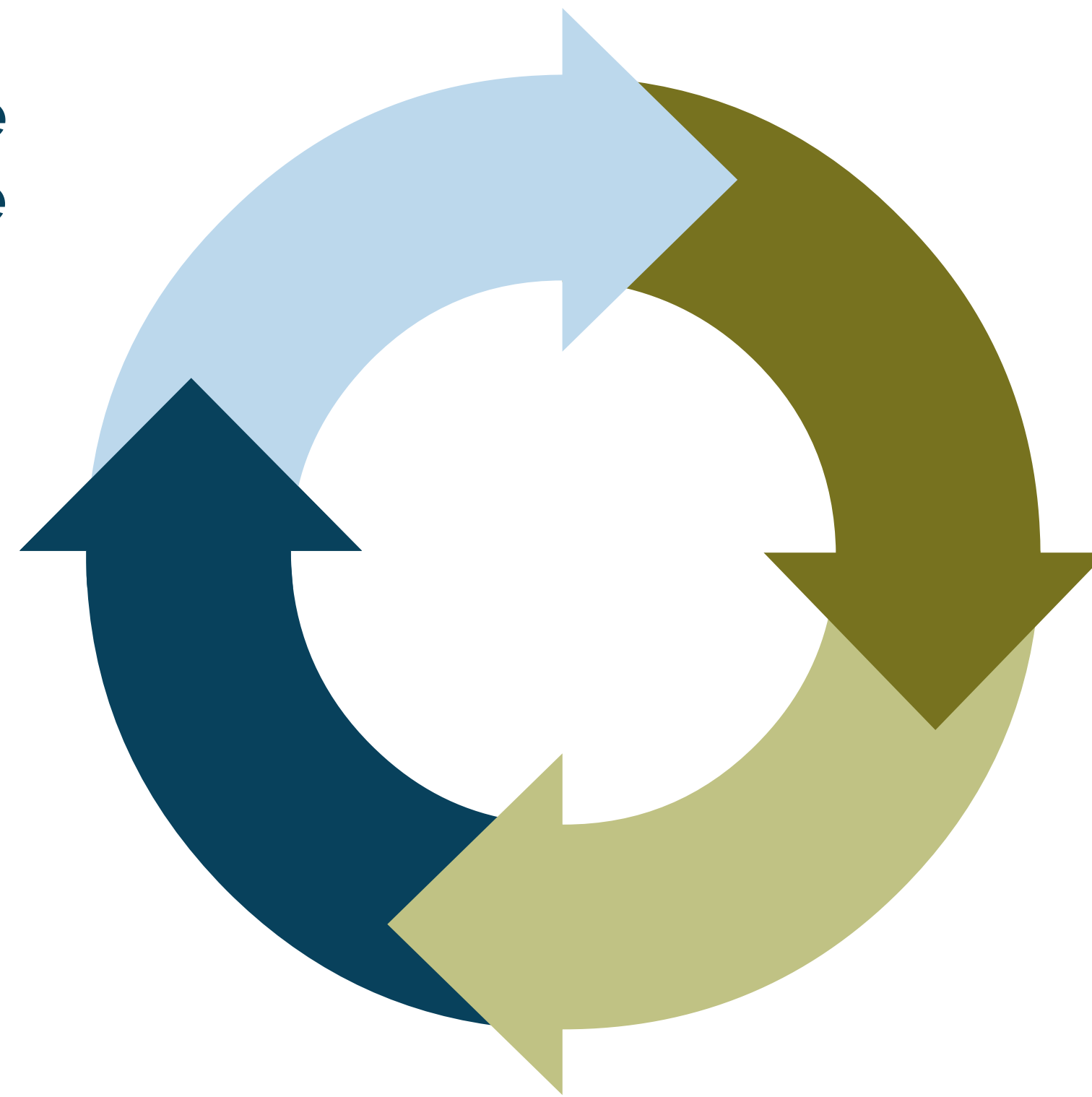
Community Impact

High-quality, affordable early care and education helps families thrive

Thriving families are the anchor for healthy communities

Economically stable communities can help fund affordable, high quality early care and education

Healthy communities create conditions for economic stability



Renovation Plans

Accessible for All



Improve Safety



Warm & Welcoming



Meet Licensing & Public Health Rules



Nature-based Outdoor Play



Funding Needs

\$500,000
Opening Cost

22%
Interior Renovations

46%
Pre-opening Teacher Training and Classroom Setup

32%
Exterior Renovations

Request for Support

Community Support is Critical to this Project

- In-kind donations from local contractors & suppliers
- Financial contributions from local employers and governments
- Fundraisers with local businesses
- Grants from local non-profits
- Volunteer hours from local residents



Thank you

Address

EVCCA
PO Box 1700
Vail, CO 81658

Phone & Email

(970) 476-1615
sarah@eaglevalleychildcare.org

Town of Minturn Community Survey



April 3rd to 30th, 2024



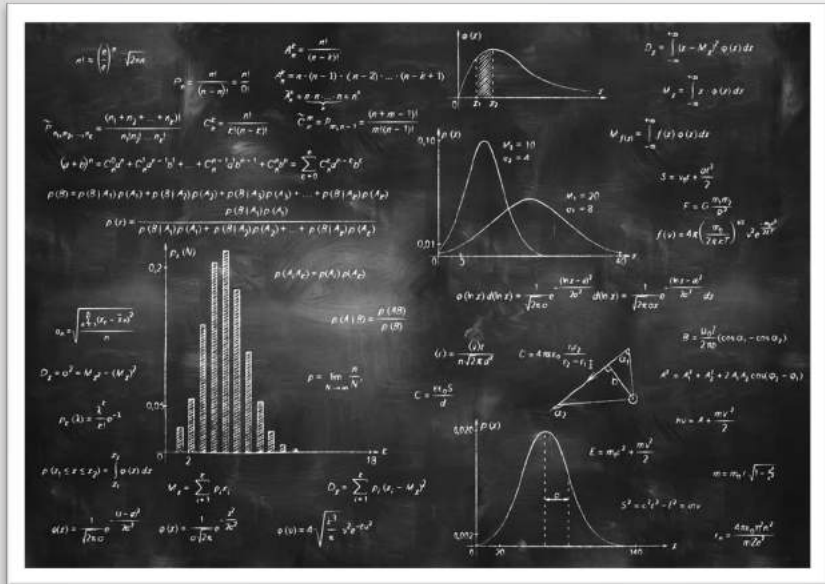
Methodology



Magellan Strategies is pleased to present the results of a community survey of 188 residents in the Town of Minturn, Colorado. The interviews were conducted from April 3rd to 30th, 2024.

The overall survey responses have a margin of error of +/- 6.33% at the 95% confidence interval. The survey results were weighted to be representative of the adult population demographics for the Town of Minturn, Colorado.

Survey Objectives



The primary objective of this community survey was to measure and understand Minturn residents' thoughts and opinions of town services, programs, priorities, and quality of life aspects.

Top Issues, Priorities, and Problems Residents Want Addressed



In your own words, please describe the top two or three issues, priorities, or problems that you think the Town of Minturn should address in the next two or three years.

Water Infrastructure and Affordability: Concerns about the cost of water, the need for upgrades to the water treatment plant, and addressing water supply issues.

Housing and Development: Prioritizing affordable housing for locals, restricting short-term rentals, and managing development to maintain the town's character.

Infrastructure and Safety: Improving road maintenance, sidewalks, snow removal, traffic management, and pedestrian safety.

Community Engagement and Representation: Calls for more inclusive decision-making processes, transparency in governance, and representation that reflects the diverse needs of the community.

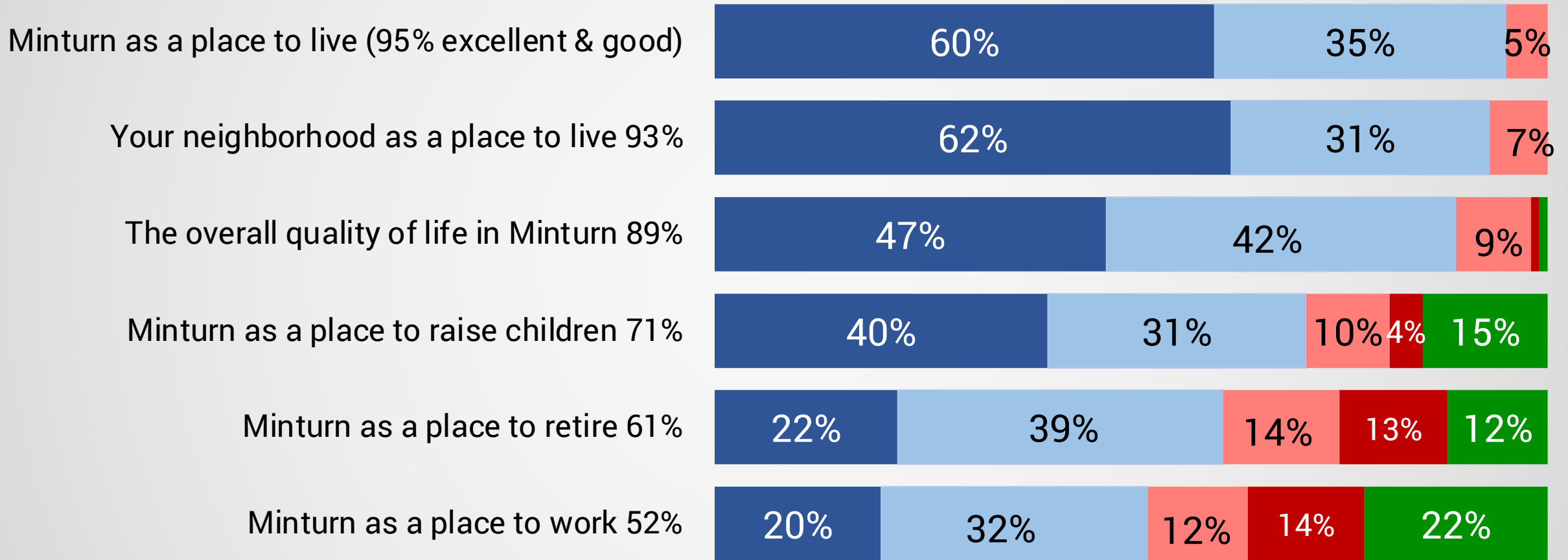
Economic Viability and Business Development: Encouraging business growth, revitalizing downtown areas, and ensuring a sustainable local economy.



Quality of Life Questions



Please rate each of the following characteristics as they relate to Minturn as a whole. (Ranked by excellent & good percentage combined)



■ Excellent ■ Good ■ Fair ■ Poor ■ No Opinion



Minturn Quality of Life Measurements Compared to Similar Colorado Communities

(The percentage shown is the excellent and good percentage combined)

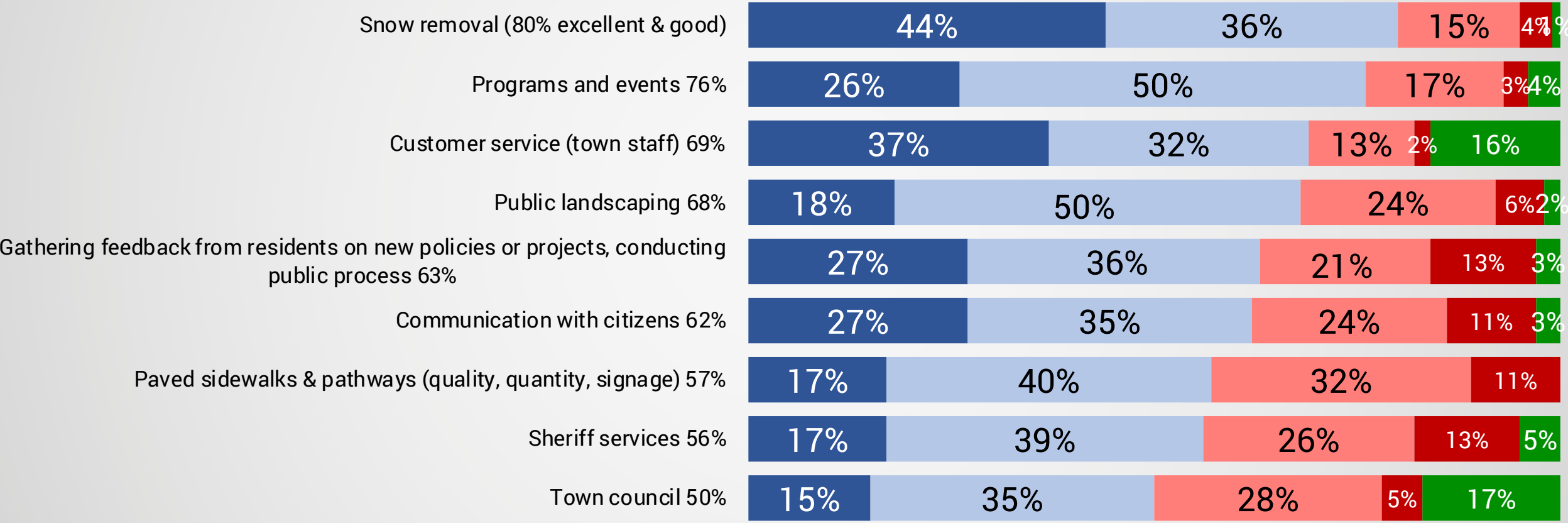
Quality of Life Aspects	Minturn, CO	Manitou Springs, CO	Gypsum, CO	Huerfano County, CO	Glenwood Springs, CO
As place to live	95%	85%	75%	56%	80%
Overall quality of life	89%	85%	80%	55%	74%
As a place to raise children	71%	72%	72%	30%	70%
As a place to retire	61%	59%	49%	59%	49%
As a place to work	52%	18%	38%	---	47%



Opinions on the Quality of Town Functions and Services



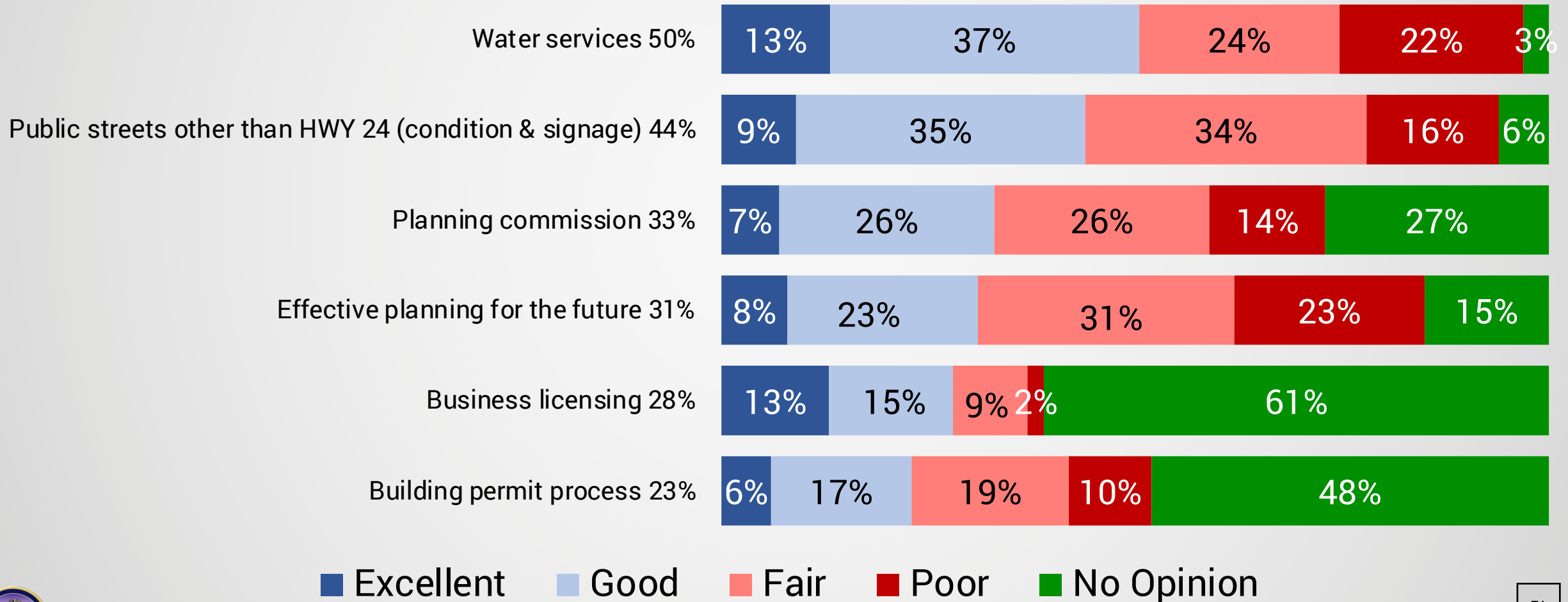
Please rate the quality of service for each of the following town functions and services. (Ranked by excellent & good combined)



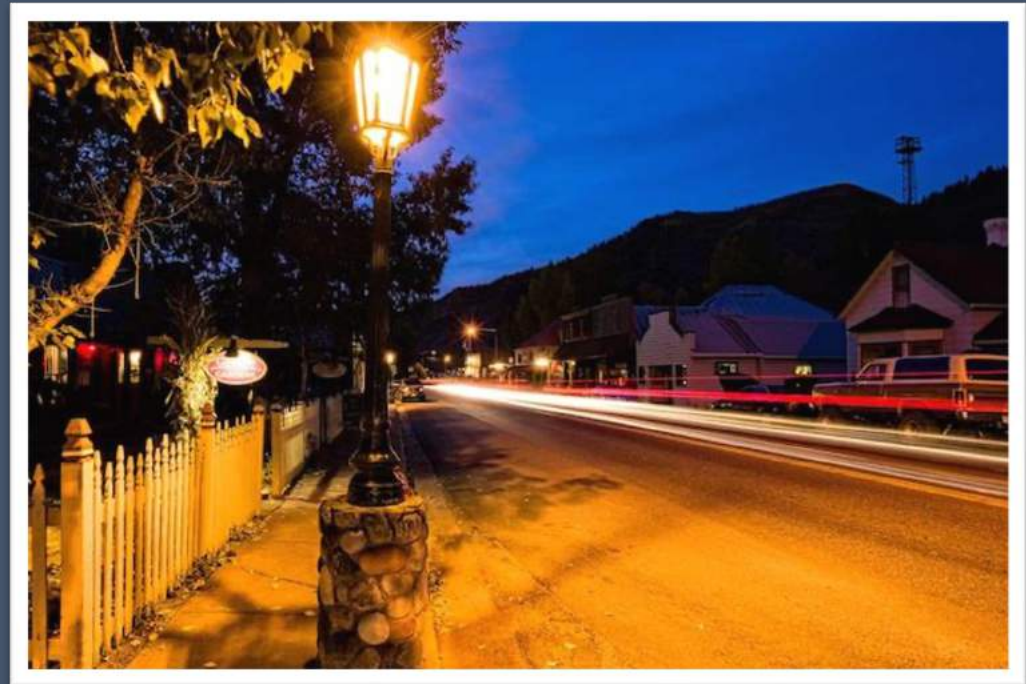
■ Excellent
 ■ Good
 ■ Fair
 ■ Poor
 ■ No Opinion



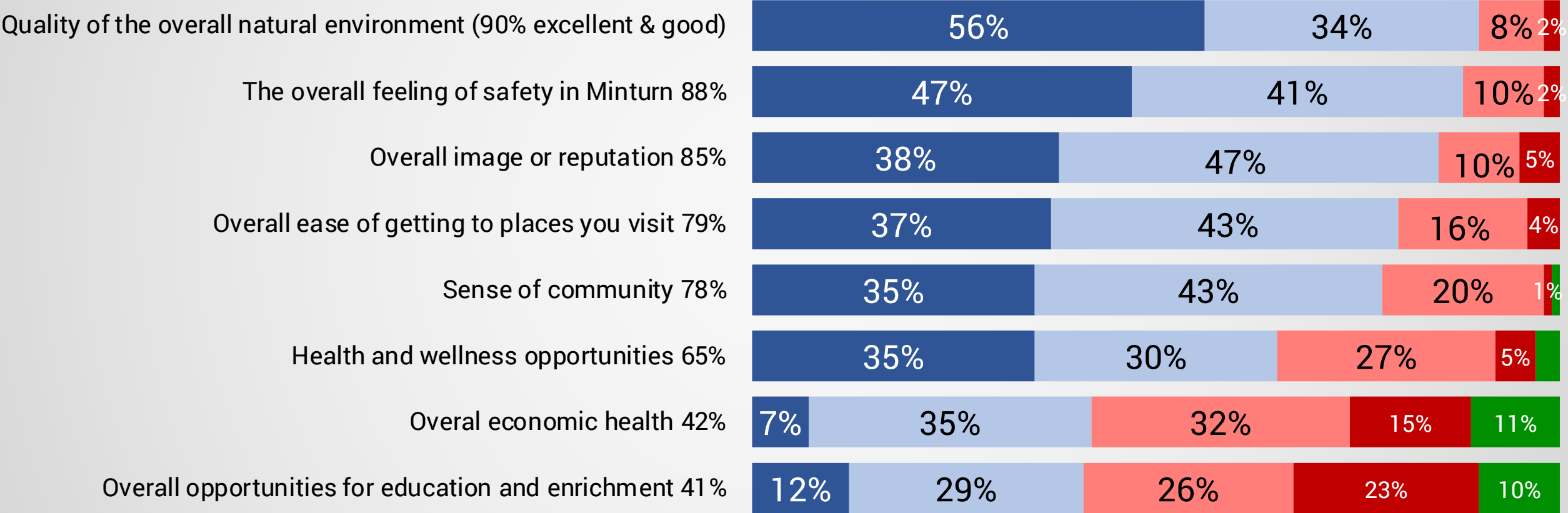
Please rate the quality of service for each of the following town functions and services. (Ranked by excellent & good combined)



Opinions of Town Characteristics as They Relate to Minturn



Please rate each of the following characteristics as they relate to Minturn as a whole. (Ranked by excellent & good combined)



■ Excellent
 ■ Good
 ■ Fair
 ■ Poor
 ■ No Opinion

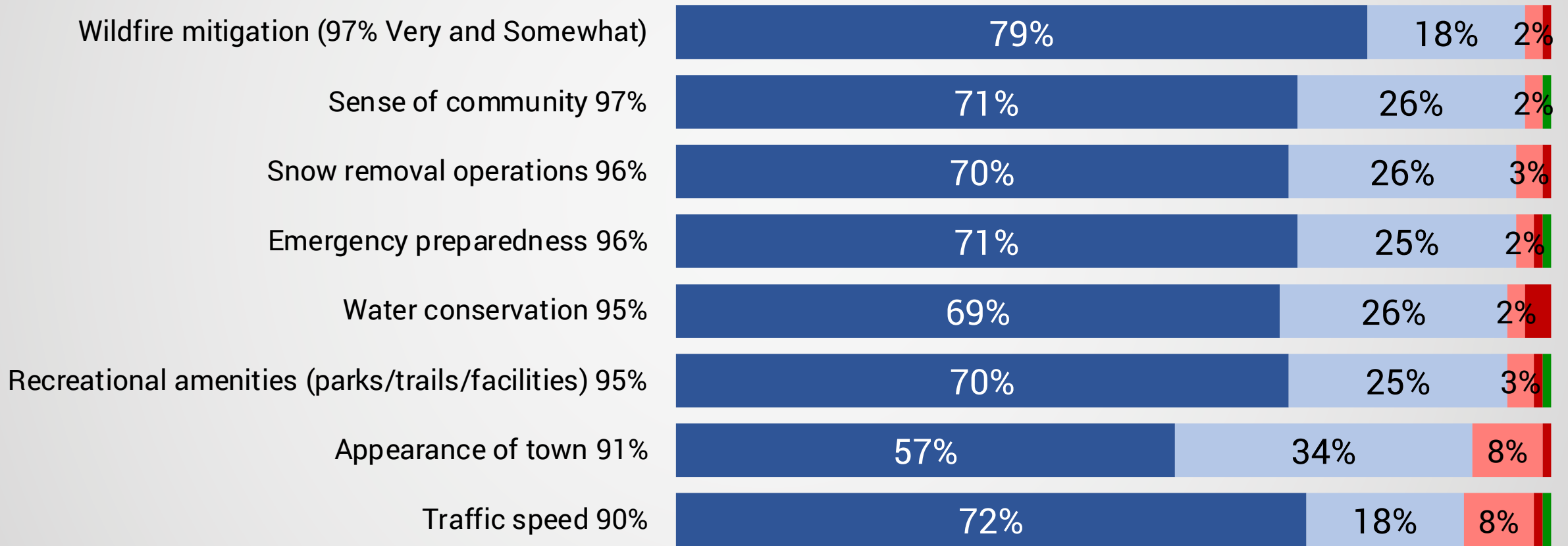


The Importance of Town Aspects & Characteristics



Please rate each of the importance of the following town aspects and characteristics to you and your family.

(Ranked by very and somewhat important percentage combined. The percentage next to the aspect is the very and somewhat percentage combined)

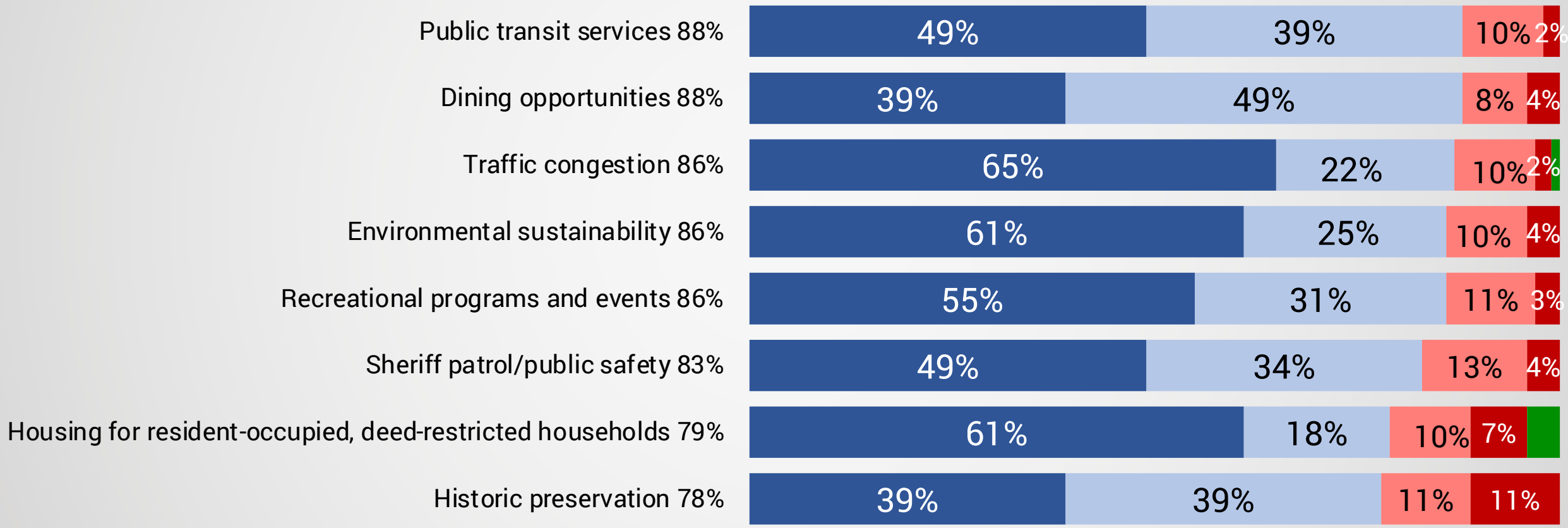


■ Very Important
 ■ Somewhat Important
 ■ Not Too Important
 ■ Not Important At All
 ■ No Opinion



Please rate each of the importance of the following town aspects and characteristics to you and your family.

(Ranked by very and somewhat important percentage combined. The percentage next to the aspect is the very and somewhat percentage combined)

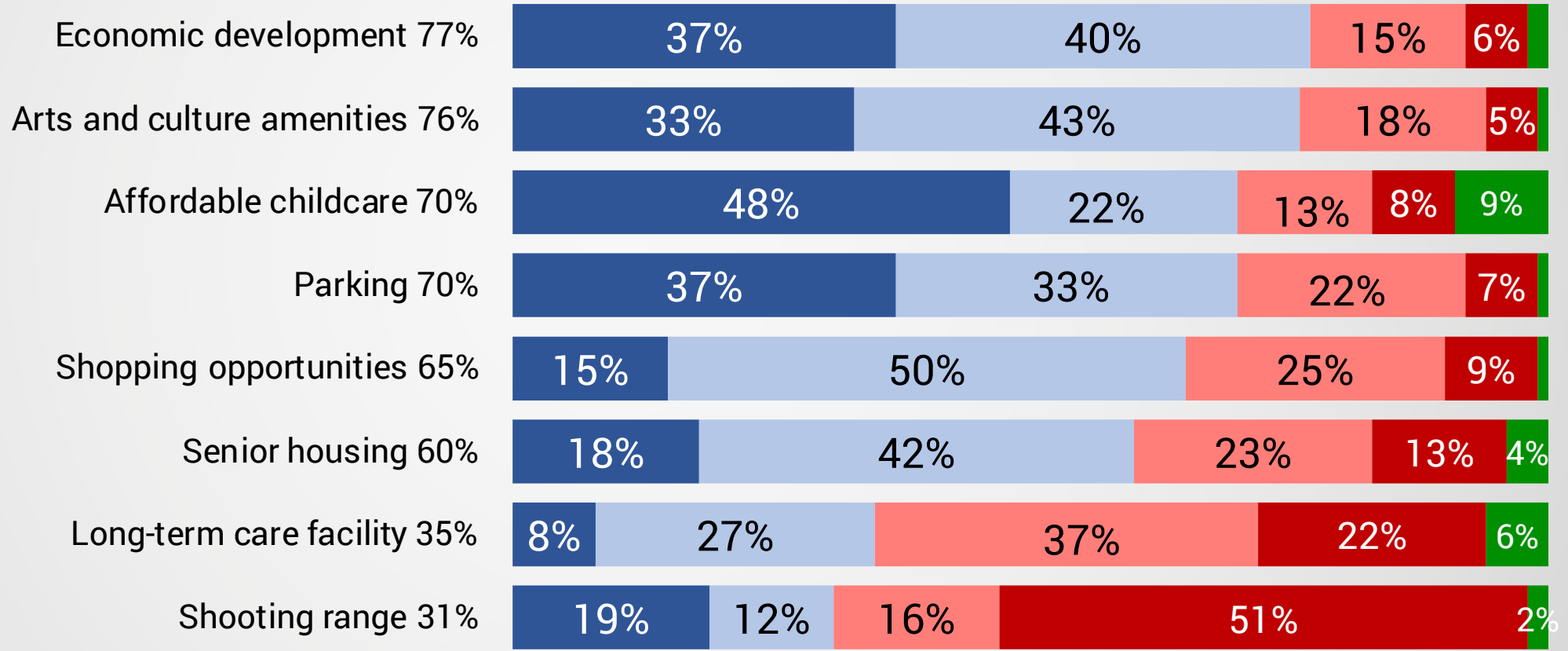


■ Very Important ■ Somewhat Important ■ Not Too Important ■ Not Important At All ■ No Opinion



Please rate each of the importance of the following town aspects and characteristics to you and your family.

(Ranked by very and somewhat important percentage combined. The percentage next to the aspect is the very and somewhat percentage combined)



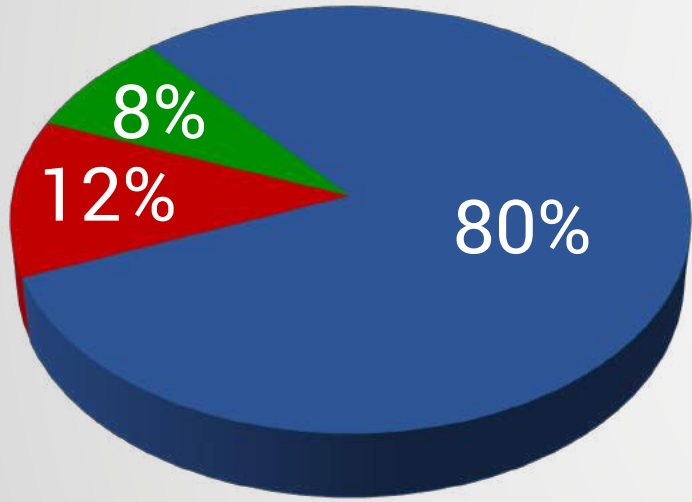
■ Very Important ■ Somewhat Important ■ Not Too Important ■ Not Important At All ■ No Opinion



Opinions of the Operation and Management of Town Services

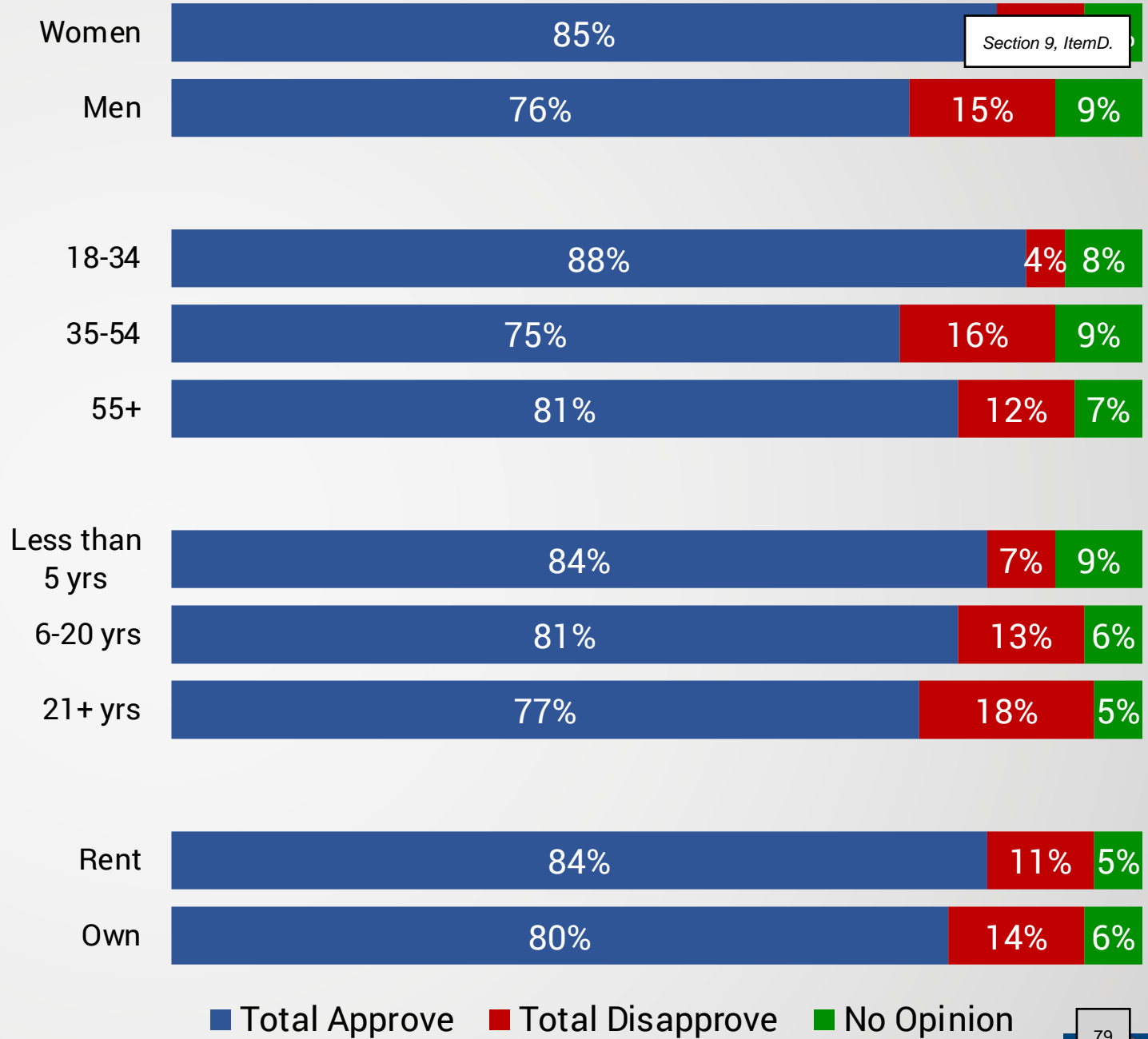


Generally speaking, do you approve or disapprove of how the Town of Minturn operates and manages town services?



- Total Approve
- Total Disapprove
- No Opinion

Strongly Approve	26%
Somewhat Approve	54%
Strongly Disapprove	2%
Somewhat Disapprove	10%



Section 9, Item D.



Please describe the reasons why you approve of how the Town of Minturn operates and manages town services.

Efficiency and Resourcefulness: Many residents appreciate that despite limited funding and resources, the town staff manages to accomplish a lot and maintain essential services like snow removal, road maintenance, and community events.

Community Engagement and Transparency: Residents value the town's efforts to involve the community in decision-making processes, provide transparent communication about town operations, and listen to residents' concerns and feedback.

Appreciation for Specific Services: There's widespread appreciation for specific services provided by the town, such as snow removal, park maintenance, recreational opportunities, and public works. These services contribute to the overall quality of life in Minturn and enhance residents' satisfaction with their town government.



Please describe the reasons why you disapprove of how the Town of Minturn operates and manages town services.

Development Management: There are concerns about accommodating development without proper management or consideration for the town's character and residents' needs. This includes dissatisfaction with development agreements and a perceived emphasis on growth over maintaining existing infrastructure and community values.

Infrastructure Issues: Criticisms of inadequate or outdated infrastructure, particularly regarding the water system and snow removal processes. Residents express frustration with water quality, high water prices, unreliable snow removal, and issues with drainage.

Housing Crisis and Development: Dissatisfaction with the town's handling of affordable housing opportunities and perceptions that development decisions prioritize second homeowners or luxury developments over local renters and workforce housing needs.

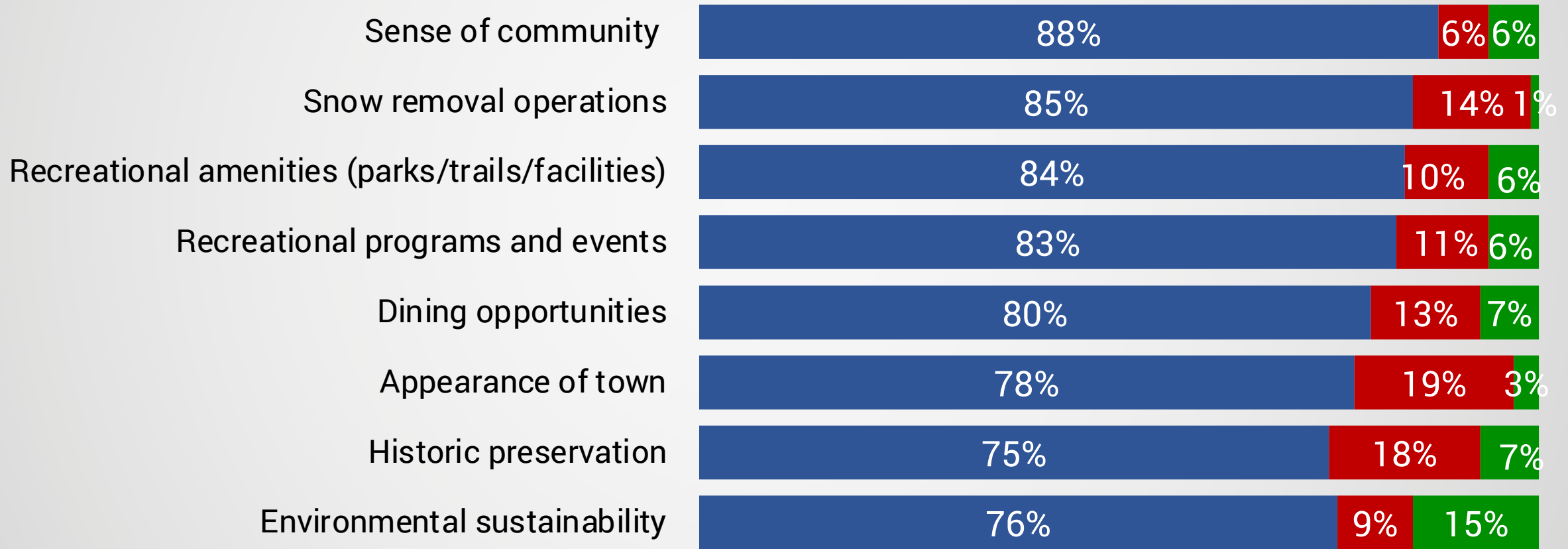
Quality of Life and Services: Residents complain about the town's cleanliness, lack of parking, and insufficient town services beyond snow removal. They express frustration with issues like litter, abandoned cars, and the availability of recycling services.

Communication and Governance: Criticisms of ineffective governance, perceived lack of urgency or responsiveness from local government, and frustrations with the pace of decision-making and issue resolution.



Do you approve or disapprove of the job the Town of Minturn is doing managing the following services, amenities, and areas?

Section 9, Item D.

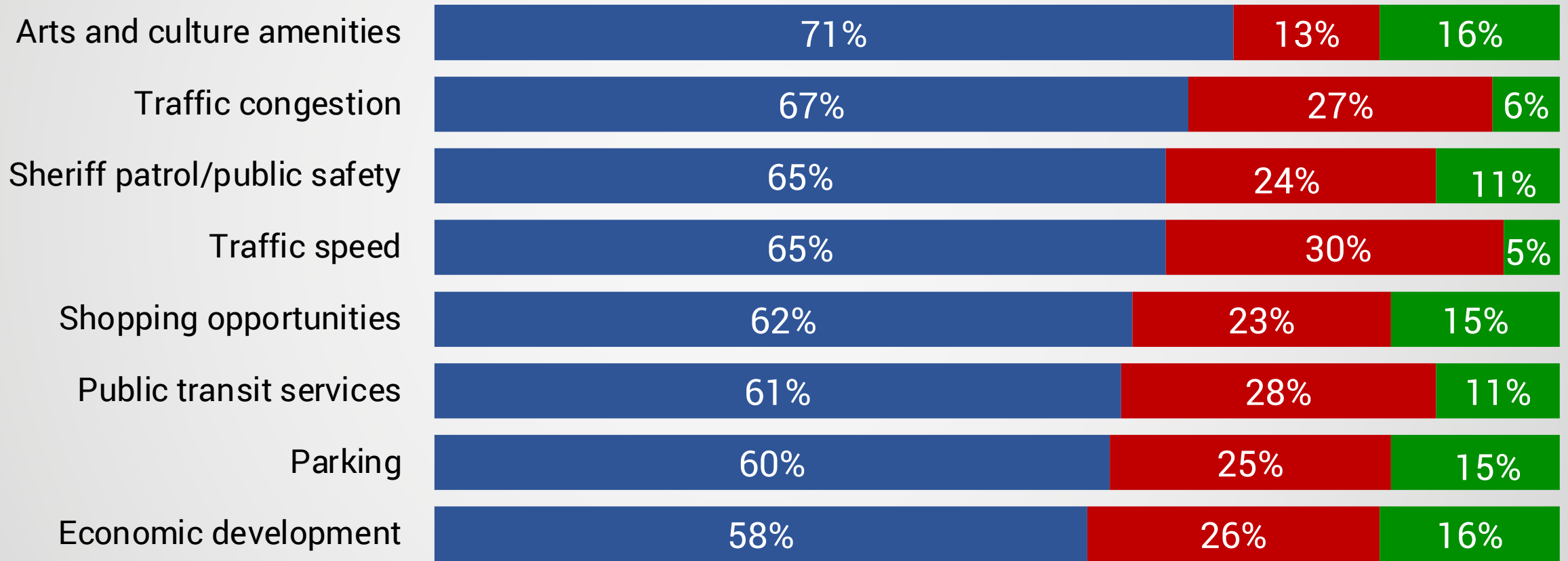


■ Total Approve
 ■ Total Disapprove
 ■ No Opinion



Do you approve or disapprove of the job the Town of Minturn is doing managing the following services, amenities, and areas?

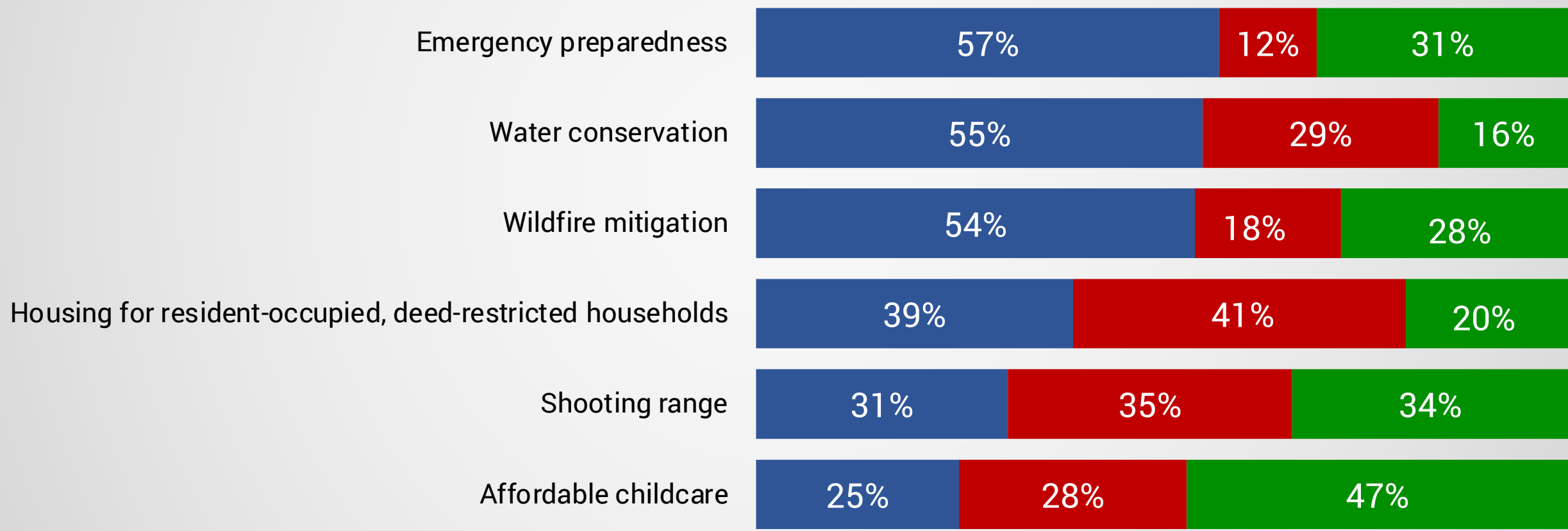
Section 9, Item D.



■ Total Approve
 ■ Total Disapprove
 ■ No Opinion



Do you approve or disapprove of the job the Town of Minturn is doing managing the following services, amenities, and areas?



■ Total Approve ■ Total Disapprove ■ No Opinion

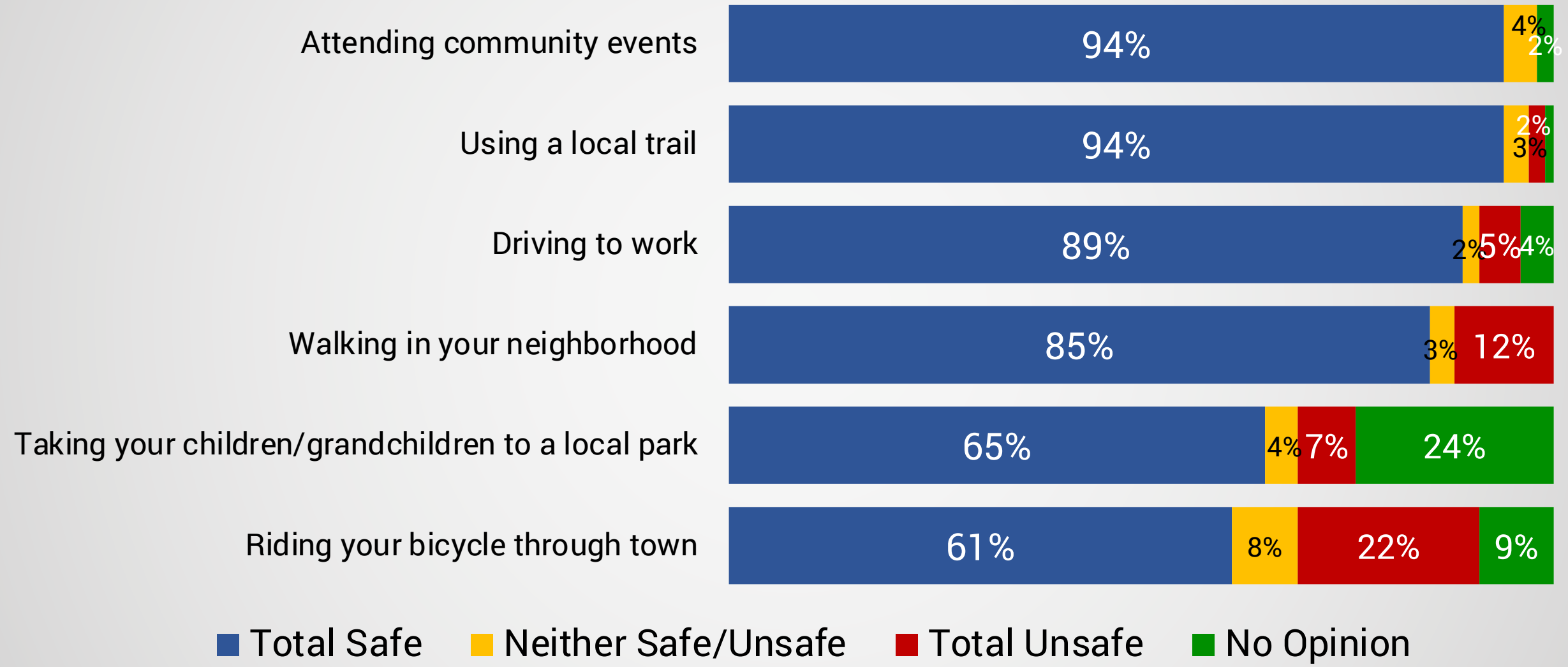
Town of Minturn 2024 Community Survey, 188n, +/- 6.33% MoE, April 3rd to 30th



Opinions of Public Safety



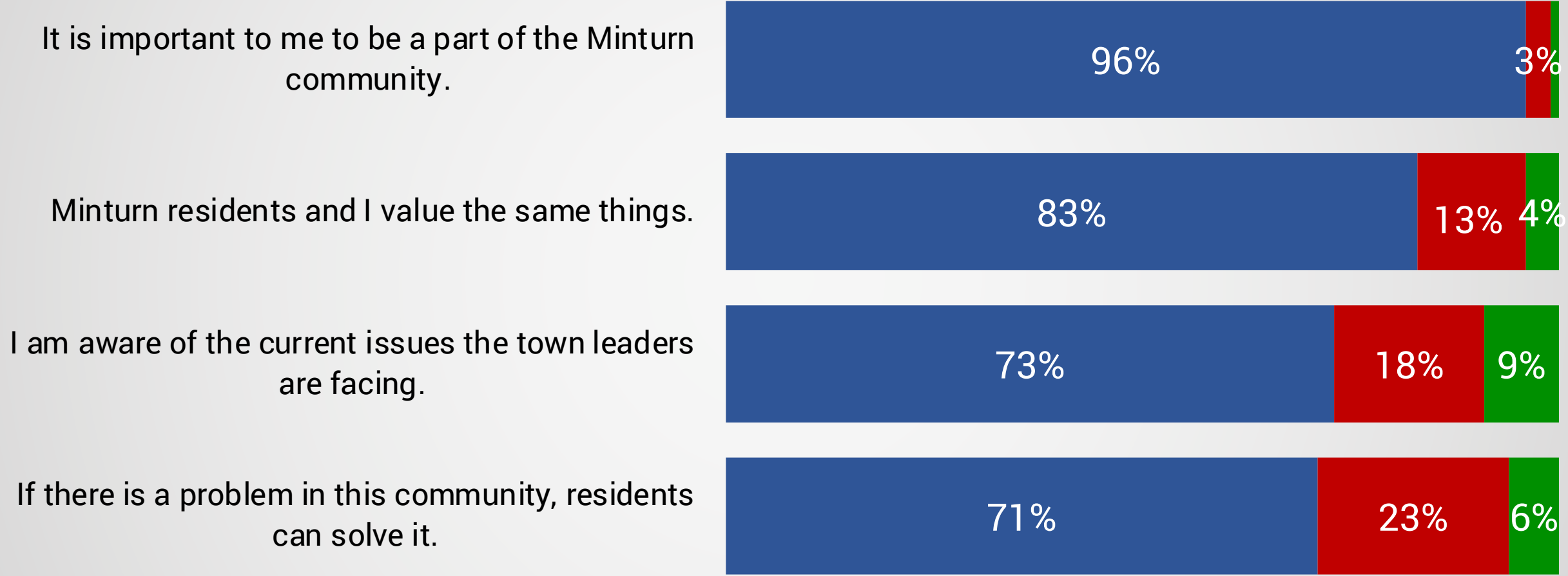
Please rate how safe or unsafe you feel doing the following.



Opinions of the Minturn Community and Town Events



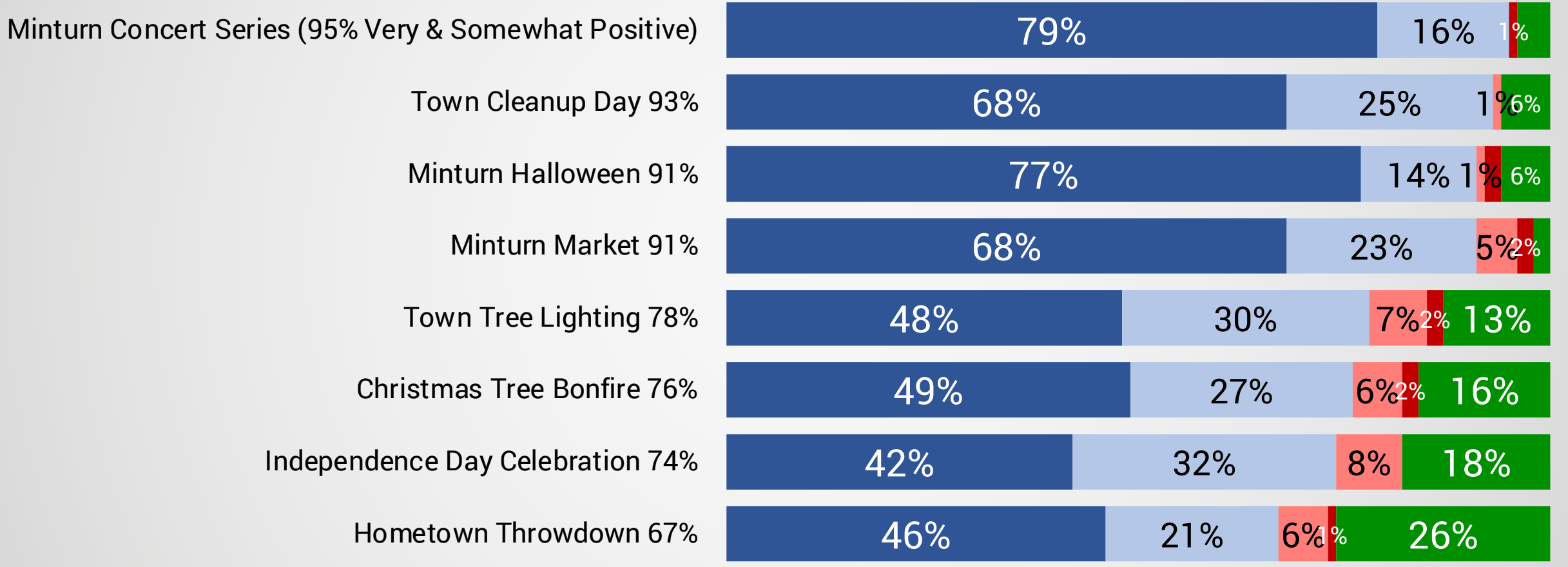
Do you agree or disagree with the following statements.



■ Total Agree ■ Total Disagree ■ No Opinion



Among the following town events, please indicate how much of a positive impact each one has on the Minturn community.



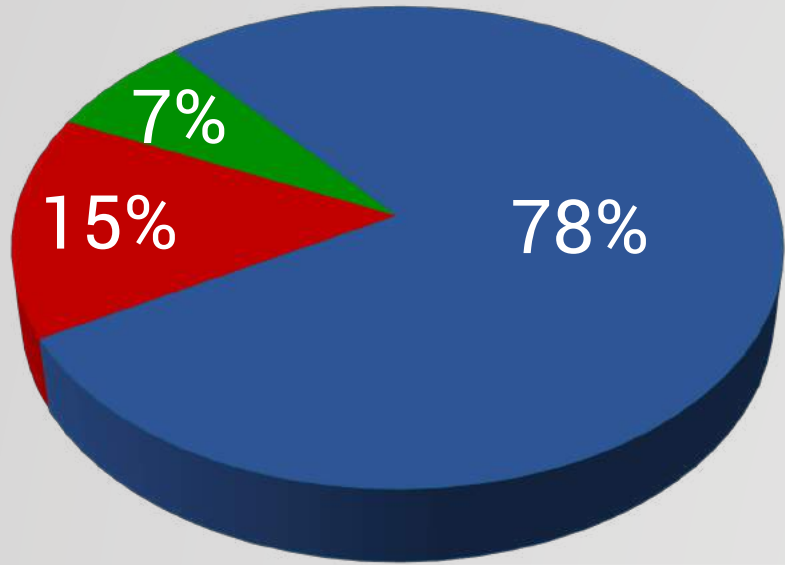
■ Very Positive ■ Somewhat Positive ■ Not Too Positive ■ Not Positive at All ■ No Opinion



Opinions of the Town's Housing Policies

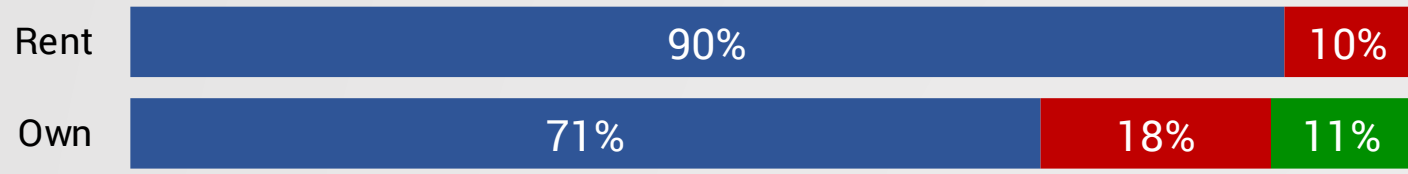
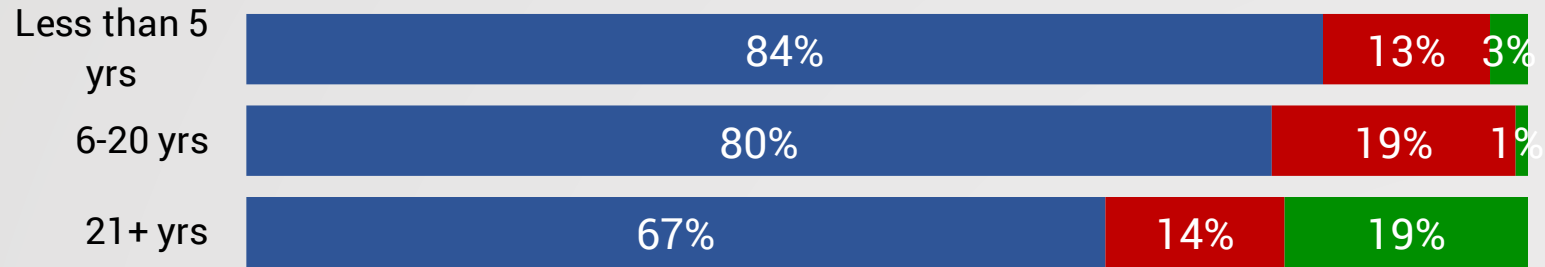
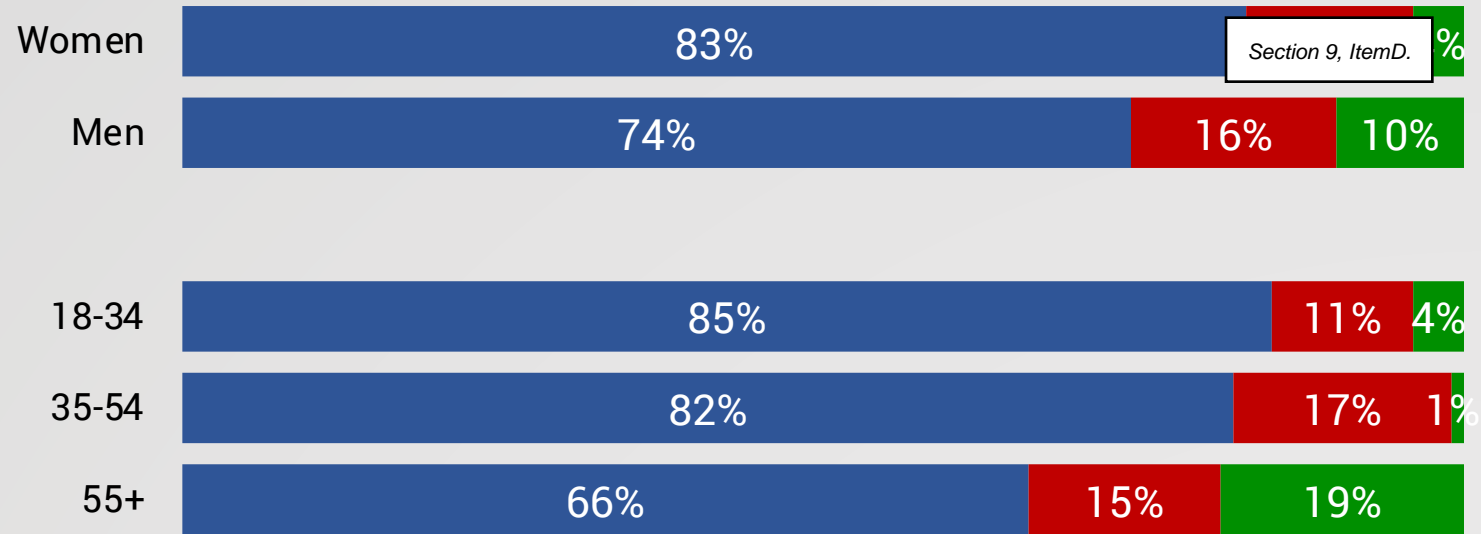


As you may know, in 2019, Minturn adopted a Housing Action Plan with the goal of making 20% of the town's housing inventory deed-restricted for full-time residents by 2030. Knowing this, do you support or oppose this housing policy?



■ Total Support
 ■ Total Oppose
 ■ No Opinion

Strongly Support	53%
Somewhat Support	25%
Strongly Oppose	8%
Somewhat Oppose	7%

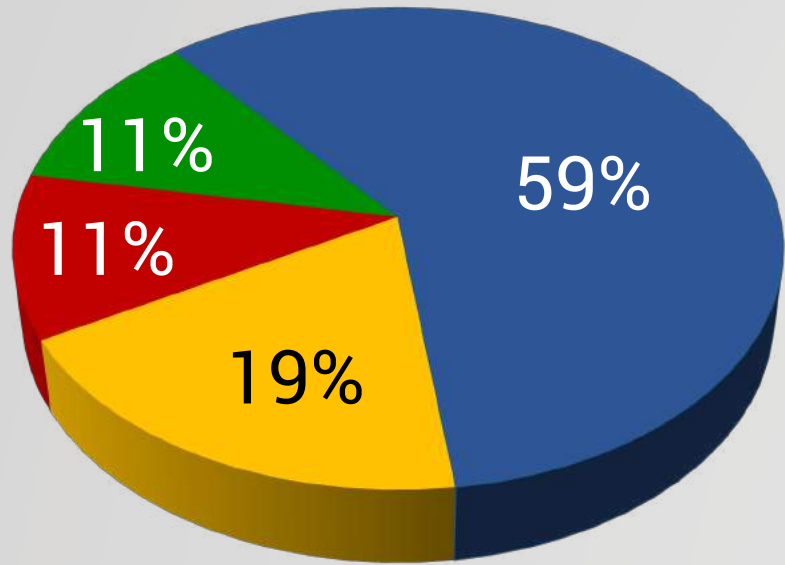


■ Total Support ■ Total Oppose ■ No Opinion

Section 9, Item D.

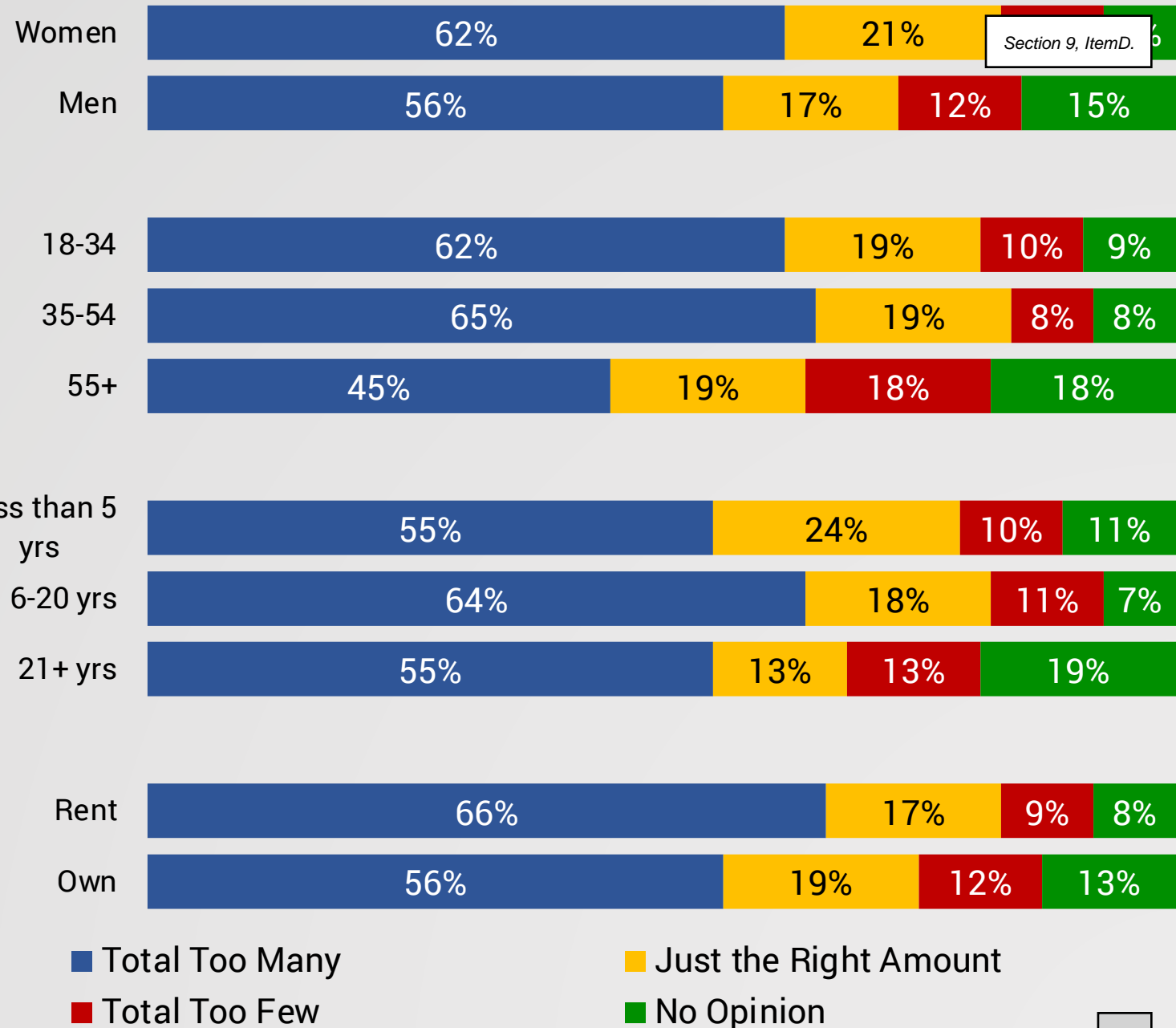


Do you think there are too many, too few, or just the right amount of short-term rental properties in Minturn?



- Total Too Many
- Just the Right Amount
- Total Too Few
- No Opinion

Definitely Too Many	33%
Probably Too Many	26%
Definitely Too Few	4%
Probably Too Few	7%





As you may be aware, Minturn has regulations for short-term rental (STR) properties. First, a STR owner must register and obtain a license before renting their property. Second, there is a 2-year waiting period before an STR owner can apply for a license after purchasing a property.

Third, the town has a total limit of 50 STR licenses. In addition, STR property owners pay an annual fee and a lodging tax every time the property is rented.

Finally, a safety and parking inspection is required before the STR property is listed, and each must have a local property manager on call for situations.



Knowing this information, what are your thoughts and opinions on the town's STR regulation policy?

Concern for the local community and housing availability: Many respondents express worries about the impact of short-term rentals on the availability of housing for local residents. They feel that STRs may exacerbate existing housing shortages and push locals out of the area.

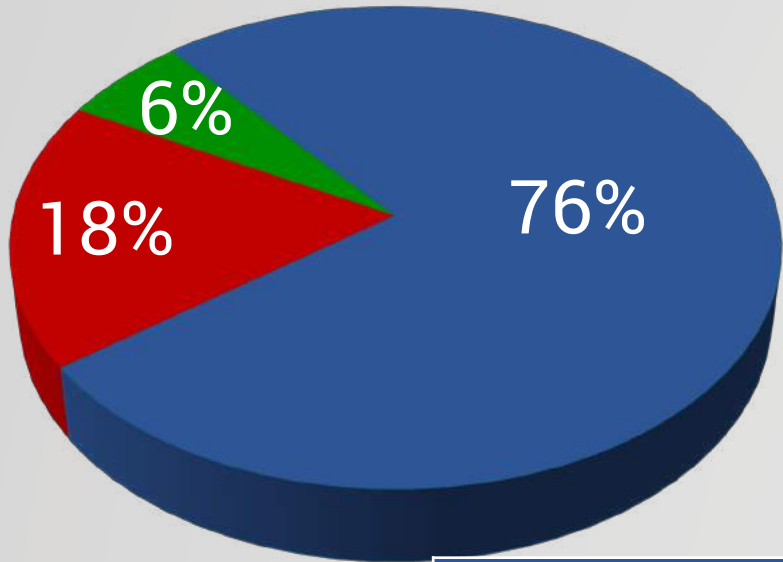
Support for regulations: There is general support for regulations on short-term rentals, with many respondents appreciating the current restrictions in place. However, there are also suggestions for further tightening regulations to address concerns about housing availability and community impact.

Enforcement and monitoring: Several respondents raise concerns about the enforcement and monitoring of short-term rental regulations. They question whether the existing regulations are effectively enforced and express skepticism about the ability to monitor compliance.

Balance between tourism and community interests: There is recognition of the need to strike a balance between promoting tourism and protecting the interests of the local community. While some acknowledge the benefits of short-term rentals for tourism and local businesses, others emphasize the importance of prioritizing the needs of full-time resident.

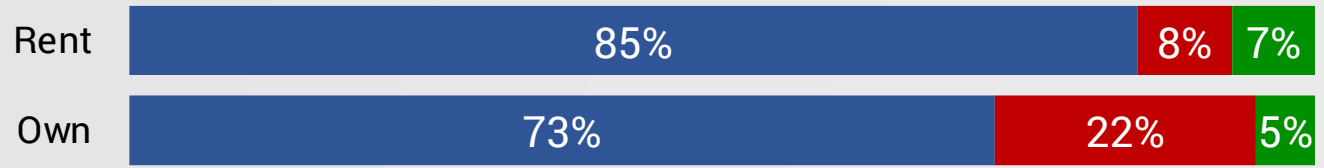
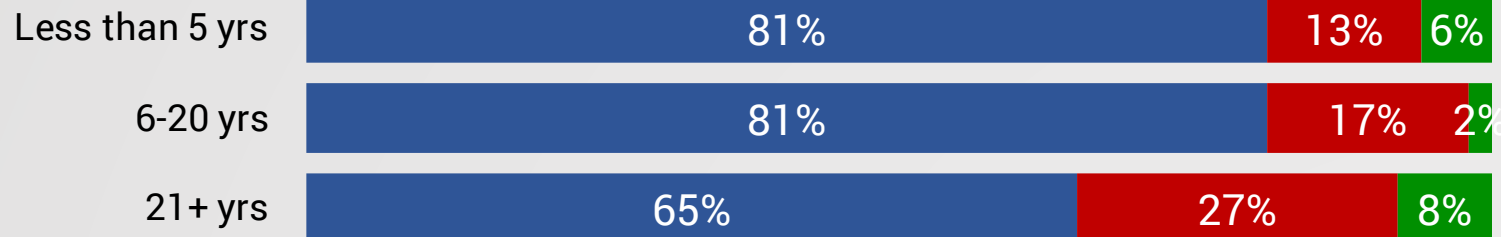
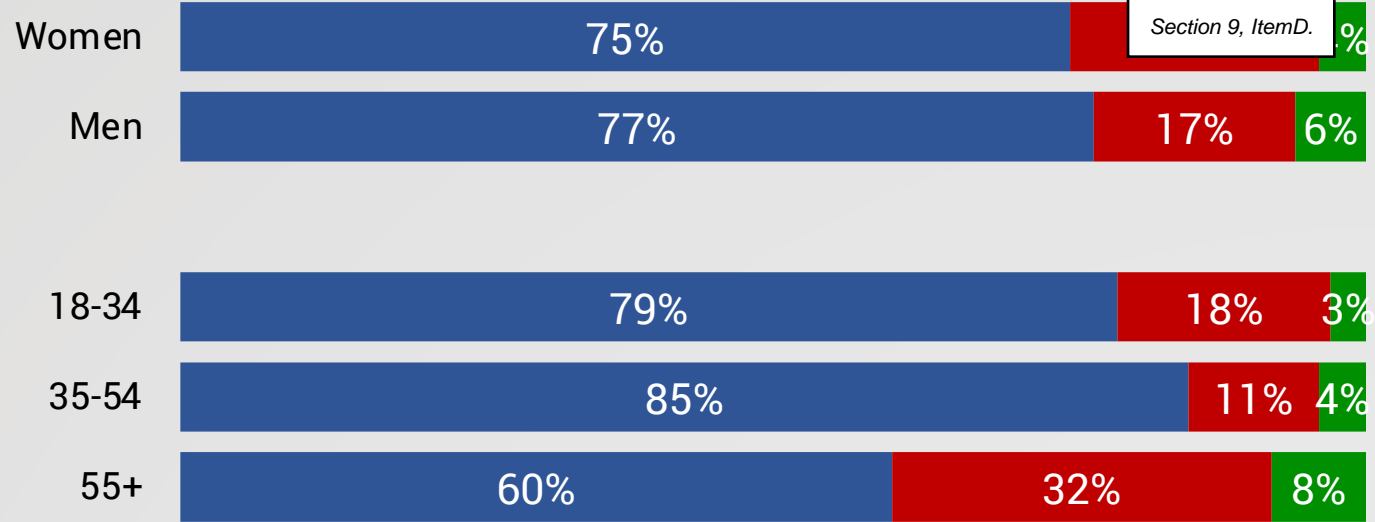
Taxation and fees: Many respondents suggest imposing higher taxes and fees on short-term rentals to generate revenue for the town and mitigate the impact of STRs on housing affordability. They view taxation as a way to offset the negative effects of STRs on the community.

The Town of Minturn is considering a ballot measure this November that would place a 5% tax on short-term rental properties. Knowing this, how would you vote?



- Total Approve
- Total Reject
- Undecided

Definitely Yes, Approve	50%
Probably Yes, Approve	26%
Definitely No, Reject	11%
Probably No, Reject	7%



■ Total Yes, Approve ■ Total No, Reject ■ Undecided

Section 9, Item D.



Opinions of Town Land Use & Open Space



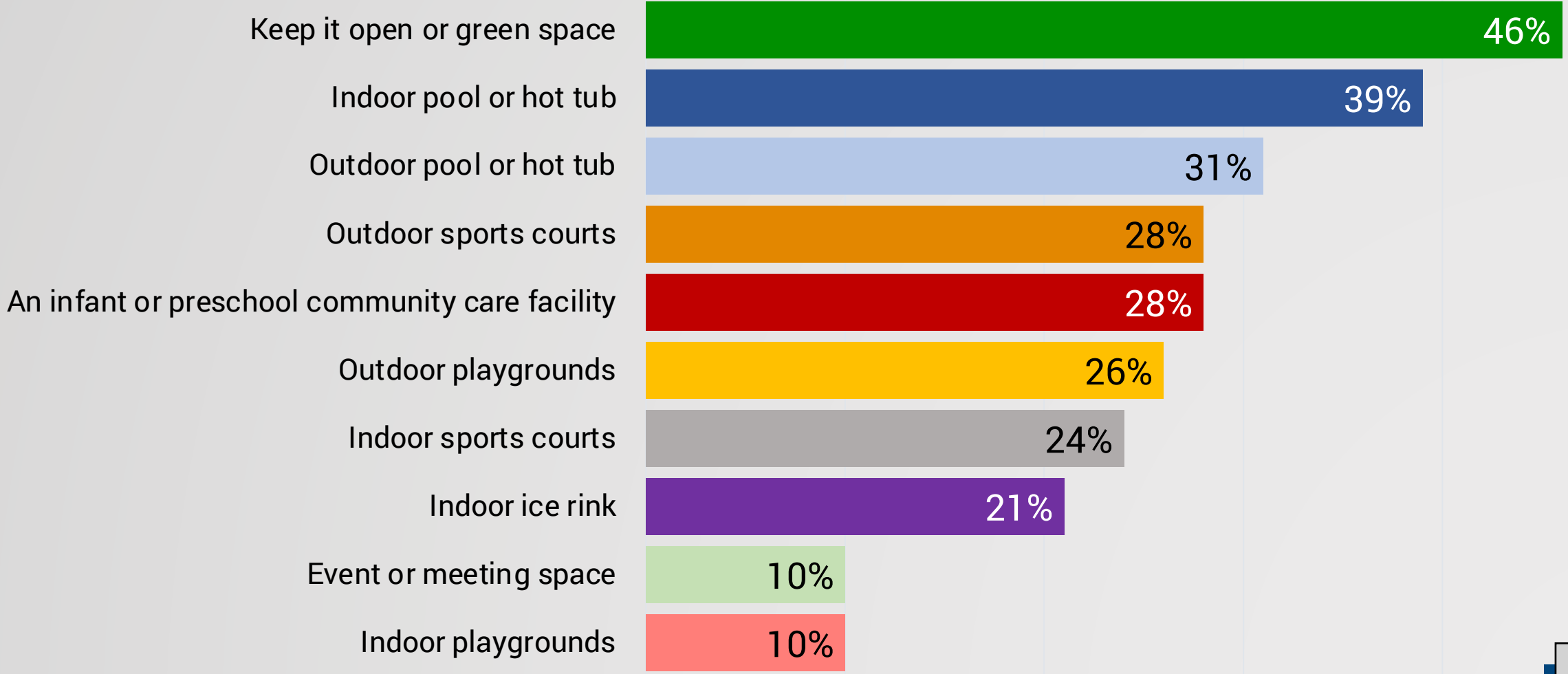
Minturn may receive two acres of land adjacent to the Minturn Fitness Center through the Battle Mountain settlement.

The options for using this land are limited because of an agreement that the land is zoned for recreation and other light, non-residential, non-commercial purposes only.

This area is subject to a potential surrounding development by the Eagle County School District and Battle Mountain.



Knowing this, among the following options, select all that you think Minturn should consider. Keep in mind that some of these options will require a modest tax increase in the future.

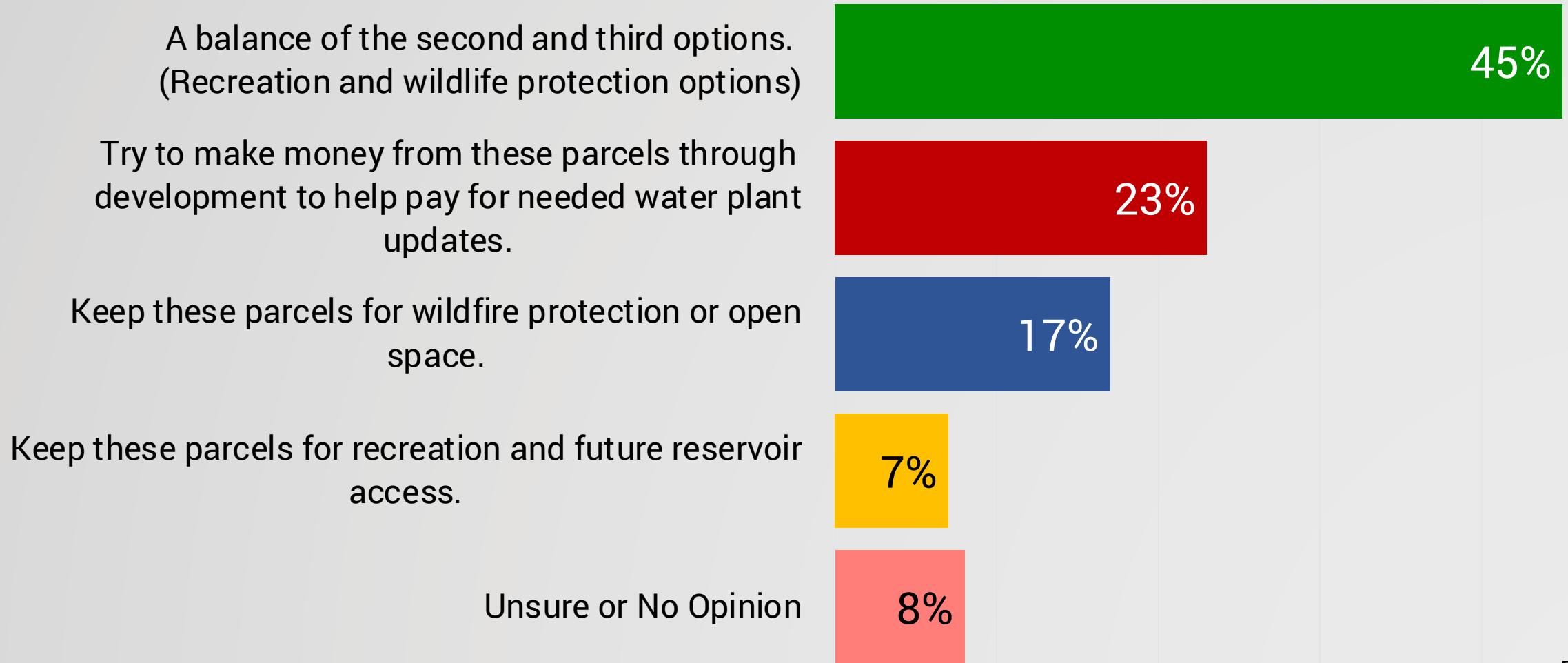


If the settlement with Battle Mountain is completed, Minturn will receive parcels of land near the HWY 24/Tigiwon Rd area.

Remember that Battle Mountain and Eagle County Schools could build up to 390 housing units in the Maloit Park area.



Knowing this, how would you like Minturn to utilize these parcels of land?



Opinions of the Water Plant & Suggestions for CDOT



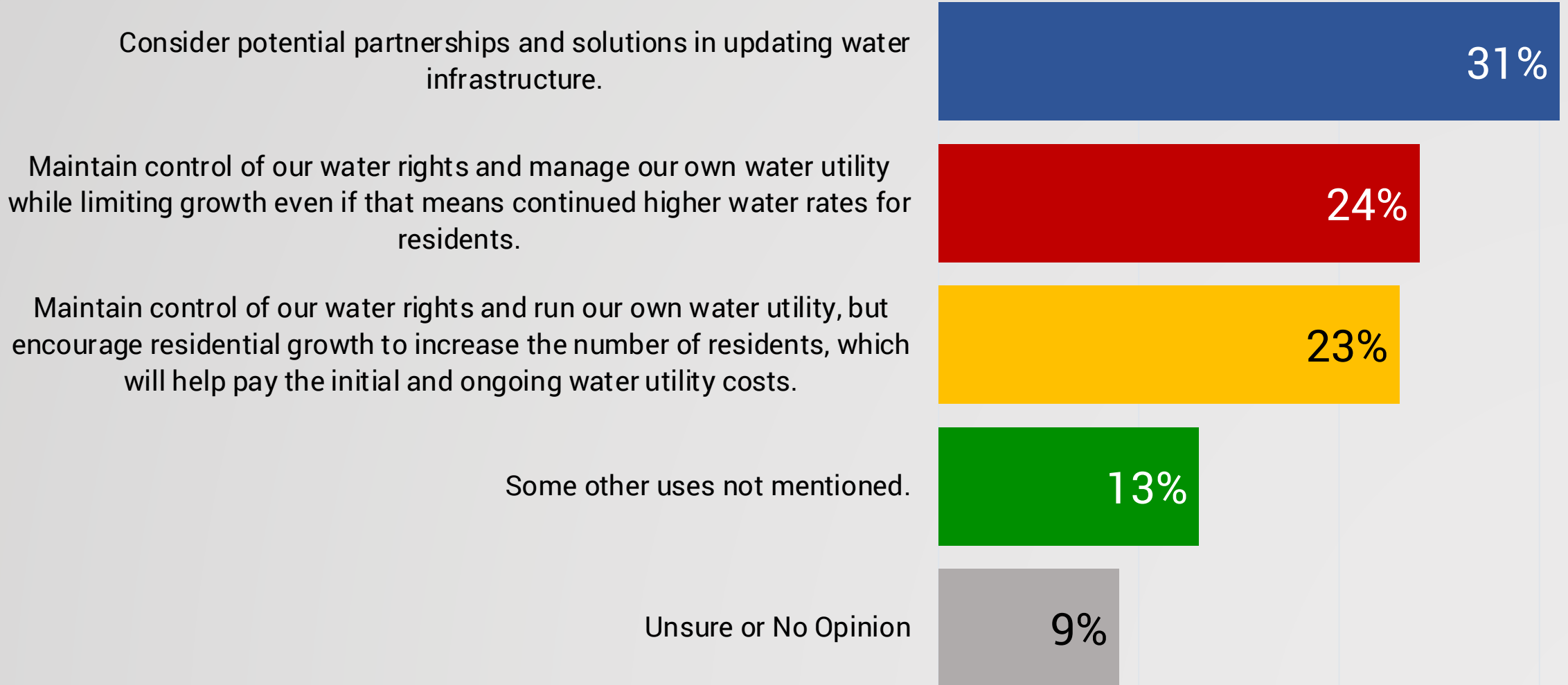
Replacing our aging and maxed-out water plant and related infrastructure is a priority.

Minturn's water rates are some of the highest in the state due to the economics of running an expensive utility for a small population.

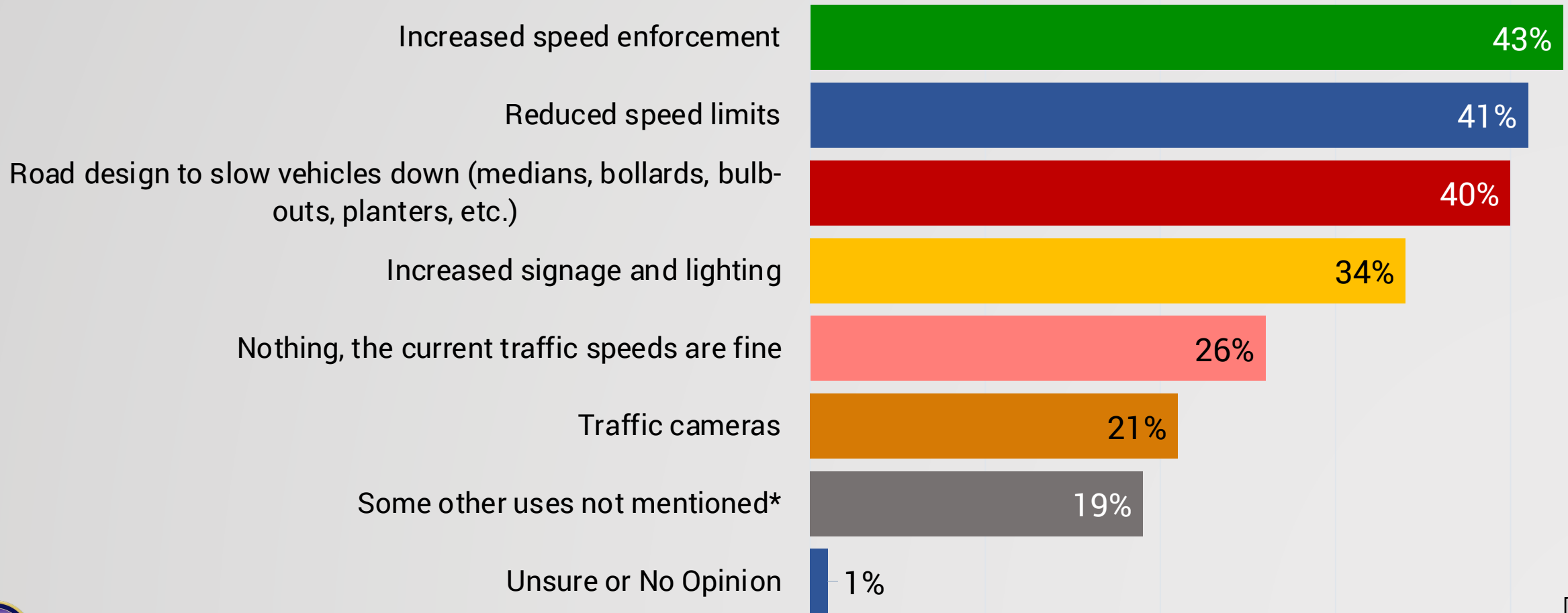
Replacing the treatment plant will be another significant cost increase, even with potential grant funding.



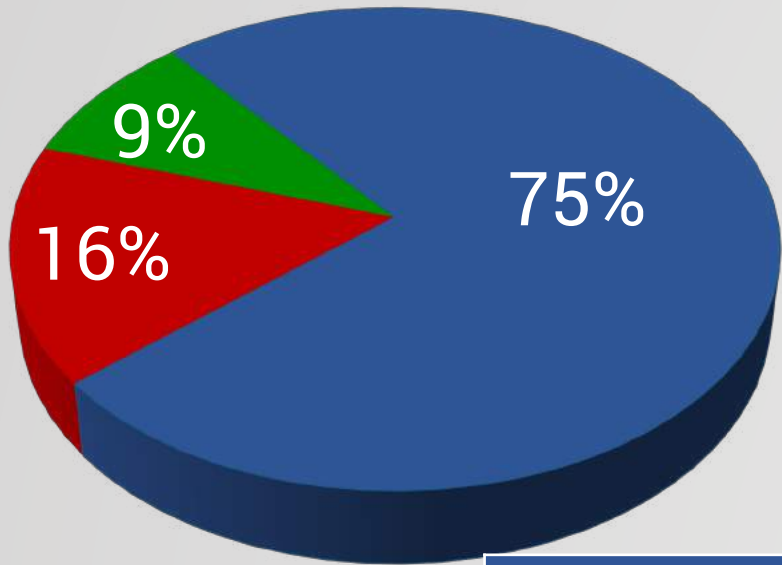
Knowing this, which of the following options best describes what you think the Town of Minturn should do?



As you may be aware, Highway 24/Main Street is managed by CDOT, and any potential changes are subject to CDOT's approval. Knowing this, among the following options, which changes would you like Minturn to suggest to CDOT? Please select all that apply.

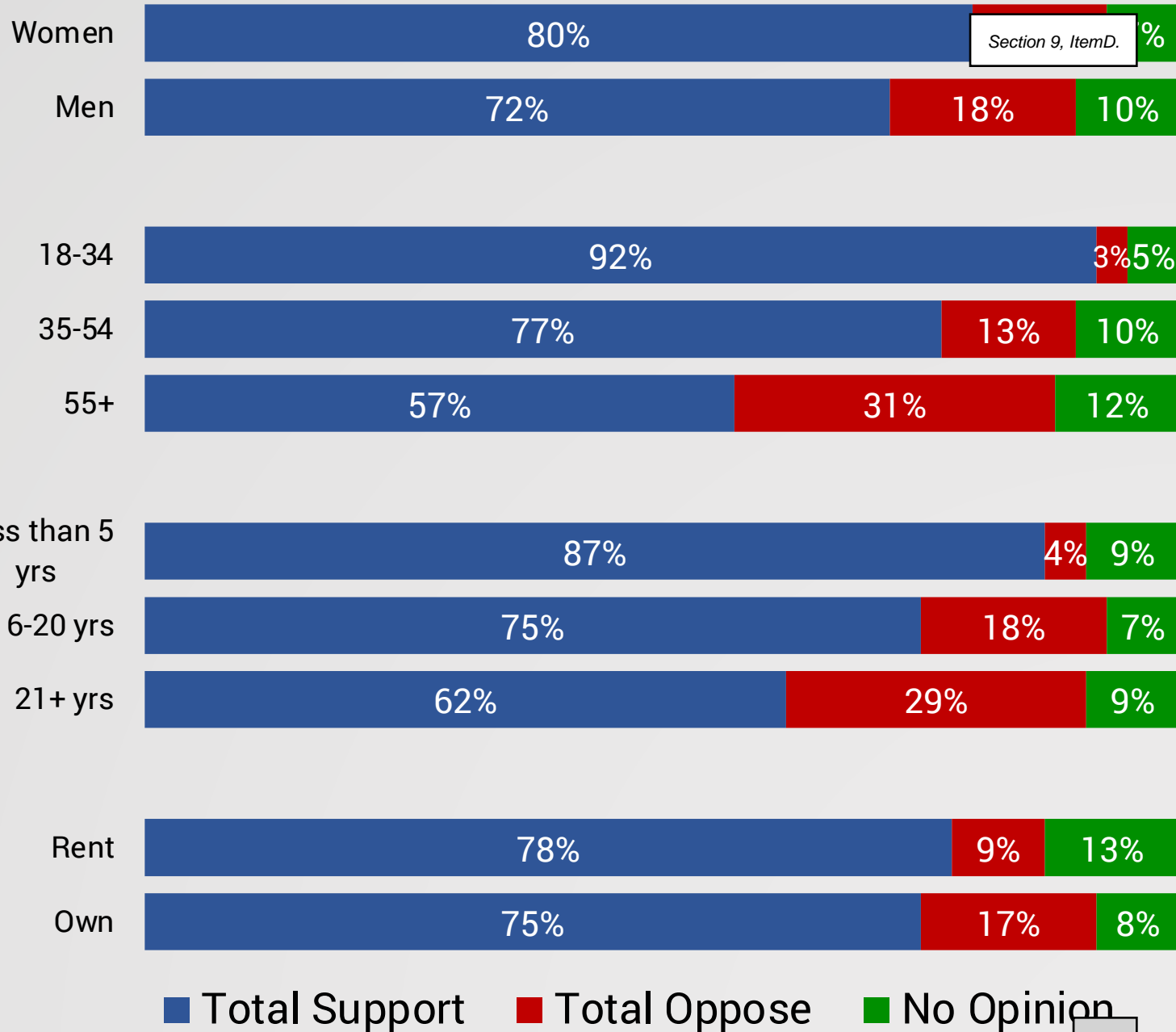


The town of Minturn is considering adding holiday “uplighting” to the exterior of the old downtown Minturn water tank. Would you support or oppose festive holiday lighting for the tank?



■ Total Support
 ■ Total Oppose
 ■ No Opinion

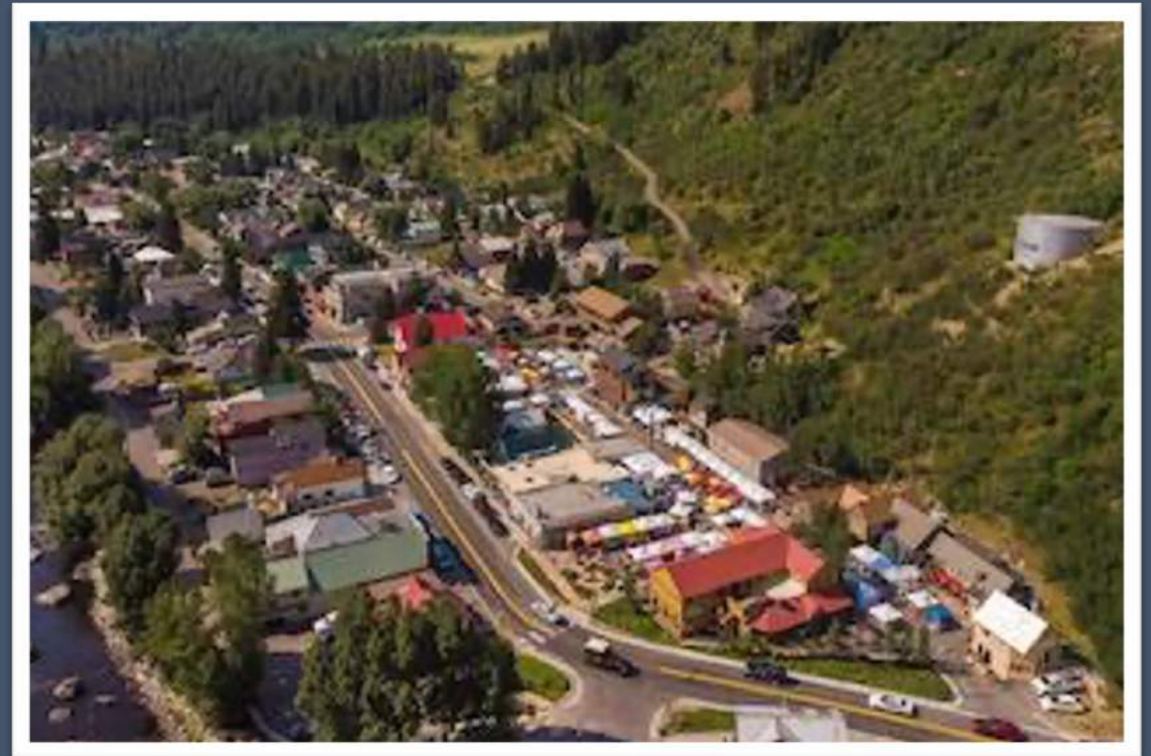
Strongly Support	50%
Somewhat Support	25%
Strongly Oppose	8%
Somewhat Oppose	8%



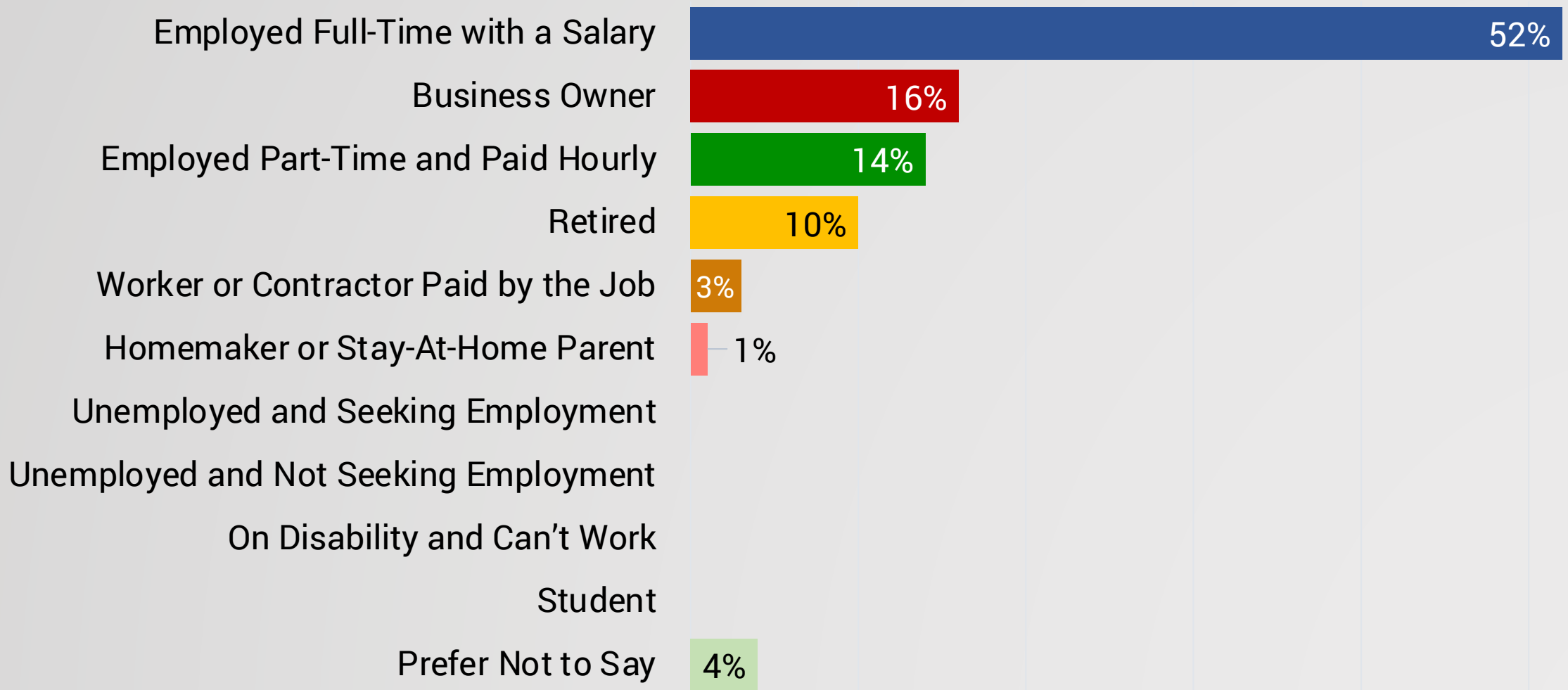
Section 9, Item D. %



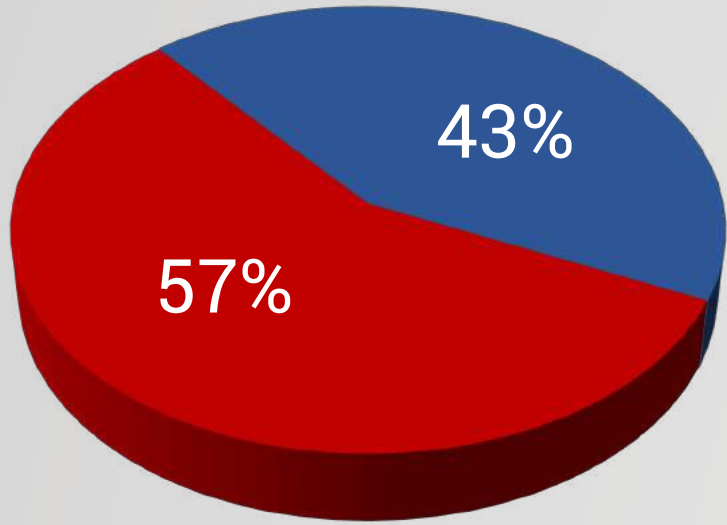
Resident Occupation and Commute Habits



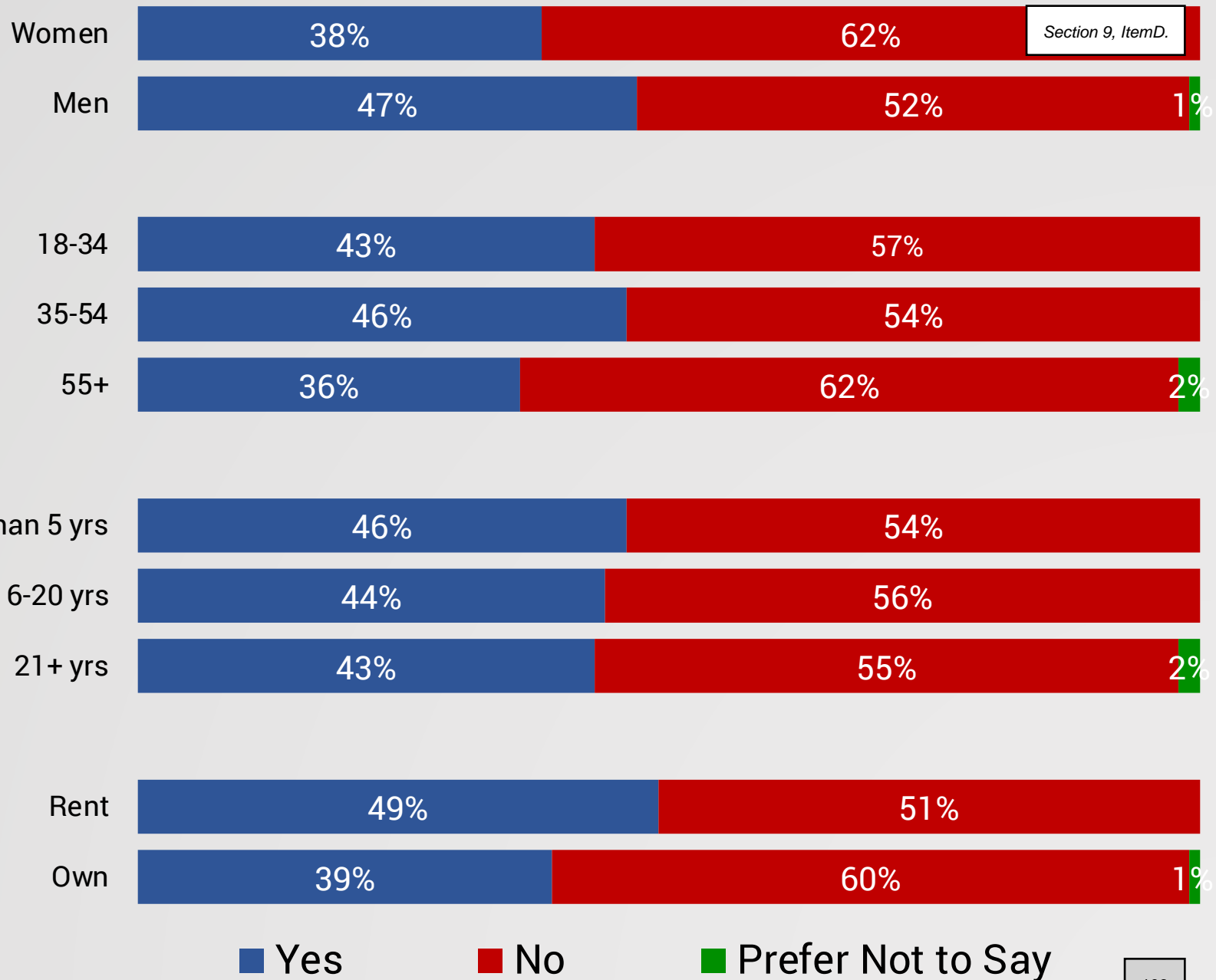
The Town of Minturn wants to understand our resident occupation status and commute habits. This information will help the town allocate services and programs to meet resident needs. Knowing this, what is your employment status?



Do you have more than one job?
(Asked of 161 respondents who are employed).



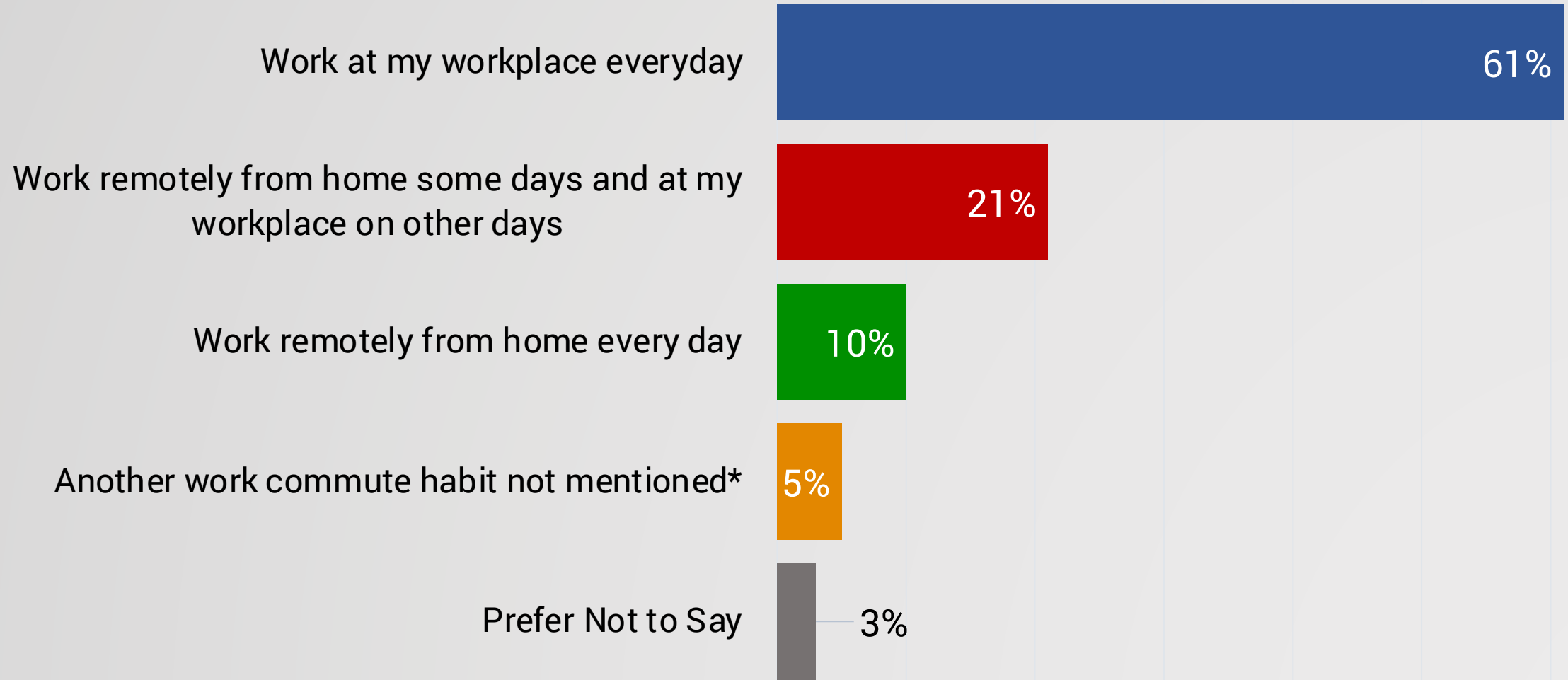
■ Yes
■ No
■ Prefer Not to Say



Section 9, Item D.



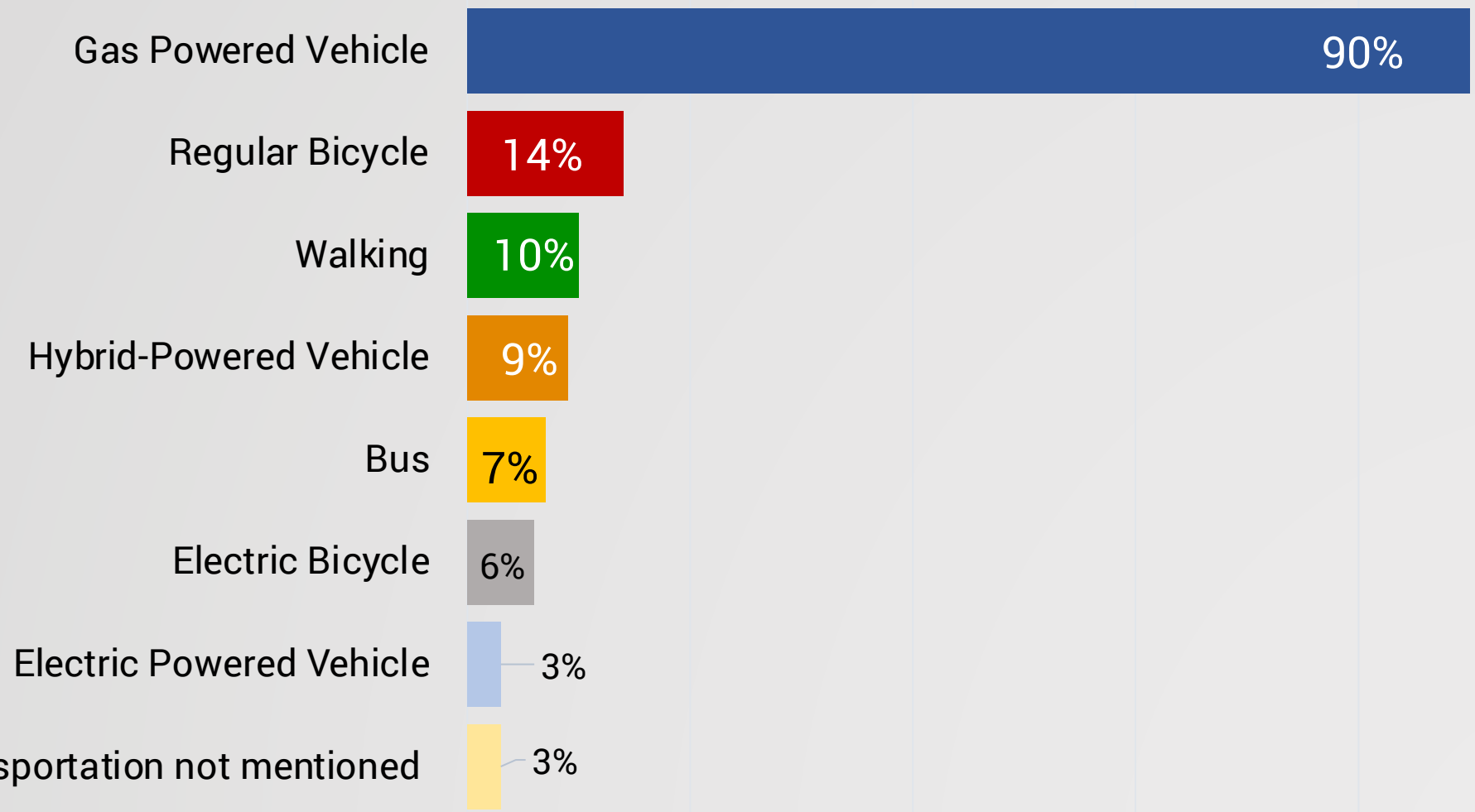
Which of the following options best describes your work commute habits? (Asked of 161 respondents who are employed).



When you commute to work, which of the following modes of transportation do you use? Please select all that apply.

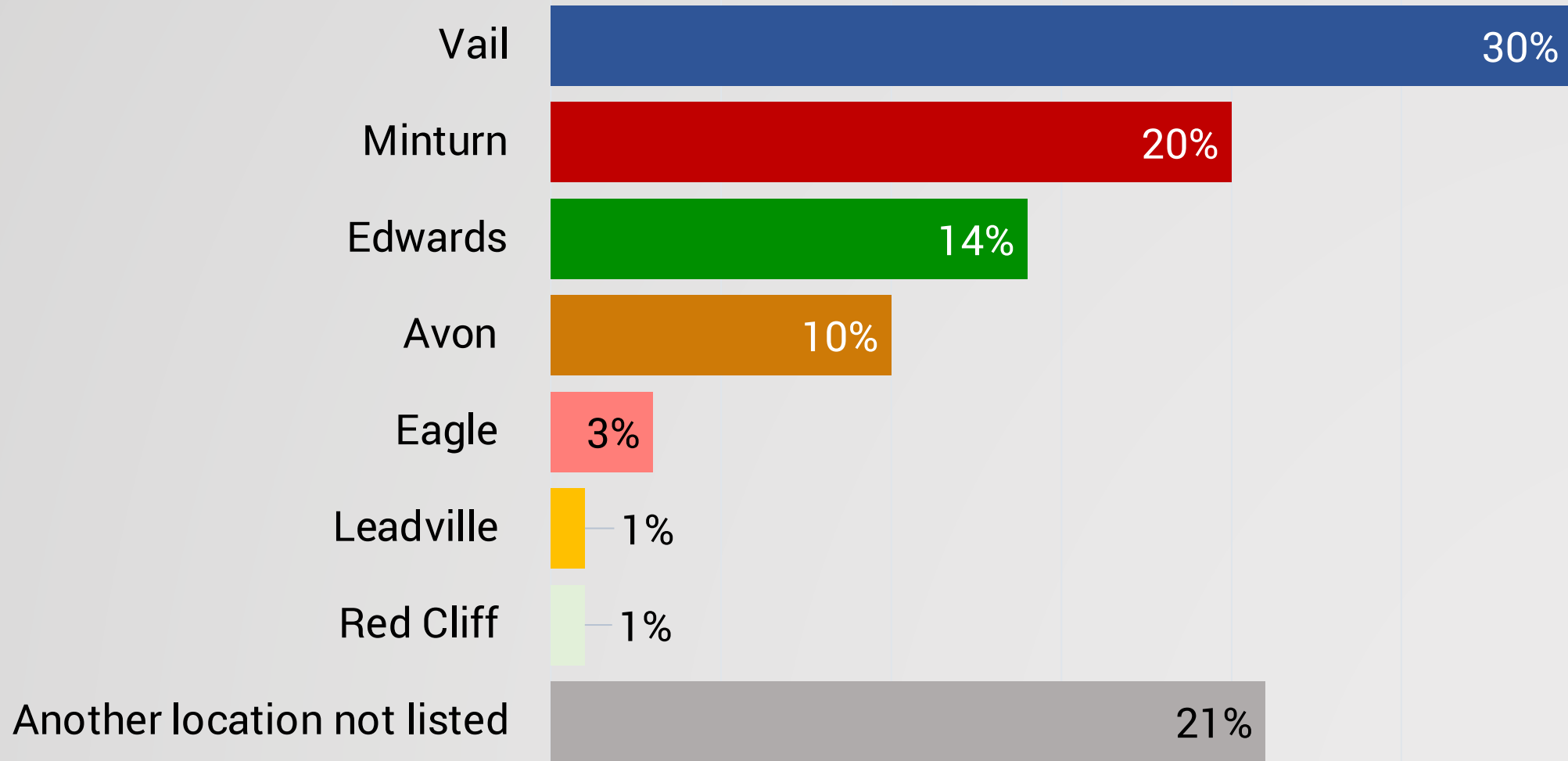
Section 9, Item D.

(Asked of 161 respondents who are employed).



Is your primary job located in one of the following communities?

(Asked of 161 respondents who are employed).



Magellan Strategies
4800 Aspen Creek Drive
Broomfield, CO 80023
MagellanStrategies.com
(303) 861-8585

David Flaherty | Ryan Winger
Courtney Sievers | Katie Witt





www.mountainlawfirm.com

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
0133 Prospector Rd.
Suite 4102J
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

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

DATE: May 10, 2024
TO: Planning & Zoning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain request to form metropolitan districts

At the April 17th Council meeting, a discussion occurred about Resolution No. 16 approving a service plan for metropolitan districts for the Battle Mountain development. At that meeting, Battle Mountain presented a supplemental memorandum discussing various financial points which had been raised as issues by Town consultant Jim Mann. Council requested that Jim formally respond to the Battle Mountain supplemental memo. Jim and the Town attorney have been working on a response. Unfortunately, due to a health issue encountered by the Town attorney, this has not been completed. Therefore, staff requests that the consideration of Resolution No. 16 be continued to the June 5 Council meeting.

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



Town Council
Mayor – Earle B. [Section 10, Item A.]
Mayor Pro Tem – Eric Gotthelf
Council Members:
Gusty Kanakis
Lynn Feiger
Kate Schifani
Brian Rodine
Tom Priest

April 29, 2024
UPDATE:

Staff continues to work on this matter, and will be requesting a continuation of this agenda item to a future meeting date.

April 26, 2024

ORIGINAL NOTICE (Included in the meeting packet distribution from 4/26/24):

Consultant James Mann will be providing a memorandum in response to the Battle North Service Plan, by Monday April 29th, for inclusion in the May 1st council meeting packet.



www.mountainlawfirm.com

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
0133 Prospector Rd.
Suite 4102J
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

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

DATE: April 12, 2024
TO: Planning & Zoning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain request to form metropolitan districts

As the council is aware, part of the Battle Mountain settlement agreement contemplates that the council will review a request for the formation of metropolitan districts as part of the proposed Bolts Lake development. Battle Mountain has submitted a draft service plan for the council's consideration. The service plan contemplates the formation of four metropolitan districts in order to primarily finance public improvements but also to operate and maintain certain improvements specific to the subdivision.

Late last year, we presented on metropolitan district topics including the potential adoption of a code section governing the formation of metropolitan districts. We can bring that ordinance back to council for further consideration. However, having the ordinance in place is not required to approve the Battle Mountain metropolitan districts. A request to allow metropolitan districts to be created within a municipal jurisdiction is at the discretion of the council. Therefore, any items that the Town would otherwise require if an ordinance were adopted can be imposed as part of the current approval process. The proposed service plan and intergovernmental agreement uses the form adopted by the town of Silt which was presented to council at the earlier meeting. Therefore, many of the items identified by council as provisions that should be incorporated into an ordinance are included in the proposed Service plan.

Battle Mountain proposes the formation of four metropolitan districts to finance public improvements and to maintain certain limited improvements. Four districts are proposed so that various partitions of the development can pay different amounts toward the financed debt and have potentially additional services provided by a specific district. One district will be the finance district that issues the debt. The other three districts will have agreements with the finance district to impose taxes and repay the debt. One district will be formed specifically to include land that is to be developed for affordable housing so that a lower mill levy can be applied to those parcels.

Under Section V of the service plan, the powers of the district are enumerated. As you will see, the districts will have the authority to finance as well as maintain certain private streets, limited water infrastructure, storm and sanitary sewer service, and parks, recreation and open space improvements. The service plan specifically precludes the districts from operating and maintaining

the potable water treatment system and the raw water diversion facilities that provide water to it. Instead, those facilities will be owned, operated, and maintained by Eagle River Water and Sanitation District (ERWSD) pursuant to the Reservoir Agreement between Battle Mountain and ERWSD.

Financially, the service plan imposes various limits on how the districts can issue debt and provide for repayment. In section V.B.7, the district is limited to issuing debt in the amount of \$62,000,000. Section VI B. imposes caps on the interest rates that can be incurred on district debt. Prior to the issuance of debt, the metropolitan district must obtain a certificate from a municipal finance advisor stating that the proposed debt issuance is reasonable in light of current market conditions. Section VI.C limits the mill levies that can be imposed on properties. For metropolitan district Nos. 1 - 3, a maximum of 50 mills can be imposed. For metropolitan district No. 4, the affordable housing metropolitan district, the maximum mill levy is limited to 35 mills. As a further protection against excessive debt, the service plan limits debt repayment to 30 years. The combination of a maximum indebtedness, mill levy cap, and term of debt combine to provide guardrails on debt issuance and repayment to protect future land owners. At the public hearing, Battle Mountain will present to the council hypothetical taxation burdens on various types of property within the development.

It is worth noting that the town made comments to Battle Mountain about limiting the interest rate that can be charged on developer debt. Developer debt is issued by the developer but repaid by the metropolitan district. Under state statute, developer debt can be no more than 400 basis points (4%) above what general obligation government debt would be. We had attempted to limit developer debt to 200 basis points above GO debt. Battle Mountain's special district attorney noted to us that the developer debt interest rate question was extensively deliberated by the state legislature a few years ago. The 400 basis points above GO debt has now become the industry standard. As such, the draft service plan reflects what the state statute allows.

Exhibit B to the service plan constitutes a description of the public improvements anticipated to be financed by the metropolitan districts. You will note that these improvements are broken out in different categories. Of particular note, specific amounts have been budgeted for the potable water treatment plant, road improvements including to Maloit Park Road and Hwy. 24, and various trails. At the public hearing, Battle Mountain will provide more detail on the scope and location of the public improvements to be financed. Town staff would note that it believes that certain of the cost estimates for public infrastructure are low. What that means is that if there are cost overruns in certain categories of improvements, the districts would not be able to finance the construction of other improvements listed. That is due to the fact of the debt cap of \$62 million. As such, any improvements that could not be financed by the districts would need to be financed by the developer.

Protections of the Town in the service plan include statements that district debt shall not be considered debt of the Town of Minturn. The metropolitan districts are further restricted from applying for grants from entities such as Great Outdoors Colorado that would be in competition with the Town. The Service plan provides that Parks and Recreation facilities financed by the district will be open to the public as a whole. The districts shall not have the power of eminent domain absent a

separate approval from Town Council. Any material amendments to the service plan require that the districts come to the Town for a future approval. In addition to the service plan, the districts will enter into an intergovernmental agreement with the Town of Minturn that will grant the Town the ability to seek specific performance from a court in the event that the districts act outside of the service plan limitations. Under such circumstances, the Town would be awarded its attorney's fees against the districts.

At the meeting last December when we discussed metropolitan districts a few questions were asked. First, whether the governing body for a metropolitan district can exclude second home residents from being on the board. The answer is that under state statute an eligible elector for a metropolitan district includes second homeowners who can serve on boards. Second, what happens in the event of a bankruptcy of one or more of the districts. The service plan includes language specifically noting that district debt shall not be considered municipal debt. In the event of a bankruptcy, a trustee would likely be appointed who would continue to collect tax revenue consistent with the service plan and to repay bondholders to the greatest degree possible. Third, whether the districts can enforce homeowners association covenants or architectural guidelines. The service plan contains specific language that the districts do not have the authority to enforce private covenants or Town zoning.

In addition to the Town staff presentation, Battle Mountain will also be making a substantive presentation about the draft service plan. Further, Town municipal finance advisor Jim Mann directed a number of comments to Battle Mountain primarily related to the content of Exhibits B and C. On Monday, Battle Mountain will be providing a responsive memo to Jim's comments. We will supplement the packet with this memo.

The council has the flexibility to take two meetings to make a decision on the service plan. Therefore, if council continues to have questions or requests further information related to the metropolitan district requests, this matter can be continued to May 1 for additional consideration.

TOWN OF MINTURN

RESOLUTION NO. 16 - SERIES 2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO APPROVING THE CONSOLIDATED SERVICE PLAN FOR BATTLE
NORTH METROPOLITAN DISTRICT NOS. 1-4**

WHEREAS, § 32-1-204.5, C.R.S., provides that no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval by the governing body of such municipality; and

WHEREAS, a Consolidated Service Plan for Battle North Metropolitan District Nos. 1-4 (the “**Districts**”), dated April 17, 2024 (the “**Service Plan**”), has been submitted to the Town Council (the “**Council**”) of the Town of Minturn, Colorado (the “**Town**”) in accordance with § 32-1-204.5, C.R.S.; and

WHEREAS, the property within the boundaries of the proposed Districts is located wholly within the boundaries of the Town; and

WHEREAS, on April 17, 2024, the Town Council conducted a public hearing on the Service Plan.

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

1. The Town Council has jurisdiction to hear this matter.
2. The Service Plan contains the information required by § 32-1-202(2), C.R.S.
3. Evidence satisfactory to the Town Council of each of the following was presented, and the Town Council hereby finds that:
 - a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed Districts;
 - b. The existing service in the area to be served by the proposed Districts is inadequate for present and projected needs;
 - c. The proposed Districts are capable of providing economical and sufficient service to the area within their proposed boundaries; and
 - d. The area to be included within the proposed Districts has and will have the financial ability to discharge the proposed indebtedness on a reasonable basis.
4. The Service Plan for the proposed Districts is hereby approved.

**RESOLVED, ADOPTED AND APPROVED THIS 17TH DAY OF APRIL, 2024 BY
THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO.**

TOWN OF MINTURN,
a home rule municipal corporation

By: _____
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Clerk

CONSOLIDATED SERVICE PLAN

BATTLE NORTH METROPOLITAN DISTRICT NOS. 1-4

TOWN OF MINTURN, COLORADO

Prepared by:



2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122
(303) 858-1800

Approved: _____

Table of Contents

- I. INTRODUCTION 1**
 - A. Purpose and Intent 1
 - B. Need for the Districts..... 1
 - C. Objective of the Town Regarding Districts’ Service Plan..... 1

- II. DEFINITIONS..... 1**

- III. BOUNDARIES 4**

- IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION . 4**

- V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS, SERVICES AND LIMITATIONS 5**
 - A. Powers of the District 5
 - 1. Streets 5
 - 2. Irrigation Water and Water Distribution System..... 5
 - 3. Potable Water System 5
 - 4. Storm and Sanitary Sewer 6
 - 5. Parks, Recreation, and Open Space 6
 - B. Limitations on Service Plan Powers. 6
 - 1. Operations and Maintenance Limitation 6
 - 2. Construction Standards Limitation..... 7
 - 3. Funding Limitation..... 7
 - 4. Issuance of Developer Debt 7
 - 5. Inclusion/Exclusion Limitation 7
 - 6. Affordable Housing..... 7
 - 7. Maximum Debt Authorization 7
 - 8. Monies from Other Governmental Sources..... 7
 - 9. Bankruptcy Limitation 8
 - 10. Eminent Domain Restriction 8
 - 11. District Governance..... 8
 - 12. Service Plan Amendment Requirement 8
 - C. Preliminary Engineering Survey..... 9

- VI. FINANCIAL PLAN..... 9**
 - A. General 9
 - B. Maximum Voted Interest Rate and Maximum Underwriting Discount 10
 - C. Maximum Debt Mill Levy and Other Debt Limitations..... 10
 - D. Security for Debt 11
 - E. TABOR Compliance 11
 - F. District Operating Costs 11

- VII. ANNUAL REPORT 11**

- VIII. DISSOLUTION..... 11**

IX. DISCLOSURE TO PURCHASERS 12

X. INTERGOVERNMENTAL AGREEMENTS 12

XI. RESOLUTION OF APPROVAL..... 12

XII. CONCLUSION..... 12

LIST OF EXHIBITS

- EXHIBIT A** Legal Descriptions and Boundary Maps
 A-1 Initial District Boundary Map and Legal Descriptions
 A-2 Inclusion Area Boundary Map and Legal Description

- EXHIBIT B** Capital Cost Description and Estimate

- EXHIBIT C** Financial Plan

- EXHIBIT D** Town Resolution of Approval (Certified Resolution to be inserted)

- EXHIBIT E** Town/District Intergovernmental Agreement

I. INTRODUCTION

A. Purpose and Intent.

The Districts are independent units of local government, separate and distinct from the Town of Minturn and, except as may otherwise be provided for by state or local law or this Service Plan, their activities are subject to review by the Town if they deviate in a material way from the requirements of this Service Plan. It is intended that the Districts will provide a part or all of the various Public Improvements necessary and appropriate for the development of the Project within the Town. The Public Improvements will be constructed for the use and benefit of all anticipated inhabitants and taxpayers of the Districts and the general public, subject to such policies, rules and regulations as may be permitted under applicable law. The primary purpose of the Districts will be to finance the construction of these Public Improvements and to provide ongoing operations and maintenance as specifically set forth in this Service Plan.

B. Need for the Districts.

There are currently no other governmental entities, including the Town, located in the immediate vicinity of the Districts that have the means or desire to undertake the planning, design, acquisition, construction, installation, relocation, and financing of the Public Improvements needed for the Project. Formation of the Districts is necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the Town Regarding Districts' Service Plan.

The Town's objective in approving the Service Plan for the Districts is to authorize the Districts, in accordance with this Service Plan and the Intergovernmental Agreement, to provide for the financing, planning, design, acquisition, construction, installation and relocation of the Public Improvements from the proceeds of Debt to be issued by the Districts, and for maintenance of certain Public Improvements. All Debt is expected to be repaid by taxes imposed and collected at a tax mill levy no higher than the Maximum Debt Mill Levy and from other legally available revenues. Debt, which is issued within these parameters and as further described in the Financial Plan, will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt. Under no circumstances is the Town agreeing or undertaking to be financially responsible for the Debt or the construction of Public Improvements.

The Districts shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Term, together with other legally available revenues.

II. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Affordable Housing Units: means those certain residential units within the Project subject to certain restrictions related to the provision of affordable housing as required by the Town Code.

Approved Development Plan: means a recorded plat, PUD, subdivision improvement agreement, or other development agreement between the Developer and the Town.

Board: means the Board of Directors of each District.

Bond, Bonds or Debt: means bonds, notes or other multiple-fiscal year financial obligations for the payment of which a District has promised to impose an *ad valorem* tax or has pledged Fees or other revenue source(s), not subject to annual appropriation.

C.R.S.: means the Colorado Revised Statutes.

Developer: means a person or entity that is the owner or a contract purchaser of the property in the Service Area that intends to develop the property.

Developer Debt: means any Debt that is issued by a District to a member of the Board of the District or to an entity with respect to which a member of the Board of the District must make disclosure under § 24-18-109, C.R.S. Developer Debt shall be in conformance with the limitations as set forth in § 32-1-1101(7), C.R.S.

District: means any one of the Battle North Metropolitan District Nos. 1-4, governed by this Service Plan.

District Boundaries: means the boundaries of the area legally described and depicted in Exhibit A-1 attached hereto and incorporated by reference, and any additional area included within any of the Districts after organization.

District Boundary Map: means the map of the initial District Boundaries in Exhibit A-1, attached hereto and incorporated herein by reference, as amended by the inclusion or exclusion of any property to or from the District Boundaries.

End User: means any owner, or tenant of any owner, of any property within a District, who may thereby become eligible to serve on the Board of Directors of a District.

External Municipal Advisor: means a Municipal Advisor that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) is not an officer or employee of the District; (iii) does not have any financial relationship with the Developer beyond providing the External Municipal Advisor Certificate; and (iv) has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

External Municipal Advisor Certificate: means a statement of a registered External Municipal Advisor as to any Developer Debt instrument certifying that the interest rate of such Developer Debt does not exceed the rate as set forth in § 32-1-1101(7), C.R.S., as may be amended from time to time.

Fees: means any fee imposed by a District for services, programs or facilities provided by the Districts. In accordance with law, the amount of any Fee shall be reasonably related to the cost of providing the services for which such Fee is imposed.

Financial Plan: means the Financial Plan found in Section VI and Exhibit C of this Service Plan, which describes the following, based on current estimates which will change based on market conditions and subject to the limitations and requirements of this Service Plan: (i) how the Public Improvements are to be financed; (ii) how the Debt is expected to be incurred; and (iii) repayment of Debt derived from property tax revenues. Any change to the Financial Plan, within the limitations of this Service Plan, shall not constitute a material modification of this Service Plan.

Inclusion Area Boundaries: means the boundaries of the property that is anticipated to be added to the District Boundaries after the Districts' organization, which property is legally described in and depicted on the map attached hereto in Exhibit A-2 and incorporated herein by reference.

Maximum Debt Authorization: means the total Debt the Districts are permitted to issue as set forth in Section V.B.7 below.

Maximum Debt Mill Levy: means the maximum mill levy each District is permitted to impose for payment of Debt as set forth in Section VI.C below.

Maximum Debt Mill Levy Term: means the maximum term of any Bond issuance as set forth in Section VI.C below.

Municipal Advisor: means any person (who is not a municipal entity or an employee of a municipal entity) that provides advice to or on behalf of a municipal entity with respect to municipal financial products or the issuance of municipal securities, or that undertakes a solicitation of a municipal entity. Said person shall be registered under Section 15B of the Securities Exchange Act of 1934, as amended from time to time.

Project: means the development of the property commonly referred to as Battle North and as shown on the initial District Boundary Map and the depiction of the Inclusion Area.

Public Improvements: means those improvements permitted under the Special District Act and which are specifically authorized by this Service Plan, as set forth in Section V of this Service Plan and generally described in Exhibit B, subject to any limitations established in this Service Plan and limitations or requirements set forth in Approved Development Plans addressing public infrastructure required for the Project .

Reservoir Agreement: means that certain Agreement Pertaining to Acquisition for Bolts Lake Reservoir by and among ERWSD and Battle North, dated as of February 9, 2021.

Service Area: means the property located within the District Boundaries and the property in the Inclusion Area, when added in whole or in part, to a District as shown on the District Boundary Map.

Service Plan: means this service plan for the Districts as approved by the Town Council.

Service Plan Amendment: means a material modification to the Service Plan approved by the Town Council in accordance with Section 32-1-207(2), C.R.S.

Special District Act or Act: means Sections 32-1-101, *et seq.*, of the Colorado Revised Statutes, as amended.

State: means the State of Colorado.

TABOR: means Article X, Section 20 of the Colorado Constitution.

Taxable Property: means the real and personal property within the District Boundaries that will be subject to the ad valorem property taxes imposed by the District.

Town: means the Town of Minturn, Colorado.

Town Code: means the Town’s Home Rule Charter, Municipal Code, and ordinances, as amended.

Town Council: means the Town Council the Town of Minturn, Colorado.

III. BOUNDARIES

The legal descriptions and diagrams of the property located within the initial District Boundaries are attached hereto as Exhibit A-1 and the legal description and diagram of the property located within the Inclusion Area Boundaries is attached hereto as Exhibit A-2.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The Project area consists of approximately three hundred and four (304) acres of land. As shall be more particularly described in an Approved Development Plan, the Project is anticipated to be developed with a mix of residential and commercial uses. In total, approximately two hundred and twenty-five (225) to two hundred and fifty (250) residential units and fifty thousand (50,000) square feet of commercial would be allowed, as well as a destination spa facility. The current assessed valuation of the initial District Boundaries is Zero Dollars (\$0). The estimated full-time population within the District Boundaries at build out is expected to be approximately

three hundred and ten (310) to three hundred and forty-five (345) persons, based on an estimated 2.3 persons per residence and with sixty percent (60%) of the residential units assumed to be primary residences.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS, SERVICES AND LIMITATIONS

A. Powers of the District.

The Districts shall have the power and authority to finance, plan, design, acquire, construct, install, and/or relocate the following types of Public Improvements as more fully described in Exhibit B, hereto, the Capital Cost Description and Estimate. Approval of this Service Plan by the Town does not imply approval of any development plan for real property located within the District Boundaries.

1. Streets. The design, acquisition, installation, construction, operation, maintenance of street and roadway improvements, including but not limited to curbs, gutters, culverts, and other drainage facilities, underground conduits, sidewalks, trails, public parking lots, structures and facilities, paving, lighting, grading, landscaping, bike paths and pedestrian ways, pedestrian overpasses, retaining walls, fencing, entry monumentation, streetscaping, bridges, interchanges, median islands, irrigation, and a safety protection system through traffic and safety controls and devices on streets and highways, signalization, signing and striping, area identification, driver information and directional assistance signs, together with all necessary, incidental, and appurtenant facilities, equipment, land and easements and extensions of and improvements to such facilities.

2. Irrigation Water and Water Distribution System. The design, acquisition, installation, construction, operation, and maintenance of a raw water irrigation system and a potable water distribution system, including but not limited to a water pumps, water lines, water features, pump stations, sediment traps, transmission lines, distribution mains and laterals, fire hydrants, meters, water taps, irrigation facilities, headgates, drop structures, storage tanks and facilities, together with all necessary, incidental and appurtenant facilities, equipment, land, easements, and extensions of and improvements to such facilities.

3. Potable Water System. In accordance with the Reservoir Agreement, Eagle River Water and Sanitation District shall undertake the operation and maintenance of a potable water treatment plant and surface water intake, together with such water pumps, water lines, sediment traps, pump stations, headgates, drop structures, storage tanks and facilities, together with all necessary, incidental and appurtenant facilities, equipment, land, easements, and extensions of and improvements to such facilities. In accordance with the Reservoir Agreement, the Districts may finance the potable water system as described in this paragraph.

4. Storm and Sanitary Sewer. The design, acquisition, installation, construction, operation and maintenance of a sanitation system which may consist of storm or sanitary sewers, or both, flood and surface drainage, treatment and disposal works and facilities, and waste services, and all necessary or proper equipment and appurtenances incident thereto, including but not limited to, collection mains and laterals, lift stations, transmission lines, reuse and disposal facilities, and/or storm sewer, flood and surface drainage facilities and systems, including detention/retention ponds, box culverts and associated irrigation facilities, equipment, land, easements and sewer taps, and extensions of and improvements to such facilities.

5. Parks, Recreation, and Open Space. The design, acquisition, installation, construction, operation and maintenance of public park and recreation facilities or programs including but not limited to community parks, bike paths and pedestrian ways, fencing, trails, regional trails, fields, tot lots, open space, cultural activities, common areas, community recreation centers, tennis courts, outdoor lighting, event facilities, irrigation facilities, lakes, water bodies, swimming pools, public fountains and sculptures, art, gardens, landscaping, weed control, and other active and passive recreational facilities, improvements and programs, together with all necessary, incidental, and appurtenant facilities, equipment, land, easements and extensions of and improvements to such facilities. The foregoing includes providing for the maintenance, operation, reporting, and other activities necessary to comply with any requirements imposed by the Environmental Protection Agency and/or the Colorado Department of Public Health and Environment relative to certain open space parcels that are or will be subject to restrictive covenants relative to environmental conditions present on the same. All public park and recreation facilities owned by any District shall be open to the general public, subject to the rules and regulations of the applicable District, as adopted from time to time.

B. Limitations on Service Plan Powers.

The powers of the Districts enumerated in this Service Plan shall be subject to the following limitations

1. Operations and Maintenance Limitation. The primary purpose of the Districts is to finance the planning, design, acquisition, construction and installation of the Public Improvements. The Districts shall be authorized to operate and maintain those Public Improvements not dedicated to the Town or other governmental entity. The Districts shall not have the authority to operate and maintain the potable water treatment plant and surface water intake. The Districts shall not have the authority to enforce private covenants (e.g. declaration of covenants for a homeowners association and architectural control covenants) or Town zoning code provisions. The Districts shall not provide services that duplicate services provided by the Town without the approval of Town Council.

2. Construction Standards Limitation. The Public Improvements shall be designed and constructed in accordance with the standards and specifications of the Town or of another governmental entity having proper jurisdiction, as applicable. The Public

Improvements to be dedicated to the Town will be subject to the applicable warranty and security requirements imposed by the Town on all construction projects. In accordance with an Approved Development Plan, the Districts shall obtain the Town's approval of civil engineering plans for any Public Improvements being constructed by the Districts, and shall obtain applicable permits for construction and installation of all such Public Improvements prior to performing such work.

3. Funding Limitation. The funding of any Public Improvements other than those related to the types of Public Improvements authorized herein, shall be deemed a material modification of this Service Plan under Section 32-1- 207(2), C.R.S.

4. Issuance of Developer Debt. Prior to the issuance of any Developer Debt, the District issuing such Developer Debt shall obtain an External Municipal Advisor Certificate.

5. Inclusion/Exclusion Limitation. No property shall be included into any District until such time as the property to be included has been subjected to an approved final plat, unless consented to by the Town Council. Except for the property within the Inclusion Area Boundaries, no District shall include additional property within its boundaries without the prior written consent of the Town Council!

6. Affordable Housing. The Town Code sets forth a purpose and intent to increase affordable housing choices for year-round residents and to preserve a balance between second homeowners and locals. Per the Town Code, a certain number of residential units within the Project must meet the Town's requirements for affordable housing. In order to align with the purpose and intent set forth in the Town Code relative to affordable housing, Affordable Housing Units may only be included into District No. 4, and may not be included into any of District Nos. 1 through 3.

7. Maximum Debt Authorization. The Districts, in the aggregate, shall not issue Debt in excess of Sixty-Two Million Dollars (\$62,000,000), including costs of issuance thereof, initial capitalized interest, and initial funding of any required reserve or surplus funds related to any such Debt; provided, however, any Debt that is issued (i) to pay, defease, or refund previously issued Debt, or (ii) is an intergovernmental agreement(s) among the Districts providing for a multiple fiscal year pledge of revenues to or among the Districts to provide revenues to support Debt issued by any District shall not count against the this limit. The Districts may issue Debt on a schedule and in such year or years as the Districts determine and phased to serve development as it occurs.

8. Monies from Other Governmental Sources. The Districts shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the Town is eligible to apply for and has applied for, except pursuant to approval of the Town. This Section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the Districts without limitation.

9. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy have been established under the authority of the Town to approve this Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

a. Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

b. Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable non-bankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt issued by a District with a pledge or which results in a pledge that exceeds the Maximum Debt Mill Levy shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the Town as part of a Service Plan Amendment.

10. Eminent Domain Restriction. No District shall exercise its statutory power of eminent domain without first obtaining approval from the Town Council. This restriction on the Districts’ exercise of their eminent domain power is being voluntarily acquiesced to by the Districts and shall not be interpreted in any way as a limitation on the Districts’ sovereign powers and shall not negatively affect the Districts’ status as political subdivisions of the State as conferred by the Special District Act.

11. District Governance. Each District’s Board shall be comprised of persons who are each a qualified “eligible elector” of the District as provided in the Special District Act. It is anticipated that over time, End Users who are eligible electors will assume direct electoral control of each District’s Board as development of the Service Area progresses. The Districts shall not enter into any agreement by which the End Users’ electoral control of the Board is removed or diminished.

12. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the Districts to provide required services and facilities under evolving circumstances without the need for numerous amendments. Actions of a District which violate material terms this Service Plan shall be deemed to be material modifications to this Service Plan and the Town shall be entitled to all remedies available under State and local law to enjoin such actions of the District, and to seek other remedies provided in law or in equity. The Financial Plan and anticipated Public Improvements presented herein are subject to change due to market conditions at the time of debt issuance and Approved Development Plans. Any such change, within the limitations of this Service Plan, shall not constitute a material modification of the Service Plan. The addition of other types of improvements other than as described in this Service

Plan and Exhibit B, shall constitute a material modification requiring approval of Town Council.

C. Preliminary Engineering Survey.

The Districts shall have authority to provide for the financing, planning, design, acquisition, construction, installation, relocation and maintenance of the Public Improvements, with the exception of the water treatment plant and raw water intake, within and without the District Boundaries, as more specifically defined by Approved Development Plans. Such street, water, wastewater, storm water and recreation facilities will benefit Districts' taxpayers and residents through the provision of financing of the Public Improvements. A description of the Public Improvements necessary for the Project and eligible for District financing was prepared based upon a preliminary capital description and cost estimate of approximately Fifty-One Million Three Hundred and Eighty-Five Thousand Dollars (\$51,385,000), as shown in Exhibit B attached hereto. The Public Improvements and associated costs shown in Exhibit B are subject to change based on future development approvals and market costs at the time of construction and any such variations from Exhibit B shall not constitute a material modification of this Service Plan.

All Public Improvements shall meet the standards and specifications adopted and/or required by the Town and/or other governmental entities having jurisdiction over such Public Improvements.

VI. FINANCIAL PLAN

A. General.

The Districts shall be authorized to finance the planning, design, acquisition, construction, installation and/or relocation of the Public Improvements from any lawful revenue source, including but not limited to the proceeds of Debt to be issued by the Districts. A Financial Plan, attached as Exhibit C, includes the estimated indebtedness, timing, and interest rates of Debt anticipated to be issued by the Districts. The Financial Plan is one projection of Debt to be issued by the Districts, and it is expected that the terms of Debt when issued by the Districts will vary from the Financial Plan based on market conditions and other factors at the time of issuance. Such variations shall not constitute a material modification of this Service Plan. The Districts intend to issue such Debt as the Districts can reasonably pay from revenues derived from the Maximum Debt Mill Levy and other legally available revenues. The Maximum Debt Authorization, which is the total Debt that the Districts shall be permitted to issue shall not exceed Sixty-Two Million Dollars (\$62,000,000), as limited by Section V.A.6 herein, which Debt shall be permitted to be issued on a schedule and in such year or years as the Districts determine shall meet the needs of the Districts and shall be phased to serve development as it occurs. Any part of a Debt issuance that is repaid or defeased by refunding Debt shall not apply against the Maximum Debt Authorization. All Debt issued by the Districts may be payable from any and all legally available revenues of the Districts, including but not limited to general *ad valorem* taxes to be imposed upon all Taxable Property within the Districts. The Districts may also rely upon various other revenue sources authorized by law and not prohibited by the Service Plan. These may include Fees. It is anticipated that the Developer of the Project and/or other parties may incur costs for Public Improvements, either in the

form of direct payments for such costs, or by means of advances to the Districts. These direct payments and/or advances may be reimbursable by the Districts from Debt, contractual reimbursement agreements and/or any legally available revenue source.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. The proposed maximum interest rate on any Debt may not exceed fifteen percent (15%). The maximum underwriting discount will not exceed three percent (3%). Debt, when issued, will comply with all relevant requirements of this Service Plan and State and Federal law.

C. Maximum Debt Mill Levy and Other Debt Limitations.

The Maximum Debt Mill Levy for District Nos. 1 through 3 shall be fifty (50) mills, and the Maximum Debt Mill Levy for District No. 4 shall be thirty-five (35), which is the maximum mill levy a District is permitted to impose upon the Taxable Property within the District for payment of Debt; provided, however, if there are changes in the method of calculating assessed valuation or any constitutionally mandated or statutorily authorized tax credit, cut or abatement, the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after the Service Plan approval date, are neither diminished nor enhanced as a result of such changes.

Prior to the issuance of Debt, the District shall obtain an opinion of a nationally recognized bond counsel as to compliance with the Service Plan limitations in relation to the Debt to be issued. All issuances of general obligation Bonds shall be deemed to be in compliance with the Financial Plan so long as the Minimum Criteria, as hereinafter defined, have been met. "Minimum Criteria" shall mean that the general obligation Bonds are: (1) subject to the Maximum Debt Mill Levy; (2) together with other outstanding general obligation Bonds of the District, not in excess of the Maximum Debt Authorization set forth in this Service Plan; (3) together with other outstanding general obligation Bonds of the District, not in excess of the general obligation debt authority provided by the District's electorate; and (4) issued in compliance with the applicable requirements of Section 32-1-1101(6), C.R.S. Any issuance of general obligation Bonds that does not satisfy the Minimum Criteria shall constitute a material modification of this Service Plan.

The costs of constructing the Public Improvements may be paid from available District mill levy revenues, Fees, Debt, and/or advances from the Developer of the Project. The District shall be authorized to reimburse Developer advances, if any, with interest at an interest rate not in excess of the rate allowable for Developer Debt, from District mill levy revenues, Fees, and/or proceeds from Debt (whether or not privately placed with the Developer), and other legally available revenues of the District. Any Developer Debt shall be subject to the Developer Debt limitation set forth in Section V.B.4. and the Minimum Criteria.

The Maximum Debt Mill Levy Term of any Debt issuance shall be thirty (30) years from the date of first imposition of a debt service mill levy for each such issue.

In the event that a District determines that it is in the best interests of the District and its taxpayers to issue general obligation Bonds to parties other than the Developer to: (i) reimburse the Developer for Developer advances; (ii) refund or restructure Debt previously placed with the Developer; or (iii) finance Public Improvements, the District shall prepare a plan of finance for the purpose of determining whether the proposed issuance satisfies the Minimum Criteria. The plan of finance will include the amount of Bonds to be issued, uses of proceeds therefrom (including, if any, capitalized interest and costs of issuance), sources of revenues securing repayment of the Bonds and the repayment schedule for the Bonds.

D. Security for Debt.

The District shall not pledge any revenue or property of the Town as security for the indebtedness set forth in this Service Plan. Approval of this Service Plan shall not be construed as a guarantee by the Town of payment of any of the District’s obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the Town in the event of default by the District in the payment of any such obligation.

E. TABOR Compliance.

The Districts will comply with the provisions of TABOR.

F. District Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District’s organization and initial operations, are anticipated to be One Hundred Thousand Dollars (\$100,000), which will be eligible for reimbursement from Debt proceeds.

The proposed operating revenue to be derived from property taxes for the first budget year for the Districts is estimated to be Zero Dollars (\$0).

The maximum mill levy for operations shall be twenty (20) mills.

VII. ANNUAL REPORT

Each District shall be responsible for submitting an annual report to the Town Manager no later than October 1st of each year following the year in which the Order and Decree creating the District has been issued, as set forth in and required by § 32-1-207((3)(c), C.R.S.

VIII. DISSOLUTION

Upon an independent determination of the Town Council that the purposes for which any District was created have been accomplished, that District agrees to file a petition in the appropriate District Court for dissolution, pursuant to §§ 32-1-701, *et seq.*, C.R.S. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of its

outstanding indebtedness and other financial obligations as required by the Special District Act and that any ownership, operations, maintenance, repair and replacement obligations for District owned and/or operated Public Improvements have been conveyed to another public entity.

IX. DISCLOSURE TO PURCHASERS

The Districts shall provide annual notice to all eligible electors of the Districts in accordance with Section 32-1-809, C.R.S., as amended. In addition, each of the Districts shall record a District public disclosure document and a map of the then-current legal boundaries of the District with the Clerk and Recorder of Eagle County, Colorado in accordance with Section 32-1-104.8, C.R.S., as amended.

X. INTERGOVERNMENTAL AGREEMENTS

Upon the Districts’ formation, the District and the Town shall execute an intergovernmental agreement in substantially the form attached hereto as Exhibit E (the “Town IGA”). The Districts shall not incur any Debt or impose any taxes or Fees until their Boards have approved and executed the Town IGA. The Town has approved the Town IGA as of the date of approval of the Service Plan and such approval satisfies the condition relating to the Town’s action on the Town IGA concerning the issuance of Debt and imposition or taxes or Fees by the District.

XI. RESOLUTION OF APPROVAL

A certified copy of the Town Council’s resolution approving this Service Plan shall be attached as Exhibit D prior to filing the Service Plan with the District Court in and for Eagle County, Colorado.

XII. CONCLUSION

It is submitted that this Service Plan for the Districts meets the requirements of the Special District Control Act, §§ 32-1-201, *et seq.*, C.R.S., the applicable requirements of the Colorado Constitution, and those of the Town. It is further submitted that this Service Plan meets the criteria set forth in § 32-1-203(2) and (2.5), C.R.S., establishing that:

A. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts. There are no other entities, governmental or otherwise, which have the capacity or the desire to provide service to the area to be served by the Districts.

B. The existing service in the area to be served by the Districts is inadequate for present and projected needs. There are no public improvements in the area to be served by the Districts, and the Districts will provide for projected needs for public infrastructure.

C. The Districts are capable of providing economical and sufficient service to the proposed development within their boundaries. The financing plan incorporated in this Service Plan demonstrates the basis on which the Districts may provide essential public infrastructure to

support the future development for the project.

D. The area to be included within the Districts does have and will have the financial ability to discharge the proposed indebtedness on a reasonable basis. The financing plan incorporated in this Service Plan demonstrates the ability of the Districts to fund Public Infrastructure necessary for the project, and demonstrates the ability of the Districts to fund the amount of debt proposed.

EXHIBIT A-1

INITIAL DISTRICT BOUNDARY MAP AND LEGAL DESCRIPTIONS

District No. 1 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet;

thence N 49°31'35" W a distance of 229.19 feet to a point;

thence 160.49 feet along the arc of a non tangent curve to the left having a radius of 994.91 feet, a central angle of 09°14'33", and the chord bears N 20°07'14" E a distance of 160.32 feet to a point on the 1-2 line of said H.E.S. 40;

thence along said 1-2 line of said H.E.S. 40 S 21°45'15" E a distance of 321.76 feet; to the point of beginning, District No. 1 containing 0.39 acres more or less.

District No. 2 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet;

thence along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 96.15 feet to a point;

thence N 80°27'56" W a distance of 234.35 feet to a point;

thence N 24°44'22" E a distance of 211.24 feet;

thence S 49°31'35" E a distance of 229.19 feet to the point of beginning, District No. 2 containing 0.79 acres more or less.

District No. 3 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 96.15 feet from Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet;

thence along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 96.15 feet to a point on the 1-2 line of Mineral Survey 20461 Puritan Lode;

thence S 80°04'03" W a distance of 292.89 feet to a point;

thence N 24°44'22" E a distance of 211.24 feet;

thence S 80°27'56" E a distance of 234.35 feet to the point of beginning, District No. 3 containing 0.83 acres more or less.

District No. 4 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 192.30 feet from Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet;

thence along said 1-2 line of said Mineral Survey 20461 Puritan Lode N 59°22'30" E a distance of 155.38 feet to a point on the western right-of-way of the Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30, 1919; thence along said western right-of-way of the Union Pacific Railroad the following two courses:

1. 26.42 feet along the arc of a non tangent curve to the right having a radius of 2408.63 feet, a central angle of 00°37'43", and the chord bears S14°03'37" W a distance of 26.42 feet;

2. 184.39 feet along the arc of a tangent curve to the right having a radius of 58445.82 feet, a central angle of $00^{\circ}10'51''$, and the chord bears $S14^{\circ}27'54''$ W a distance of 184.39 feet to a point on the 2-3 line of the Mineral Survey 20461 Puritan Lode;

thence along said 2-3 line of the Mineral Survey 20461 Puritan Lode $N 45^{\circ}06'44''$ W a distance of 131.43 feet to the 2-3 line of said H.E.S. 40; thence along said 2-3 line of said H.E.S. 40 $N 20^{\circ}12'45''$ E a distance of 35.54 feet to the point of beginning, District No. 4 containing 0.31 acres more or less.

EXHIBIT A-2

INCLUSION AREA BOUNDARY MAP AND LEGAL DESCRIPTION

A parcel of land located in Sections 1, 2, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and Section 36 of Township 5 South, Range 81 West of the Sixth Principal Meridian and consisting of the following parcels: Mineral Survey 20712 - Treasury Vault Mill Site, Mineral Survey 20712 - Gold Star Mill Site, H.E.S. 41, Mineral Survey 20745 - Mars Mill Site; along with those portions of the following parcels situated westerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for the Union Pacific Railroad as described in the D&RGW Right-of-Way and Track Map dated June 30, 1919: Nelson Addition (Book 131 Page 76), H.E.S. 46, Mineral Survey 19500 - Brooklyn Placer, Mineral Survey 20043 - May No. 5 Lode, Mineral Survey 20257 - May No. 14 and May No. 15, Mineral Survey 20461 - Ruby Lode, H.E.S. 40 and Mineral Survey 19856 - River Bend Mill Site; and excepting the parcel described in Book 380 Page 574; being more particularly described as follows:

Beginning at the Southwesterly corner of a parcel of land described in Book 131 page 76 said point also being the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place whence the South Quarter corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place bears N 89°58'35" E a distance of 2,694.09 feet; thence the following five courses along the northwesterly boundary of said parcel described in Book 131 page 76:

1. N 00°20'54" W a distance of 99.96 feet along the west line of said Section 36;
2. N 28°13'18" E a distance of 715.35 feet;
3. N 57°23'50" E a distance of 557.58 feet;
4. N 70°47'50" E a distance of 762.18 feet;
5. N 89°56'50" E a distance of 491.16 feet to a point on said westerly right-of-way of U.S. Highway 24;

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

1. 57.85 feet along the arc of a non tangent curve to the left having a radius of 756.30 feet, a central angle of 04°22'58", and the chord bears S30°36'24" E a distance of 57.84 feet;
2. S 32°47'53" E a distance of 199.00 feet;
3. 228.45 feet along the arc of a non tangent curve to the right having a radius of 2,825.00 feet, a central angle of 04°38'00", and the chord bears S 30°28'53" E a distance of 228.39 feet;
4. S 28°09'53" E a distance of 895.89 feet to a point on the easterly boundary of said parcel described in Book 131 page 76;

thence along said easterly boundary S 00°10'02" W a distance of 77.04 feet to the South Quarter corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place said point also being

Angle Point 1 of Homestead Entry Survey (H.E.S.) No. 46, Township 6 South, Range 81 West of the Sixth Principal Meridian; thence along line 1-2 of said H.E.S. No. 46 S 89°38'32" E a distance of 41.61 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following two courses along said westerly right-of-way of U.S. Highway 24:

1. S 28°09'53" E a distance of 149.51 feet;
2. S 27°31'53" E a distance of 807.36 feet to a point on line 1-2 of Homestead Entry Survey (H.E.S.) No. 40 Township 6 South, Range 81 West of the Sixth Principal Meridian;

thence along said line 1-2 of H.E.S. No. 40 S 21°45'15" E a distance of 1,161.84 feet to a point on line 1-2 of Mineral Survey 20461 "Ruby Lode"; thence along said line 1-2 of Mineral Survey 20461 "Ruby Lode" N 59°21'27" E a distance of 100.96 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following six courses along said westerly right-of-way:

1. S 24°22'53" E a distance of 31.22 feet;
2. 76.61 feet along the arc of a tangent curve to the left having a radius of 800.00 feet, a central angle of 05°29'13", and the chord bears S 27°07'29" E a distance of 76.58 feet;
3. 75.27 feet along the arc of a tangent curve to the right having a radius of 800.00 feet, a central angle of 05°23'27", and the chord bears S 27°10'22" E a distance of 75.24 feet;
4. S 24°28'38" E a distance of 57.10 feet;
5. S 24°28'38" E a distance of 79.86 feet;
6. 436.38 feet along the arc of a non tangent curve to the right having a radius of 915.00 feet, a central angle of 27°19'32", and the chord bears S 10°48'52" E a distance of 432.26 feet to a point on line 2-3 of said Mineral Survey 20461 "Ruby Lode";

thence along said 2-3 line of Mineral Survey 20461 "Ruby Lode" N 53°55'33" W a distance of 74.99 feet to a point on said line 1-2 of H.E.S. No. 40; thence along said line 1-2 of H.E.S. No. 40 S 21°45'15" E a distance of 140.75 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following six courses along said westerly right-of-way of U.S. Highway 24:

1. 262.58 feet along the arc of a non tangent curve to the right having a radius of 915.00 feet, a central angle of 16°26'33", and the chord bears S16°31'05" W a distance of 261.68 feet;
2. S 24°44'22" W a distance of 216.35 feet;
3. S 35°45'52" W a distance of 205.41 feet;
4. S 14°36'41" W a distance of 532.15 feet;

5. S 01°15'08" E a distance of 429.27 feet;

6. S 01°25'41" W a distance of 268.53 feet to a point on line 3-4 of said H.E.S. No. 40;

thence along said 3-4 line of H.E.S. No. 40 S 33°56'45" W a distance of 246.93 feet to Angle Point 4 of said H.E.S. No. 40 said point also being Angle Point 8 of Homestead Entry Survey (H.E.S.) No. 41, Township 6 South, Range 81 West of the Sixth Principal Meridian; thence along line 7-8 of said H.E.S. No. 41 S 08°01'50" E a distance of 294.82 feet to the center of the Eagle River; thence the following two courses along said center of the Eagle River:

1. S 58°05'40" W a distance of 123.33 feet;
2. N 88°07'28" W a distance of 361.22 feet;

Thence leaving the center of the Eagle River N 0°00'00" E a distance of 157.44 feet to the right of way centerline of Tigiwon Road; thence the following two courses along said Tigiwon Road right-of-way centerline;

1. N 27°18'00" E a distance of 610.80 feet;
2. 153.15 feet along the arc of a non-tangent curve to the right having a radius of 286.50, a central angle of 30°37'40", and the chord bears S 42°37'30" W a distance of 151.33 feet;

Thence leaving said Tigiwon Road right-of-way centerline S 44°54'07" E a distance of 66.71 feet; thence N 74°17'56" W a distance of 41.21 feet to a point on the southerly boundary of the Dam Parcel as described in the Special Warranty Deed recorded in the Eagle County Clerk and Recorder's office February 10, 2022 at reception number 202202329;

thence along said westerly boundary of the Dam Parcel the following four courses;

1. thence N 34°56'03" E a distance of 213.62 feet
2. thence N 00°00'00" W a distance of 181.43 feet;
3. thence N 22°22'09" E a distance of 746.23 feet;
4. thence N 61°06'46" W a distance of 234.05 feet to a point on the northeasterly corner of the Reservoir Parcel;

thence along said southerly boundary of the Reservoir Parcel the following five courses;

1. thence N 70°32'11" W a distance of 192.32 feet;
2. thence S 77°20'34" W a distance of 590.72 feet;
3. thence S 62°05'59" W a distance of 597.19 feet;
4. thence S 29°33'21" W a distance of 904.04 feet;
5. thence S 53°11'01" E a distance of 658.80 feet;

Thence leaving the southerly boundary of the Reservoir Parcel S 66°03'04" W a distance of 37.66 feet; thence S 47°44'40" E a distance of 29.71; thence S 22°14'32" E a distance of 43.86 feet; thence S 46°45'14" E a distance of 22.10 feet; thence S 73°08'12" E a distance of 63.94 feet; thence S 89°10'25" E a distance of 55.31 feet; thence S 59°40'34" E a distance of 43.18 feet; thence S

01°52'44" E a distance of 35.14 feet; thence S 35°09'05" W a distance of 121.47 feet; thence S 00°21'34" W a distance of 60.72 feet; thence S 19°31'34" E a distance of 142.83 feet; thence S 15°46'39" E a distance of 348.63 feet; thence S 29°14'17" E a distance of 40.16 feet to the center of the Eagle River;

Thence the following eleven courses along said center of the Eagle River:

1. S 33°39'49" W a distance of 288.54 feet;
2. S 38°27'21" W a distance of 172.00 feet;
3. S 19°18'51" W a distance of 106.00 feet;
4. S 07°08'39" E a distance of 140.00 feet;
5. S 24°25'48" E a distance of 132.00 feet;
6. S 11°21'54" E a distance of 374.00 feet;
7. S 16°33'40" E a distance of 326.72 feet;
8. S 15°15'48" E a distance of 154.00 feet;
9. S 02°48'58" E a distance of 158.00 feet;
10. S 39°00'16" E a distance of 132.00 feet;
11. S 53°11'20" E a distance of 209.22 feet to a point on the westerly side of the right-of-way of the Union Pacific Railroad;

Thence the following two courses along said westerly right-of-way of the Union Pacific Railroad as described:

1. 37.95 feet along the arc of a non tangent curve to the left having a radius of 836.49 feet, a central angle of 02°35'59", and the chord bears S 13°13'46" W a distance of 37.95 feet, said curve being parallel to and offset 100.00-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad;
2. 47.98 feet along the arc of a tangent curve to the left having a radius of 3,919.72 feet, a central angle of 00°42'05", and the chord bears S 11°34'45" W a distance of 47.98 feet, said curve being parallel to and offset 100.00-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence the following five courses along said westerly right-of-way of the Union Pacific Railroad, said right-of-way being parallel to and offset 25.00 feet westerly from the centerline of the western corridor of said Union Pacific Railroad:

1. S 30°39'47" W a distance of 44.76 feet;
2. 141.71 feet along the arc of a tangent curve to the left having a radius of 4,816.15 feet, a central angle of 01°41'09", and the chord bears S 29°49'13" W a distance of 141.71 feet;
3. 577.96 feet along the arc of a tangent curve to the left having a radius of 873.26 feet, a central angle of 37°55'13", and the chord bears S 10°01'01" W a distance of 567.46 feet;
4. 132.72 feet along the arc of a tangent curve to the left having a radius of 2,684.59 feet, a central angle of 02°49'57", and the chord bears S 10°21'34" E a distance of 132.70 feet;

5. S 11°46'32" E a distance of 338.53 to a point on line 5-6 of Mineral Survey 19500 "Brooklyn Placer";

thence along said line 5-6 of Mineral Survey 19500 "Brooklyn Placer" N 16°11'23" W a distance of 982.56 feet to Angle Point 6 of said Mineral Survey 19500 "Brooklyn Placer"; thence along line 6-7 of said Mineral Survey 19500 "Brooklyn Placer" N 12°07'10" W a distance of 494.47 feet to Angle Point 3 of Mineral Survey 20745 "Mars Mill Site"; thence along line 2-3 of said Mineral Survey 20745 "Mars Mill Site" N 45°47'44" W a distance of 1,091.01 feet to Angle Point 2 of said Mineral Survey 20745 "Mars Mill Site" said point also being on line 5-6 of said H.E.S. No. 41;

thence along the 5-6 line of said H.E.S. No. 41 N 79°06'56" W a distance of 167.22 feet to the southeast corner of the Highlands 2 Parcel; thence along the easterly boundary of said Highlands 2 Parcel the following six courses:

1. N 15°13'47" W a distance of 247.86 feet;
2. N 17°58'47" W a distance of 88.45 feet;
3. N 30°17'18" W a distance of 151.62 feet;
4. N 35°17'22" W a distance of 95.77 feet;
5. N 15°16'35" W a distance of 182.95 feet;

6. N 01°40'27" W 206.83 to the southeast corner of the Cross Creek Parcel, said parcel being described in the Special Warranty Deed recorded in the Eagle County Clerk and Recorder's office February 10, 2022 at reception number 202202329, point also being the southeast corner of the Highlands 1 Parcel;

Thence along the easterly boundary of said Highlands 1 Parcel, N 01°40'27" W a distance of 281.58 feet to the southeast corner of the Soil Processing Parcel; thence along the southerly boundary of said Soil processing Parcel N 69°04'25" W a distance of 231.93 feet to angle point NO. 2 of H.E.S. 41;

Thence along line 1-2 N 39°24'50" E a distance of 1,104.62 feet to Angle Point 1 said point also being Angle Point 5 of H.E.S. No. 40;

thence the following two courses along said H.E.S. No. 40:

1. along line 5-6 N 23°21'23" E a distance of 1,564.21 feet to Angle Point 6;
2. along line 6-7 N 25°10'25" W a distance of 707.61 feet to Angle Point 2 of Mineral Survey 20712 "Gold Star Mill Site";

thence along line 2-3 of said Mineral Survey 20712 "Gold Star Mill Site" N 67°56'00" W a distance of 967.24 feet to Angle Point 3 of said Mineral Survey 20712 "Gold Star Mill Site" said point also

being Angle Point 3 of Mineral Survey 20712 "Treasury Vault Mill Site"; thence along line 3-4 of said Mineral Survey 20712 "Treasury Vault Mill Site" N 67°56'00" W a distance of 403.10 feet to Angle Point 4 of said Mineral Survey 20712 "Treasury Vault Mill Site" said point also being on line 3-4 of said H.E.S. No. 46; thence along line 3-4 of said H.E.S. No. 46 N 69°12'00" E a distance of 553.58 feet to a point on a parcel described in Book 380 Page 574;

thence the following three courses along the easterly boundary of said parcel described in Book 380 Page 574:

1. N 34°17'20" E a distance of 269.23 feet;
2. N 33°47'30" W a distance of 346.69 feet;
3. N 59°40'30" W a distance of 214.88 feet to a point on the westerly boundary of the 50' wide Eagle County School District RE 50J Access and Utility Easement described in BK 424, PG 977; thence the following three courses along the westerly boundary of said Access and Utility Easement:
 1. thence N53°00'19"E a distance of 37.39 feet;
 2. thence 75.67 feet along the arc of a tangent curve to the left having a radius of 151.89, a central angle of 28°32'43", and the chord bears S38°43'55" W a distance of 74.89 feet;
 3. N24°27'33"E a distance of 41.63 feet;

Thence N59°40'30" W a distance of 636.52 along the northerly boundary of Parcel 11 to a point;

Thence N 00°15'50" E a distance of 285.80 feet to a point on line 1-7 of said H.E.S. No. 46 said point also being on the South line of said Section 36;

thence along said line 1-7 of H.E.S. No. 46 S 89°58'35" W a distance of 420.19 feet to the point of beginning, the Main Metro Dist Parcel containing 299.30 acres more or less.

Parcel 7 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet; thence along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 192.30 feet to a point on the 1-2 line of Mineral Survey 20461 Puritan Lode; thence along said 1-2 line of said Mineral Survey 20461 Puritan Lode N 59°22'30" E a distance of 155.38 feet to a point on the western right-of-way of the Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30,

1919; thence along said western right-of-way of the Union Pacific Railroad the following two courses:

1. 26.42 feet along the arc of a non tangent curve to the right having a radius of 2408.63 feet, a central angle of $00^{\circ}37'43''$, and the chord bears $S14^{\circ}03'37''$ W a distance of 26.42 feet;
2. 184.39 feet along the arc of a tangent curve to the right having a radius of 58445.82 feet, a central angle of $00^{\circ}10'51''$, and the chord bears $S14^{\circ}27'54''$ W a distance of 184.39 feet to a point on the 2-3 line of the Mineral Survey 20461 Puritan Lode;

thence along said 2-3 line of the Mineral Survey 20461 Puritan Lode $N 45^{\circ}06'44''$ W a distance of 131.43 feet to the 2-3 line of said H.E.S. 40; thence along said 2-3 line of said H.E.S. 40 $S 20^{\circ}12'45''$ W a distance of 927.03 feet to a point on the eastern right-of-way of U.S. Highway 24; thence the following four courses along said eastern right-of-way of U.S. Highway 24:

1. $N 01^{\circ}30'38''$ W a distance of 546.66 feet;
2. 309.80 feet along the arc of a tangent curve to the right having a radius of 676.20 feet, a central angle of $26^{\circ}15'00''$, and the chord bears $N 11^{\circ}36'52''$ E a distance of 307.10 feet;
3. $N 24^{\circ}44'22''$ E a distance of 422.47 feet;
4. 160.49 feet along the arc of a non tangent curve to the left having a radius of 994.91 feet, a central angle of $09^{\circ}14'33''$, and the chord bears $N 20^{\circ}07'14''$ E a distance of 160.32 feet to a point on the 1-2 line of said H.E.S. 40;

thence along said 1-2 line of said H.E.S. 40 $S 21^{\circ}45'15''$ E a distance of 321.76 feet; to the point of beginning, Parcel 7 containing 5.57 acres more or less.

EXCEPTING OUT THE INITIAL BOUNDARY LEGAL DESCRIPTIONS IN EXHIBIT A-1 OF THIS SERVICE PLAN

AND EXCEPTING THE FOLLOWING PARCEL WHICH HAS BEEN TRANSFERRED TO EAGLE RIVER WATER AND SANITATION DISTRICT AND AUTHORITY

Inlet Parcel Legal Description

A Parcel of land 40 feet in width located in H.E.S. No. 41 as patented March 7, 1912 in Section 2, Township 6 South, Range 81 West, 6th P.M., for the purpose of constructing, operating and maintaining a water supply conveyance structure consisting of open channels and/or pipelines to supply water to Bolts Lake Reservoir from the Eagle River and from Cross Creek, more particularly described as follows:

Beginning at a point on the westerly boundary of the OTP Area as described on an Exhibit prepared by Gamba & Associates, Inc., dated January 18, 2018 on behalf of Battle Mountain, whence Corner

No. 2 of said H.E.S. 41, being an original stone monument found in place, bears S64°05'11" W a distance of 376.68 feet;

Thence from the Point of Beginning the following 15 courses along the northerly boundary of said 40-ft wide Easement:

1. thence N24°43'37"W a distance of 57.52 feet;
2. thence N02°34'28"W a distance of 50.51 feet;
3. thence N17°36'42"E a distance of 57.23 feet;
4. thence N23°06'54"E a distance of 15.58 feet;
5. thence N10°13'05"E a distance of 33.85 feet;
6. thence N51°21'28"E a distance of 144.42 feet;
7. thence N80°01'14"E a distance of 245.49;
8. thence N75°30'49"W a distance of 122.70 feet;
9. thence S89°25'59"W a distance of 54.63 feet;
10. thence N22°13'41"W a distance of 55.35 feet;
11. thence N51°17'35"E a distance of 30.98 feet;
12. thence S87°20'19"E a distance of 69.22 feet;
13. thence S43°32'09"E a distance of 86.00 feet;
14. thence N87°52'49"E a distance of 154.45 feet;
15. thence N66°03'04"E a distance of 185.03 feet to a point on the southerly boundary of the Bolts Lake Reservoir Area as described on an Exhibit prepared by Gamba & Associates, Inc., dated February 1, 2019 on behalf of Battle North LLC;

Thence the following two courses along said southerly boundary of the Bolts Lake Reservoir Area;

1. thence S53°11'01"E a distance of 19.42 feet;
2. thence N88°48'40"E a distance of 59.59 feet;

Thence leaving said southerly boundary of the Bolts Lake Reservoir Area the following 16 courses along the southerly boundary of said 40-ft wide Easement:

1. thence S66°03'04"W a distance of 257.18 feet;
2. thence S87°52'49"W a distance of 180.21 feet;
3. thence N43°32'09"W a distance of 87.98 feet;
4. thence N87°20'19"W a distance of 40.88 feet;
5. thence S22°13'41"W a distance of 75.43 feet;
6. thence S89°25'59"W a distance of 86.49 feet;
7. thence N75°30'49"W a distance of 119.31 feet;
8. thence S80°01'14"W a distance of 226.60 feet;
9. thence S51°21'28"W a distance of 119.19 feet;
10. thence S10°13'05"W a distance of 23.36 feet;
11. thence S23°06'54"W a distance of 18.18 feet;
12. thence S17°36'42"W a distance of 48.19 feet;
13. thence S02°34'28"E a distance of 35.56 feet;
14. thence S24°43'37"E a distance of 4.16 feet;

15. thence $S10^{\circ}13'05''W$ a distance of 16.93 feet;
16. thence $S19^{\circ}01'53''W$ a distance of 43.82 feet,

to the Point of Beginning, containing 1.23 acres more or less.

EXHIBIT B
CAPITAL COST DESCRIPTION AND ESTIMATE

Battle North LLC - Phase 1 - Maloit Park Development

Item No.	Description	QTY	Unit	Unit Cost (Typical)	Cost	%
GENERAL						
G1	Mobilization	1	LS	\$85,000	\$97,750	0.4%
G2	Mud Tracking Mitigation	1	LS	\$6,000	\$6,900	0.0%
G3	Erosion Control - Silt Fencing	6,000	LF	\$3.50	\$24,150	0.1%
G4	Erosion Control - Silt Logs	400	EA	\$34.00	\$15,640	0.1%
G5	Traffic Control - Barricades & Signage +	1	LS	\$90,000	\$103,500	0.4%
G6	Street Signs	18	EA	\$550	\$11,385	0.0%
G7	Revegetation (Dryland)	5	AC	\$1,700	\$9,775	0.0%
G8	Permenent Turf Reinforcement	10,000	SY	\$12.00	\$138,000	0.5%
G9	Temporary Turf Reinforcement	2,200	SY	\$9.00	\$22,770	0.1%
G10	Guard Rail	250	LF	\$160	\$46,000	0.2%
G11	Pavement Striping	1	LS	\$2,500	\$2,875	0.0%
G12	Landscape	1	LS	\$45,000	\$51,750	0.2%
			<i>Item Subtotal</i>		\$530,495	1.9%
EARTHWORK						
D1	Top Soil Removal & Replacement	5,000	CY	\$22.50	\$129,375	0.5%
D2	Site Excavation (Cut/Fill & Compaction)	12,500	CY	\$22.00	\$316,250	1.2%
D3	Fill Import (from Reservoir Site)	30,000	CY	\$22.00	\$759,000	2.8%
			<i>Item Subtotal</i>		\$1,204,625	4.4%
SANITARY SEWER						
S1	8" PVC Sewer Main	9,000	LF	\$91	\$941,850	3.4%
S2	4' Dia Concrete Manhole	25	EA	\$5,800	\$166,750	0.6%
S3	4' Dia Concrete Manhole w/Cast-Inplace Base	0	EA	\$8,600	\$0	0.0%
S4	Core Existing Manhole for New 8" pipe	2	EA	\$6,500	\$14,950	0.1%
S5	4" PVC Sewer Service	150	EA	\$3,600	\$621,000	2.3%
S6	Manhole Removal	2	EA	\$2,600	\$5,980	0.0%
S7	Plug Abandon Sewer Main Pipe Ends	0	EA	\$1,000	\$0	0.0%
S8	Manhole Cone Rotation, Adjust Rim & New	4	EA	\$2,600	\$11,960	0.0%
S9	Manhole Rim Elev Adjustment	4	EA	\$600	\$2,760	0.0%
			<i>Item Subtotal</i>		\$1,765,250	6.4%
POTABLE WATER						
W1	8" Tee Connection w/8" GV and 10"x8" Reducer	0	EA	\$22,000	\$0	0.0%
W2	8" Tee Connection w/Two 8" GV's & Plug	1	EA	\$16,000	\$18,400	0.1%
W3	8" C900 Water Main (includes fittings &	9,000	EA	\$120.00	\$1,242,000	4.5%
W4	8" Gate Valve	8	EA	\$3,600	\$33,120	0.1%
W5	Sleeve & Insulation for SewerLine Crossings	150	LF	\$200	\$34,500	0.1%
W6	Fire Hydrant w/ GV, C900 Pipe, Tee, Restraints	23	EA	\$10,800	\$285,660	1.0%
W7	PureCore Water Service w/WetTap, Saddle, Corp	150	EA	\$5,600	\$966,000	3.5%
W8	Air Vac Valve w/ Vault, fittings, service line &	1	EA	\$8,000	\$9,200	0.0%
			<i>Item Subtotal</i>		\$2,588,880	9.4%
POTABLE WATER PLANT						
WTP1	400,000 Gal Storage Tank	400,000	GAL	\$3	\$1,380,000	5.0%
WTP2	8" C900 Water Main (includes fittings &	1,500	LF	\$120	\$207,000	0.8%
WTP3	Package Water Treatment Plant (250 GPM)	1	EA	\$5000000	\$5,750,000	21.0%
WTP4	Site Prep	1	EA	\$250000	\$287,500	1.0%
WTP5	WTP Building	1	EA	\$2500000	\$2,875,000	10.5%
WTP6	Meter/Valve Vault (includes, fiittings, Valves,	1	LS	\$250,000	\$287,500	1.0%
			<i>Item Subtotal</i>		\$10,787,000	39.3%

Battle North LLC - Phase 1 - Maloit Park Development							
Item No.	Description	QTY	Unit	Unit Cost (Typical)	Cost	%	
DRAINAGE							
D1	18" Nominal Angular RipRap	200	Ton	\$154.00	\$35,420	0.1%	
D2	Concrete Headwall & Wingwall Structures for	1	EA	\$11,000	\$12,650	0.0%	
D3	24" RCP Culvert	40	LF	\$165	\$7,590	0.0%	
D4	18" ADS-N12 Culvert	1500	LF	\$120	\$207,000	0.8%	
D5	18" Flared End Sections	6	EA	\$480	\$3,312	0.0%	
D6	Type R Inlet w/Snout & Bio-skirts	15	EA	\$11,500	\$198,375	0.7%	
D7	Nyloplast Single Inlet w Snout & Bio-skirts	2	EA	\$9,000	\$20,700	0.1%	
D8	Nyloplast Double Inlet w Snout & Bio-skirts	2	EA	\$13,250	\$30,475	0.1%	
D9	Ditch Gabion Check Dams	48	EA	\$725	\$40,020	0.1%	
				<i>Item Subtotal</i>	\$555,542	2.0%	
UTILITY RELOCATION							
U1	Relocated Gas Transmission Line	1	EA	\$550000	\$632,500	2.3%	
				<i>Item Subtotal</i>	\$632,500	2.3%	
ROADS, CURB & Apron, Pans & Sidewalk							
R1	Asphalt Saw Cut & Rotomill	200	LF	\$22	\$5,060	0.0%	
R2	Maloit Road Demo & Subgrade Prep &	1,750	SY	\$7	\$14,088	0.1%	
R3	Class 6 ABC for Roads, Drives, Curbs, Aprons,	10,525	Ton	\$41	\$496,254	1.8%	
R4	18" Standard Vertical & Mountable Curb &	11,630	LF	\$40	\$534,980	2.0%	
R5	12" Spill Curb Edge	5000	LF	\$36	\$207,000	0.8%	
R6	Curb Return Apron Fillets & Valley Pans	4,500	SF	\$18	\$93,150	0.3%	
R7	5' Sidewalk	2,869	SF	\$14	\$46,191	0.2%	
R8	On-Site Roads ADA ramps	850	SF	\$14	\$13,685	0.0%	
R9	3" Asphaltic Pavement	125	Ton	\$180	\$25,875	0.1%	
R10	4" Asphaltic Pavement	3,230	Ton	\$158	\$586,891	2.1%	
R11	Parking Areas	1,500	Ton	\$159	\$274,275	1.0%	
R12	Public Transportation Bus Stop	1	EA	\$1000000	\$1,150,000	4.2%	
R11	HW 24 Intersection Improvements	1	EA	\$2000000	\$2,300,000	8.4%	
R12	Bridges	2	EA	\$1500000	\$3,450,000	12.6%	
					\$9,197,448	33.5%	
TRAILS							
T1	Trail 53 Parking Space Site Grading/Subgrade	1	LS	\$6,000	\$6,900	0.0%	
T2	Trail 53 Parking Space - 6" Class 6 ABC	180	Ton	\$41	\$8,487	0.0%	
T3	ECO Trail Class 6 ABC	500	Ton	\$41	\$23,575	0.1%	
T4	ECO Trail 3" Asphalt	150	Ton	\$168	\$28,980	0.1%	
T5	ECO Trail ADA ramps	175	SF	\$22	\$4,428	0.0%	
T6	ECO Trail Bridge (To be determined)	1	LS	\$75,000	\$86,250	0.3%	
T7	Onsite 3' wide Trail (6" Compacted crusher	500	LF	\$22	\$12,650	0.0%	
				<i>Item Subtotal</i>	\$171,270	0.6%	
					CONSTRUCTION TOTAL	\$27,433,010	100.0%
OTHER SERVICES & COSTS							
A1	Construction Survey		2.0%		\$548,660	2.0%	
A2	Testing (water, sewer, compaction)		2.0%		\$548,660	2.0%	
A3	Overhead		8.0%		\$2,194,641	5.0%	
A4	BOND		1.5%		\$411,495	1.5%	
A5	Civil Engineering		4.0%		\$1,097,320	4.0%	
A6	Construction Observation		1.0%		\$274,330	1.0%	
A7	Contingency (12%)		12.0%		\$3,291,961	12.0%	
				<i>Item Subtotal</i>	\$8,367,068		
					TOTAL COST	\$35,800,078	100.0%

Battle North LLC - Phase 2 - Reservoir Development

Item No.	Description	QTY	Unit	Unit Cost (Typical)	Cost	%
GENERAL						
G1	Mobilization	1	LS	\$85,000	\$97,750	0.9%
G2	Mud Tracking Mitigation	1	LS	\$6,000	\$6,900	0.1%
G3	Erosion Control - Silt Fencing	2,500	LF	\$3.50	\$10,063	0.1%
G4	Erosion Control - Silt Logs	200	EA	\$34.00	\$7,820	0.1%
G5	Traffic Control - Barricades & Signage +	1	LS	\$90,000	\$103,500	1.0%
G6	Street Signs	5	EA	\$550	\$3,163	0.0%
G7	Revegetation (Dryland)	5	AC	\$1,700	\$9,775	0.1%
G8	Permenent Turf Reinforcement	5,000	SY	\$12.00	\$69,000	0.6%
G9	Temporary Turf Reinforcement	1,000	SY	\$9.00	\$10,350	0.1%
G10	Pavement Striping	1	LS	\$2,500	\$2,875	0.0%
G11	Landscape	1	LS	\$45,000	\$51,750	0.5%
<i>Item Subtotal</i>					\$372,945	3.4%
EARTHWORK						
D1	Top Soil Removal & Replacement	2,500	CY	\$22.50	\$64,688	0.6%
D2	Site Excavation (Cut/Fill & Compaction)	7,500	CY	\$22.00	\$189,750	1.7%
D3	Fill Import (from Reservoir Site)	5,000	CY	\$22.00	\$126,500	1.2%
<i>Item Subtotal</i>					\$380,938	3.5%
SANITARY SEWER						
S1	8" PVC Sewer Main	11,850	LF	\$91	\$1,240,103	11.4%
S2	4' Dia Concrete Manhole	30	EA	\$5,800	\$200,100	1.8%
S3	4" Dia Force Main	500	EA	\$65	\$37,375	0.3%
S4	Sewer Pump Station	1	EA	\$500,000	\$575,000	5.3%
S5	4" PVC Sewer Service	75	EA	\$3,600	\$310,500	2.9%
<i>Item Subtotal</i>					\$2,363,078	21.7%
POTABLE WATER						
W1	Booster Pump Station	1	EA	\$500,000	\$575,000	5.3%
W2	8" Tee Connection w/Two 8" GV's & Plug	4	EA	\$16,000	\$73,600	0.7%
W3	8" C900 Water Main (includes fittings &	11,850	EA	\$120.00	\$1,635,300	15.0%
W4	8" Gate Valve	10	EA	\$3,600	\$41,400	0.4%
W5	Sleeve & Insulation for SewerLine Crossings	75	LF	\$200	\$17,250	0.2%
W6	Fire Hydrant w/ GV, C900 Pipe, Tee, Restraints	15	EA	\$10,800	\$186,300	1.7%
W7	PureCore Water Service w/WetTap, Saddle, Corp	75	EA	\$5,600	\$483,000	4.4%
W8	Air Vac Valve w/ Vault, fittings, service line &	1	EA	\$8,000	\$9,200	0.1%
<i>Item Subtotal</i>					\$3,021,050	27.7%
DRAINAGE						
D1	18" Nominal Angular RipRap	100	Ton	\$154.00	\$17,710	0.2%
D2	Concrete Headwall & Wingwall Structures for	1	EA	\$11,000	\$12,650	0.1%
D3	24" RCP Culvert	40	LF	\$165	\$7,590	0.1%
D4	18" ADS-N12 Culvert	300	LF	\$120	\$41,400	0.4%
D5	18" Flared End Sections	4	EA	\$480	\$2,208	0.0%
D6	Ditch Gabion Check Dams	20	EA	\$725	\$16,675	0.2%
<i>Item Subtotal</i>					\$98,233	0.9%

Battle North LLC - Phase 2 - Reservoir Development

Item No.	Description	QTY	Unit	Unit Cost (Typical)	Cost	%
ROADS, CURB & Apron, Pans & Sidewalk						
R3	Class 6 ABC for Roads, Drives, Curbs, Aprons,	15,840	Ton	\$41	\$746,856	6.9%
R4	18" Standard Vertical & Mountable Curb &	4,000	LF	\$40	\$184,000	1.7%
R5	12" Spill Curb Edge	2,000	LF	\$36	\$82,800	0.8%
R6	Curb Return Apron Fillets & Valley Pans	2,000	SF	\$18	\$41,400	0.4%
R7	5' Sidewalk	3,000	SF	\$14	\$48,300	0.4%
R8	On-Site Roads ADA ramps	250	SF	\$14	\$4,025	0.0%
R9	3" Asphaltic Pavement	125	Ton	\$180	\$25,875	0.2%
R10	4" Asphaltic Pavement	4,000	Ton	\$158	\$726,800	6.7%
R11	Parking Areas	500	Ton	\$159	\$91,425	0.8%
R12	Public Transportation Bus Stop	1	EA	\$1000000	\$1,150,000	10.6%
R11	HW 24 Intersection Improvements	1	EA	\$1000000	\$1,150,000	10.6%
					\$4,251,481	39.0%
TRAILS						
T1	Trail 53 Parking Space Site Grading/Subgrade	1	LS	\$6,000	\$6,900	0.1%
T2	Trail 53 Parking Space - 6" Class 6 ABC	900	Ton	\$41	\$42,435	0.4%
T3	ECO Trail Class 6 ABC	500	Ton	\$41	\$23,575	0.2%
T4	ECO Trail 3" Asphalt	1500	Ton	\$168	\$289,800	2.7%
T5	ECO Trail ADA ramps	175	SF	\$22	\$4,428	0.0%
T6	Onsite 3' wide Trail (6" Compacted crusher	1500	LF	\$22	\$37,950	0.3%
			<i>Item Subtotal</i>		\$405,088	3.7%
CONSTRUCTION TOTAL					\$10,892,812	100.0%
OTHER SERVICES & COSTS						
A1	Construction Survey		2.0%		\$217,856	2.0%
A2	Testing (water, sewer, compaction)		2.0%		\$217,856	2.0%
A3	Overhead		8.0%		\$871,425	8.0%
A4	BOND		1.5%		\$163,392	1.5%
A5	Civil Engineering		4.0%		\$435,712	4.0%
A6	Construction Observation		1.0%		\$108,928	1.0%
A7	Contingency (30%)		30.0%		\$3,049,987	30.0%
			<i>Item Subtotal</i>		\$5,065,157	
TOTAL COST					\$15,957,969	100.0%

EXHIBIT C
FINANCIAL PLAN

BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Eagle County, Colorado

~~~~~  
**GENERAL OBLIGATION BONDS, SERIES 2026**  
**GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS, SERIES 2036**  
~~~~~

Service Plan

Bond Assumptions	Series 2026	Series 2036	Total
Closing Date	12/1/2026	12/1/2036	
First Call Date	12/1/2031	12/1/2046	
Final Maturity	12/1/2056	12/1/2066	
Sources of Funds			
Par Amount	35,920,000	54,070,000	89,990,000
Funds on Hand	0	4,788,271	4,788,271
Total	35,920,000	58,858,271	94,778,271
Uses of Funds			
Project Fund	\$27,193,329	\$23,827,921	\$51,021,250
Refunding Escrow	0	34,560,000	34,560,000
Debt Service Reserve	3,218,271	0	3,218,271
Capitalized Interest	4,490,000	0	4,490,000
Costs of Issuance	1,018,400	470,350	1,488,750
Total	35,920,000	58,858,271	94,778,271
Bond Features			
Projected Coverage	100x	100x	
Tax Status	Tax-Exempt	Tax-Exempt	
Rating	Non-Rated	Inv. Grade	
Average Coupon	5.000%	4.000%	
Annual Trustee Fee	\$4,000	\$4,000	
Biennial Reassessment			
Residential	6.00%	6.00%	
Commercial	2.00%	2.00%	
Taxing Authority Assumptions			
Metropolitan District Revenue			
Residential Assessment Ratio			
<i>Service Plan Gallagherization Base</i>	7.15%		
<i>Current Assumption</i>	7.15%		
Debt Service Mills			
<i>Service Plan Mill Levy Cap</i>	50.000		
<i>Maximum Adjusted Cap</i>	50.000		
<i>Target Mill Levy</i>	50.000		
Specific Ownership Taxes	6.00%		
County Treasurer Fee	3.00%		
Operations			
Operations Mill Levy	10.000		
Total Mill Levy	60.000		

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Development Summary**

Statutory Actual Value (2024)	Residential								Total Residential
	SFD (wav)	Product 2	Product 3	Product 4	Product 5	Product 6	Product 7	Product 8	
	\$1,850,000	\$	\$	\$	\$	\$	\$	\$	
2024	-	-	-	-	-	-	-	-	-
2025	-	-	-	-	-	-	-	-	-
2026	75	-	-	-	-	-	-	-	75
2027	75	-	-	-	-	-	-	-	75
2028	75	-	-	-	-	-	-	-	75
2029	-	-	-	-	-	-	-	-	-
2030	-	-	-	-	-	-	-	-	-
2031	-	-	-	-	-	-	-	-	-
2032	-	-	-	-	-	-	-	-	-
2033	-	-	-	-	-	-	-	-	-
2034	-	-	-	-	-	-	-	-	-
2035	-	-	-	-	-	-	-	-	-
2036	-	-	-	-	-	-	-	-	-
2037	-	-	-	-	-	-	-	-	-
2038	-	-	-	-	-	-	-	-	-
2039	-	-	-	-	-	-	-	-	-
2040	-	-	-	-	-	-	-	-	-
2041	-	-	-	-	-	-	-	-	-
2042	-	-	-	-	-	-	-	-	-
2043	-	-	-	-	-	-	-	-	-
2044	-	-	-	-	-	-	-	-	-
2045	-	-	-	-	-	-	-	-	-
2046	-	-	-	-	-	-	-	-	-
2047	-	-	-	-	-	-	-	-	-
2048	-	-	-	-	-	-	-	-	-
2049	-	-	-	-	-	-	-	-	-
2050	-	-	-	-	-	-	-	-	-
2051	-	-	-	-	-	-	-	-	-
2052	-	-	-	-	-	-	-	-	-
2053	-	-	-	-	-	-	-	-	-
2054	-	-	-	-	-	-	-	-	-
2055	-	-	-	-	-	-	-	-	-
Total Units	225	-	-	-	-	-	-	-	225
Total Statutory Actual Value	\$416,250,000	\$	\$	\$	\$	\$	\$	\$	\$416,250,000

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Development Summary**

Statutory Actual Value (2024)	Commercial								Total Commercial
	Commercial (tbd)	Product B	Product C	Product D	Product E	Product F	Product G	Product H	
	\$200	\$	\$	\$	\$	\$	\$	\$	
2024	-	-	-	-	-	-	-	-	-
2025	-	-	-	-	-	-	-	-	-
2026	25,000	-	-	-	-	-	-	-	25,000
2027	25,000	-	-	-	-	-	-	-	25,000
2028	-	-	-	-	-	-	-	-	-
2029	-	-	-	-	-	-	-	-	-
2030	-	-	-	-	-	-	-	-	-
2031	-	-	-	-	-	-	-	-	-
2032	-	-	-	-	-	-	-	-	-
2033	-	-	-	-	-	-	-	-	-
2034	-	-	-	-	-	-	-	-	-
2035	-	-	-	-	-	-	-	-	-
2036	-	-	-	-	-	-	-	-	-
2037	-	-	-	-	-	-	-	-	-
2038	-	-	-	-	-	-	-	-	-
2039	-	-	-	-	-	-	-	-	-
2040	-	-	-	-	-	-	-	-	-
2041	-	-	-	-	-	-	-	-	-
2042	-	-	-	-	-	-	-	-	-
2043	-	-	-	-	-	-	-	-	-
2044	-	-	-	-	-	-	-	-	-
2045	-	-	-	-	-	-	-	-	-
2046	-	-	-	-	-	-	-	-	-
2047	-	-	-	-	-	-	-	-	-
2048	-	-	-	-	-	-	-	-	-
2049	-	-	-	-	-	-	-	-	-
2050	-	-	-	-	-	-	-	-	-
2051	-	-	-	-	-	-	-	-	-
2052	-	-	-	-	-	-	-	-	-
2053	-	-	-	-	-	-	-	-	-
2054	-	-	-	-	-	-	-	-	-
2055	-	-	-	-	-	-	-	-	-
Total Units	50,000	-	-	-	-	-	-	-	50,000
Total Statutory Actual Value	\$10,000,000	\$	\$	\$	\$	\$	\$	\$	\$10,000,000

BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Assessed Value Calculation

	Vacant Land		Residential				Commercial				Total
	Cumulative Statutory Actual Value ¹	Assessed Value in Collection Year (2-year lag) 29.00%	Total Residential Units	Biennial Reassessment	Cumulative Statutory Actual Value	Assessed Value in Collection Year (2-year lag) 7.15%	Total Commercial SF	Biennial Reassessment	Cumulative Statutory Actual Value	Assessed Value in Collection Year (2-year lag) @ 29.00%	Assessed Value in Collection Year (2-year lag)
2023	0	0	0		0	0	0	0	0	0	0
2024	0	0	0	0	0	0	0	0	0	0	0
2025	14,375,000	0	0		0	0	0	0	0	0	0
2026	14,375,000	0	75	0	144,355,500	0	25,000	0	5,202,000	0	0
2027	13,875,000	4,168,750	75		291,598,110	0	25,000	0	10,508,040	0	4,168,750
2028	0	4,168,750	75	17,495,887	459,281,459	10,321,418	0	210,161	10,718,201	1,508,580	15,998,748
2029	0	4,023,750	0		459,281,459	20,849,265	0		10,718,201	3,047,332	27,920,346
2030	0	0	0	27,556,888	486,838,346	32,838,624	0	214,364	10,932,565	3,108,278	35,946,903
2031	0	0	0		486,838,346	32,838,624	0		10,932,565	3,108,278	35,946,903
2032	0	0	0	29,210,301	516,048,647	34,808,942	0	218,651	11,151,216	3,170,444	37,979,386
2033	0	0	0		516,048,647	34,808,942	0		11,151,216	3,170,444	37,979,386
2034	0	0	0	30,962,919	547,011,566	36,897,478	0	223,024	11,374,240	3,233,853	40,131,331
2035	0	0	0		547,011,566	36,897,478	0		11,374,240	3,233,853	40,131,331
2036	0	0	0	32,820,694	579,832,260	39,111,327	0	227,485	11,601,725	3,298,530	42,409,857
2037	0	0	0		579,832,260	39,111,327	0		11,601,725	3,298,530	42,409,857
2038	0	0	0	34,789,936	614,622,195	41,458,007	0	232,035	11,833,760	3,364,500	44,822,507
2039	0	0	0		614,622,195	41,458,007	0		11,833,760	3,364,500	44,822,507
2040	0	0	0	36,877,332	651,499,527	43,945,487	0	236,675	12,070,435	3,431,790	47,377,277
2041	0	0	0		651,499,527	43,945,487	0		12,070,435	3,431,790	47,377,277
2042	0	0	0	39,089,972	690,589,499	46,582,216	0	241,409	12,311,844	3,500,426	50,082,642
2043	0	0	0		690,589,499	46,582,216	0		12,311,844	3,500,426	50,082,642
2044	0	0	0	41,435,370	732,024,869	49,377,149	0	246,237	12,558,081	3,570,435	52,947,584
2045	0	0	0		732,024,869	49,377,149	0		12,558,081	3,570,435	52,947,584
2046	0	0	0	43,921,492	775,946,361	52,339,778	0	251,162	12,809,242	3,641,843	55,981,621
2047	0	0	0		775,946,361	52,339,778	0		12,809,242	3,641,843	55,981,621
2048	0	0	0	46,556,782	822,503,143	55,480,165	0	256,185	13,065,427	3,714,680	59,194,845
2049	0	0	0		822,503,143	55,480,165	0		13,065,427	3,714,680	59,194,845
2050	0	0	0	49,350,189	871,853,331	58,808,975	0	261,309	13,326,736	3,788,974	62,597,949
2051	0	0	0		871,853,331	58,808,975	0		13,326,736	3,788,974	62,597,949
2052	0	0	0	52,311,200	924,164,531	62,337,513	0	266,535	13,593,270	3,864,753	66,202,266
2053	0	0	0		924,164,531	62,337,513	0		13,593,270	3,864,753	66,202,266
2054	0	0	0	55,449,872	979,614,403	66,077,764	0	271,865	13,865,136	3,942,048	70,019,812
2055	0	0	0		979,614,403	66,077,764	0		13,865,136	3,942,048	70,019,812
2056	0	0	0	58,776,864	1,038,391,267	70,042,430	0	277,303	14,142,438	4,020,889	74,063,319
2057	0	0	0		1,038,391,267	70,042,430	0		14,142,438	4,020,889	74,063,319
2058	0	0	0	62,303,476	1,100,694,743	74,244,976	0	282,849	14,425,287	4,101,307	78,346,283
2059	0	0	0		1,100,694,743	74,244,976	0		14,425,287	4,101,307	78,346,283
2060	0	0	0	66,041,685	1,166,736,428	78,699,674	0	288,506	14,713,793	4,183,333	82,883,007
2061	0	0	0		1,166,736,428	78,699,674	0		14,713,793	4,183,333	82,883,007
2062	0	0	0	70,004,186	1,236,740,613	83,421,655	0	294,276	15,008,069	4,267,000	87,688,654
2063	0	0	0		1,236,740,613	83,421,655	0		15,008,069	4,267,000	87,688,654
2064	0	0	0	74,204,437	1,310,945,050	88,426,954	0	300,161	15,308,230	4,352,340	92,779,294
2065	0	0	0		1,310,945,050	88,426,954	0		15,308,230	4,352,340	92,779,294
2066	0	0	0	78,656,703	1,389,601,753	93,732,571	0	306,165	15,614,395	4,439,387	98,171,958
Total			225	947,816,181			50,000	5,106,355			

1. Vacant land value calculated in year prior to construction as 10% of built-out market value
2. Manual adjustment to actual value per assessor
3. SFD RAR Assumes 6.95% in '23, 6.70% in '24; back to 7.15% thereafter

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Revenue Calculation**

	District Mill Levy Revenue				Expenses		Total
	Assessed Value	Debt Mill Levy	Debt Mill Levy	Specific Ownership	County Treasurer	Annual Trustee	Revenue Available
	In Collection Year		Collections	Taxes	Fee	Fee	for Debt Service
	(2-year lag)	50.000 Cap 50.000 Target	99.5%	6.00%	3.00%	\$4,000	
2023	0	0.000	0	0	0	0	0
2024	0	0.000	0	0	0	0	0
2025	0	0.000	0	0	0	0	0
2026	0	50.000	0	0	0	0	0
2027	4,168,750	50.000	207,395	12,444	(6,222)	(4,000)	209,617
2028	15,998,748	50.000	795,938	47,756	(23,878)	(4,000)	815,816
2029	27,920,346	50.000	1,389,037	83,342	(41,671)	(4,000)	1,426,708
2030	35,946,903	50.000	1,788,358	107,302	(53,651)	(4,000)	1,838,009
2031	35,946,903	50.000	1,788,358	107,302	(53,651)	(4,000)	1,838,009
2032	37,979,386	50.000	1,889,474	113,368	(56,684)	(4,000)	1,942,159
2033	37,979,386	50.000	1,889,474	113,368	(56,684)	(4,000)	1,942,159
2034	40,131,331	50.000	1,996,534	119,792	(59,896)	(4,000)	2,052,430
2035	40,131,331	50.000	1,996,534	119,792	(59,896)	(4,000)	2,052,430
2036	42,409,857	50.000	2,109,890	126,593	(63,297)	(4,000)	2,169,187
2037	42,409,857	50.000	2,109,890	126,593	(63,297)	(4,000)	2,169,187
2038	44,822,507	50.000	2,229,920	133,795	(66,898)	(4,000)	2,292,817
2039	44,822,507	50.000	2,229,920	133,795	(66,898)	(4,000)	2,292,817
2040	47,377,277	50.000	2,357,020	141,421	(70,711)	(4,000)	2,423,730
2041	47,377,277	50.000	2,357,020	141,421	(70,711)	(4,000)	2,423,730
2042	50,082,642	50.000	2,491,611	149,497	(74,748)	(4,000)	2,562,360
2043	50,082,642	50.000	2,491,611	149,497	(74,748)	(4,000)	2,562,360
2044	52,947,584	50.000	2,634,142	158,049	(79,024)	(4,000)	2,709,167
2045	52,947,584	50.000	2,634,142	158,049	(79,024)	(4,000)	2,709,167
2046	55,981,621	50.000	2,785,086	167,105	(83,553)	(4,000)	2,864,638
2047	55,981,621	50.000	2,785,086	167,105	(83,553)	(4,000)	2,864,638
2048	59,194,845	50.000	2,944,944	176,697	(88,348)	(4,000)	3,029,292
2049	59,194,845	50.000	2,944,944	176,697	(88,348)	(4,000)	3,029,292
2050	62,597,949	50.000	3,114,248	186,855	(93,427)	(4,000)	3,203,675
2051	62,597,949	50.000	3,114,248	186,855	(93,427)	(4,000)	3,203,675
2052	66,202,266	50.000	3,293,563	197,614	(98,807)	(4,000)	3,388,370
2053	66,202,266	50.000	3,293,563	197,614	(98,807)	(4,000)	3,388,370
2054	70,019,812	50.000	3,483,486	209,009	(104,505)	(4,000)	3,583,990
2055	70,019,812	50.000	3,483,486	209,009	(104,505)	(4,000)	3,583,990
2056	74,063,319	50.000	3,684,650	221,079	(110,540)	(4,000)	3,791,190
2057	74,063,319	50.000	3,684,650	221,079	(110,540)	(4,000)	3,791,190
2058	78,346,283	50.000	3,897,728	233,864	(116,932)	(4,000)	4,010,659
2059	78,346,283	50.000	3,897,728	233,864	(116,932)	(4,000)	4,010,659
2060	82,883,007	50.000	4,123,430	247,406	(123,703)	(4,000)	4,243,133
2061	82,883,007	50.000	4,123,430	247,406	(123,703)	(4,000)	4,243,133
2062	87,688,654	50.000	4,362,511	261,751	(130,875)	(4,000)	4,489,386
2063	87,688,654	50.000	4,362,511	261,751	(130,875)	(4,000)	4,489,386
2064	92,779,294	50.000	4,615,770	276,946	(138,473)	(4,000)	4,750,243
2065	92,779,294	50.000	4,615,770	276,946	(138,473)	(4,000)	4,750,243
2066	98,171,958	50.000	4,884,055	293,043	(146,522)	(4,000)	5,026,577
Total			114,881,152	6,892,869	(3,446,435)	(160,000)	118,167,586

BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Senior Debt Service

	Total Revenue Available for Debt Service	Net Debt Service		Total	Funds on Hand as a Source	Senior Surplus Fund			Ratio Analysis	
		Series 2026	Series 2036			Annual Surplus	Cumulative Balance \$3,592,000 Max	Released Revenue	Senior Debt to Assessed Value	Debt Service Coverage
		Dated: 12/1/26 Par: \$35,920,000 Proj: \$27,193,329	Dated: 12/1/36 Par: \$54,070,000 Proj: \$23,827,921 Esc: \$34,560,000							
2023	0									
2024	0									
2025	0									
2026	0	0		0		0	0	0	n/a	n/a
2027	209,617	0		0		209,617	209,617	0	862%	n/a
2028	815,816	0		0		815,816	1,025,433	0	225%	n/a
2029	1,426,708	898,000		898,000		528,708	1,554,141	0	129%	159%
2030	1,838,009	1,836,000		1,836,000		2,009	1,556,151	0	100%	100%
2031	1,838,009	1,834,000		1,834,000		4,009	1,560,160	0	100%	100%
2032	1,942,159	1,937,000		1,937,000		5,159	1,565,318	0	94%	100%
2033	1,942,159	1,939,750		1,939,750		2,409	1,567,727	0	94%	100%
2034	2,052,430	2,052,000		2,052,000		430	1,568,157	0	89%	100%
2035	2,052,430	2,048,250		2,048,250		4,180	1,572,336	0	88%	100%
2036	2,169,187	2,169,000	0	2,169,000	\$1,570,000	(1,569,813)	2,524	0	82%	100%
2037	2,169,187	Ref'd by Ser. '36	2,162,800	2,162,800		6,387	8,911	0	127%	100%
2038	2,292,817		2,292,800	2,292,800		17	8,928	0	121%	100%
2039	2,292,817		2,292,600	2,292,600		217	9,145	0	120%	100%
2040	2,423,730		2,422,200	2,422,200		1,530	10,675	0	114%	100%
2041	2,423,730		2,421,400	2,421,400		2,330	13,006	0	113%	100%
2042	2,562,360		2,560,200	2,560,200		2,160	15,165	0	106%	100%
2043	2,562,360		2,558,000	2,558,000		4,360	19,525	0	105%	100%
2044	2,709,167		2,705,200	2,705,200		3,967	23,492	0	99%	100%
2045	2,709,167		2,705,800	2,705,800		3,367	26,858	0	98%	100%
2046	2,864,638		2,860,400	2,860,400		4,238	31,096	0	91%	100%
2047	2,864,638		2,862,800	2,862,800		1,838	32,935	0	90%	100%
2048	3,029,292		3,028,800	3,028,800		492	33,427	0	84%	100%
2049	3,029,292		3,026,800	3,026,800		2,492	35,918	0	82%	100%
2050	3,203,675		3,203,200	3,203,200		475	36,394	0	76%	100%
2051	3,203,675		3,200,800	3,200,800		2,875	39,269	0	74%	100%
2052	3,388,370		3,386,400	3,386,400		1,970	41,239	0	67%	100%
2053	3,388,370		3,387,400	3,387,400		970	42,208	0	65%	100%
2054	3,583,990		3,580,800	3,580,800		3,190	45,399	0	59%	100%
2055	3,583,990		3,583,800	3,583,800		190	45,589	0	56%	100%
2056	3,791,190		3,788,600	3,788,600		2,590	48,179	0	51%	100%
2057	3,791,190		3,787,000	3,787,000		4,190	52,368	0	47%	100%
2058	4,010,659		4,006,800	4,006,800		3,859	56,228	0	42%	100%
2059	4,010,659		4,009,000	4,009,000		1,659	57,887	0	38%	100%
2060	4,243,133		4,241,800	4,241,800		1,333	59,219	0	33%	100%
2061	4,243,133		4,240,800	4,240,800		2,333	61,552	0	29%	100%
2062	4,489,386		4,484,800	4,484,800		4,586	66,138	0	24%	100%
2063	4,489,386		4,488,800	4,488,800		586	66,724	0	20%	100%
2064	4,750,243		4,746,800	4,746,800		3,443	70,167	0	14%	100%
2065	4,750,243		4,748,400	4,748,400		1,843	72,010	0	10%	100%
2066	5,026,577		5,023,200	5,023,200		3,377	0	75,386	5%	100%
Total	118,167,586	14,714,000	101,808,200	116,522,200	1,570,000	75,386		75,386		

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
Operations Projection**

	Total	Operations Revenue				Total	Total Mills
	Assessed Value	Operations	Ops Mill Levy	Specific Ownership	County Treasurer	Revenue Available	Total
	In Collection Year (2-year lag)	Mill Levy 10.000 Target	Collections 99.5%	Taxes 6%	Fee 3.00%	for Operations	District Mills
2023							
2024							
2025							
2026	0	10.000	0	0	0	0	60.000
2027	4,168,750	10.000	41,479	2,489	(1,244)	42,723	60.000
2028	15,998,748	10.000	159,188	9,551	(4,776)	163,963	60.000
2029	27,920,346	10.000	277,807	16,668	(8,334)	286,142	60.000
2030	35,946,903	10.000	357,672	21,460	(10,730)	368,402	60.000
2031	35,946,903	10.000	357,672	21,460	(10,730)	368,402	60.000
2032	37,979,386	10.000	377,895	22,674	(11,337)	389,232	60.000
2033	37,979,386	10.000	377,895	22,674	(11,337)	389,232	60.000
2034	40,131,331	10.000	399,307	23,958	(11,979)	411,286	60.000
2035	40,131,331	10.000	399,307	23,958	(11,979)	411,286	60.000
2036	42,409,857	10.000	421,978	25,319	(12,659)	434,637	60.000
2037	42,409,857	10.000	421,978	25,319	(12,659)	434,637	60.000
2038	44,822,507	10.000	445,984	26,759	(13,380)	459,363	60.000
2039	44,822,507	10.000	445,984	26,759	(13,380)	459,363	60.000
2040	47,377,277	10.000	471,404	28,284	(14,142)	485,546	60.000
2041	47,377,277	10.000	471,404	28,284	(14,142)	485,546	60.000
2042	50,082,642	10.000	498,322	29,899	(14,950)	513,272	60.000
2043	50,082,642	10.000	498,322	29,899	(14,950)	513,272	60.000
2044	52,947,584	10.000	526,828	31,610	(15,805)	542,633	60.000
2045	52,947,584	10.000	526,828	31,610	(15,805)	542,633	60.000
2046	55,981,621	10.000	557,017	33,421	(16,711)	573,728	60.000
2047	55,981,621	10.000	557,017	33,421	(16,711)	573,728	60.000
2048	59,194,845	10.000	588,989	35,339	(17,670)	606,658	60.000
2049	59,194,845	10.000	588,989	35,339	(17,670)	606,658	60.000
2050	62,597,949	10.000	622,850	37,371	(18,685)	641,535	60.000
2051	62,597,949	10.000	622,850	37,371	(18,685)	641,535	60.000
2052	66,202,266	10.000	658,713	39,523	(19,761)	678,474	60.000
2053	66,202,266	10.000	658,713	39,523	(19,761)	678,474	60.000
2054	70,019,812	10.000	696,697	41,802	(20,901)	717,598	60.000
2055	70,019,812	10.000	696,697	41,802	(20,901)	717,598	60.000
2056	74,063,319	10.000	736,930	44,216	(22,108)	759,038	60.000
2057	74,063,319	10.000	736,930	44,216	(22,108)	759,038	60.000
2058	78,346,283	10.000	779,546	46,773	(23,386)	802,932	60.000
2059	78,346,283	10.000	779,546	46,773	(23,386)	802,932	60.000
2060	82,883,007	10.000	824,686	49,481	(24,741)	849,427	60.000
2061	82,883,007	10.000	824,686	49,481	(24,741)	849,427	60.000
2062	87,688,654	10.000	872,502	52,350	(26,175)	898,677	60.000
2063	87,688,654	10.000	872,502	52,350	(26,175)	898,677	60.000
2064	92,779,294	10.000	923,154	55,389	(27,695)	950,849	60.000
2065	92,779,294	10.000	923,154	55,389	(27,695)	950,849	60.000
2066	98,171,958	10.000	976,811	58,609	(29,304)	1,006,115	60.000
Total			22,976,230	1,378,574	(689,287)	23,665,517	

SOURCES AND USES OF FUNDS

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
EAGLE COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2026
50.000 (target) Mills
Non-Rated, 100x, 2056 Final Maturity
(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)**

Dated Date 12/01/2026
Delivery Date 12/01/2026

Sources:

Bond Proceeds:	
Par Amount	35,920,000.00
	<u>35,920,000.00</u>

Uses:

Project Fund Deposits:	
Project Fund	27,193,329.17
Other Fund Deposits:	
Capitalized Interest Fund	4,490,000.00
Debt Service Reserve	<u>3,218,270.83</u>
	7,708,270.83
Delivery Date Expenses:	
Cost of Issuance	300,000.00
Underwriter's Discount	<u>718,400.00</u>
	1,018,400.00
	<u>35,920,000.00</u>

BOND SUMMARY STATISTICS

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
EAGLE COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2026
50.000 (target) Mills**

Non-Rated, 100x, 2056 Final Maturity

(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)

Dated Date	12/01/2026
Delivery Date	12/01/2026
First Coupon	06/01/2027
Last Maturity	12/01/2056
Arbitrage Yield	5.000000%
True Interest Cost (TIC)	5.152743%
Net Interest Cost (NIC)	5.000000%
All-In TIC	5.217869%
Average Coupon	5.000000%
Average Life (years)	23.006
Weighted Average Maturity (years)	23.006
Duration of Issue (years)	13.506
Par Amount	35,920,000.00
Bond Proceeds	35,920,000.00
Total Interest	41,318,500.00
Net Interest	42,036,900.00
Bond Years from Dated Date	826,370,000.00
Bond Years from Delivery Date	826,370,000.00
Total Debt Service	77,238,500.00
Maximum Annual Debt Service	3,790,500.00
Average Annual Debt Service	2,574,616.67
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	20.000000
Total Underwriter's Discount	20.000000
Bid Price	98.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	PV of 1 bp change
Term Bond due 2056	35,920,000.00	100.000	5.000%	23.006	12/02/2049	55,676.00
	35,920,000.00			23.006		55,676.00

	TIC	All-In TIC	Arbitrage Yield
Par Value	35,920,000.00	35,920,000.00	35,920,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-718,400.00	-718,400.00	
- Cost of Issuance Expense		-300,000.00	
- Other Amounts			
Target Value	35,201,600.00	34,901,600.00	35,920,000.00
Target Date	12/01/2026	12/01/2026	12/01/2026
Yield	5.152743%	5.217869%	5.000000%

NET DEBT SERVICE

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
EAGLE COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2026
50.000 (target) Mills**

Non-Rated, 100x, 2056 Final Maturity

(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)

~~~

| Period Ending | Principal     | Interest      | Total Debt Service | Capitalized Interest Fund | Net Debt Service |
|---------------|---------------|---------------|--------------------|---------------------------|------------------|
| 12/01/2027    |               | 1,796,000.00  | 1,796,000.00       | 1,796,000.00              |                  |
| 12/01/2028    |               | 1,796,000.00  | 1,796,000.00       | 1,796,000.00              |                  |
| 12/01/2029    |               | 1,796,000.00  | 1,796,000.00       | 898,000.00                | 898,000.00       |
| 12/01/2030    | 40,000.00     | 1,796,000.00  | 1,836,000.00       |                           | 1,836,000.00     |
| 12/01/2031    | 40,000.00     | 1,794,000.00  | 1,834,000.00       |                           | 1,834,000.00     |
| 12/01/2032    | 145,000.00    | 1,792,000.00  | 1,937,000.00       |                           | 1,937,000.00     |
| 12/01/2033    | 155,000.00    | 1,784,750.00  | 1,939,750.00       |                           | 1,939,750.00     |
| 12/01/2034    | 275,000.00    | 1,777,000.00  | 2,052,000.00       |                           | 2,052,000.00     |
| 12/01/2035    | 285,000.00    | 1,763,250.00  | 2,048,250.00       |                           | 2,048,250.00     |
| 12/01/2036    | 420,000.00    | 1,749,000.00  | 2,169,000.00       |                           | 2,169,000.00     |
| 12/01/2037    | 440,000.00    | 1,728,000.00  | 2,168,000.00       |                           | 2,168,000.00     |
| 12/01/2038    | 585,000.00    | 1,706,000.00  | 2,291,000.00       |                           | 2,291,000.00     |
| 12/01/2039    | 615,000.00    | 1,676,750.00  | 2,291,750.00       |                           | 2,291,750.00     |
| 12/01/2040    | 775,000.00    | 1,646,000.00  | 2,421,000.00       |                           | 2,421,000.00     |
| 12/01/2041    | 815,000.00    | 1,607,250.00  | 2,422,250.00       |                           | 2,422,250.00     |
| 12/01/2042    | 995,000.00    | 1,566,500.00  | 2,561,500.00       |                           | 2,561,500.00     |
| 12/01/2043    | 1,045,000.00  | 1,516,750.00  | 2,561,750.00       |                           | 2,561,750.00     |
| 12/01/2044    | 1,240,000.00  | 1,464,500.00  | 2,704,500.00       |                           | 2,704,500.00     |
| 12/01/2045    | 1,305,000.00  | 1,402,500.00  | 2,707,500.00       |                           | 2,707,500.00     |
| 12/01/2046    | 1,525,000.00  | 1,337,250.00  | 2,862,250.00       |                           | 2,862,250.00     |
| 12/01/2047    | 1,600,000.00  | 1,261,000.00  | 2,861,000.00       |                           | 2,861,000.00     |
| 12/01/2048    | 1,845,000.00  | 1,181,000.00  | 3,026,000.00       |                           | 3,026,000.00     |
| 12/01/2049    | 1,940,000.00  | 1,088,750.00  | 3,028,750.00       |                           | 3,028,750.00     |
| 12/01/2050    | 2,210,000.00  | 991,750.00    | 3,201,750.00       |                           | 3,201,750.00     |
| 12/01/2051    | 2,320,000.00  | 881,250.00    | 3,201,250.00       |                           | 3,201,250.00     |
| 12/01/2052    | 2,620,000.00  | 765,250.00    | 3,385,250.00       |                           | 3,385,250.00     |
| 12/01/2053    | 2,750,000.00  | 634,250.00    | 3,384,250.00       |                           | 3,384,250.00     |
| 12/01/2054    | 3,085,000.00  | 496,750.00    | 3,581,750.00       |                           | 3,581,750.00     |
| 12/01/2055    | 3,240,000.00  | 342,500.00    | 3,582,500.00       |                           | 3,582,500.00     |
| 12/01/2056    | 3,610,000.00  | 180,500.00    | 3,790,500.00       |                           | 3,790,500.00     |
|               | 35,920,000.00 | 41,318,500.00 | 77,238,500.00      | 4,490,000.00              | 72,748,500.00    |



**SOURCES AND USES OF FUNDS**

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3**  
**EAGLE COUNTY, COLORADO**  
**GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS, SERIES 2036**  
**Pay & Cancel Refunding of (proposed) Series 2026 + New Money**  
**50.000 (target) Mills**  
**Assumes Investment Grade, 100x, 2066 Final Maturity**  
**(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)**

Dated Date                      12/01/2036  
 Delivery Date                  12/01/2036

**Sources:**

|                         |               |
|-------------------------|---------------|
| <hr/>                   |               |
| Bond Proceeds:          |               |
| Par Amount              | 54,070,000.00 |
| Other Sources of Funds: |               |
| Funds on Hand*          | 1,570,000.00  |
| Series 2028 - DSRF*     | 3,218,271.00  |
|                         | 4,788,271.00  |
|                         | 58,858,271.00 |

**Uses:**

|                            |               |
|----------------------------|---------------|
| <hr/>                      |               |
| Project Fund Deposits:     |               |
| Project Fund               | 23,827,921.00 |
| Refunding Escrow Deposits: |               |
| Cash Deposit*              | 34,560,000.00 |
| Delivery Date Expenses:    |               |
| Cost of Issuance           | 200,000.00    |
| Underwriter's Discount     | 270,350.00    |
|                            | 470,350.00    |
|                            | 58,858,271.00 |

[\*] Estimated balances (tbd)

**BOND SUMMARY STATISTICS**

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3  
EAGLE COUNTY, COLORADO  
GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS, SERIES 2036  
Pay & Cancel Refunding of (proposed) Series 2026 + New Money  
50.000 (target) Mills**

**Assumes Investment Grade, 100x, 2066 Final Maturity  
(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)**

|                                   |                  |
|-----------------------------------|------------------|
| Dated Date                        | 12/01/2036       |
| Delivery Date                     | 12/01/2036       |
| First Coupon                      | 06/01/2037       |
| Last Maturity                     | 12/01/2066       |
|                                   |                  |
| Arbitrage Yield                   | 4.000000%        |
| True Interest Cost (TIC)          | 4.035358%        |
| Net Interest Cost (NIC)           | 4.000000%        |
| All-In TIC                        | 4.061675%        |
| Average Coupon                    | 4.000000%        |
|                                   |                  |
| Average Life (years)              | 22.072           |
| Weighted Average Maturity (years) | 22.072           |
| Duration of Issue (years)         | 14.448           |
|                                   |                  |
| Par Amount                        | 54,070,000.00    |
| Bond Proceeds                     | 54,070,000.00    |
| Total Interest                    | 47,738,200.00    |
| Net Interest                      | 48,008,550.00    |
| Bond Years from Dated Date        | 1,193,455,000.00 |
| Bond Years from Delivery Date     | 1,193,455,000.00 |
| Total Debt Service                | 101,808,200.00   |
| Maximum Annual Debt Service       | 5,023,200.00     |
| Average Annual Debt Service       | 3,393,606.67     |
|                                   |                  |
| Underwriter's Fees (per \$1000)   |                  |
| Average Takedown                  |                  |
| Other Fee                         | 5.000000         |
|                                   |                  |
| Total Underwriter's Discount      | 5.000000         |
|                                   |                  |
| Bid Price                         | 99.500000        |

| Bond Component     | Par Value     | Price   | Average Coupon | Average Life | Average Maturity Date | PV of 1 bp change |
|--------------------|---------------|---------|----------------|--------------|-----------------------|-------------------|
| Term Bond due 2066 | 54,070,000.00 | 100.000 | 4.000%         | 22.072       | 12/27/2058            | 94,081.80         |
|                    | 54,070,000.00 |         |                | 22.072       |                       | 94,081.80         |

|                            | TIC           | All-In TIC    | Arbitrage Yield |
|----------------------------|---------------|---------------|-----------------|
| Par Value                  | 54,070,000.00 | 54,070,000.00 | 54,070,000.00   |
| + Accrued Interest         |               |               |                 |
| + Premium (Discount)       |               |               |                 |
| - Underwriter's Discount   | -270,350.00   | -270,350.00   |                 |
| - Cost of Issuance Expense |               | -200,000.00   |                 |
| - Other Amounts            |               |               |                 |
| Target Value               | 53,799,650.00 | 53,599,650.00 | 54,070,000.00   |
| Target Date                | 12/01/2036    | 12/01/2036    | 12/01/2036      |
| Yield                      | 4.035358%     | 4.061675%     | 4.000000%       |

**NET DEBT SERVICE**

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3  
EAGLE COUNTY, COLORADO  
GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS, SERIES 2036  
Pay & Cancel Refunding of (proposed) Series 2026 + New Money  
50.000 (target) Mills  
Assumes Investment Grade, 100x, 2066 Final Maturity  
(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)**

~~~

Period Ending	Principal	Interest	Total Debt Service	Net Debt Service
12/01/2037		2,162,800.00	2,162,800.00	2,162,800.00
12/01/2038	130,000.00	2,162,800.00	2,292,800.00	2,292,800.00
12/01/2039	135,000.00	2,157,600.00	2,292,600.00	2,292,600.00
12/01/2040	270,000.00	2,152,200.00	2,422,200.00	2,422,200.00
12/01/2041	280,000.00	2,141,400.00	2,421,400.00	2,421,400.00
12/01/2042	430,000.00	2,130,200.00	2,560,200.00	2,560,200.00
12/01/2043	445,000.00	2,113,000.00	2,558,000.00	2,558,000.00
12/01/2044	610,000.00	2,095,200.00	2,705,200.00	2,705,200.00
12/01/2045	635,000.00	2,070,800.00	2,705,800.00	2,705,800.00
12/01/2046	815,000.00	2,045,400.00	2,860,400.00	2,860,400.00
12/01/2047	850,000.00	2,012,800.00	2,862,800.00	2,862,800.00
12/01/2048	1,050,000.00	1,978,800.00	3,028,800.00	3,028,800.00
12/01/2049	1,090,000.00	1,936,800.00	3,026,800.00	3,026,800.00
12/01/2050	1,310,000.00	1,893,200.00	3,203,200.00	3,203,200.00
12/01/2051	1,360,000.00	1,840,800.00	3,200,800.00	3,200,800.00
12/01/2052	1,600,000.00	1,786,400.00	3,386,400.00	3,386,400.00
12/01/2053	1,665,000.00	1,722,400.00	3,387,400.00	3,387,400.00
12/01/2054	1,925,000.00	1,655,800.00	3,580,800.00	3,580,800.00
12/01/2055	2,005,000.00	1,578,800.00	3,583,800.00	3,583,800.00
12/01/2056	2,290,000.00	1,498,600.00	3,788,600.00	3,788,600.00
12/01/2057	2,380,000.00	1,407,000.00	3,787,000.00	3,787,000.00
12/01/2058	2,695,000.00	1,311,800.00	4,006,800.00	4,006,800.00
12/01/2059	2,805,000.00	1,204,000.00	4,009,000.00	4,009,000.00
12/01/2060	3,150,000.00	1,091,800.00	4,241,800.00	4,241,800.00
12/01/2061	3,275,000.00	965,800.00	4,240,800.00	4,240,800.00
12/01/2062	3,650,000.00	834,800.00	4,484,800.00	4,484,800.00
12/01/2063	3,800,000.00	688,800.00	4,488,800.00	4,488,800.00
12/01/2064	4,210,000.00	536,800.00	4,746,800.00	4,746,800.00
12/01/2065	4,380,000.00	368,400.00	4,748,400.00	4,748,400.00
12/01/2066	4,830,000.00	193,200.00	5,023,200.00	5,023,200.00
	54,070,000.00	47,738,200.00	101,808,200.00	101,808,200.00

SUMMARY OF BONDS REFUNDED

BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3
EAGLE COUNTY, COLORADO
GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS, SERIES 2036
Pay & Cancel Refunding of (proposed) Series 2026 + New Money
50.000 (target) Mills
Assumes Investment Grade, 100x, 2066 Final Maturity
(SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)

~~~

| Bond                                                          | Maturity Date | Interest Rate | Par Amount    | Call Date  | Call Price |
|---------------------------------------------------------------|---------------|---------------|---------------|------------|------------|
| 1/29/24: Ser 26 NRSP, 5.00%, 100x, 50.00mIs, FG+6%R+2%C BiRE: |               |               |               |            |            |
| TERM56                                                        | 12/01/2037    | 5.000%        | 440,000.00    | 12/01/2036 | 100.000    |
|                                                               | 12/01/2038    | 5.000%        | 585,000.00    | 12/01/2036 | 100.000    |
|                                                               | 12/01/2039    | 5.000%        | 615,000.00    | 12/01/2036 | 100.000    |
|                                                               | 12/01/2040    | 5.000%        | 775,000.00    | 12/01/2036 | 100.000    |
|                                                               | 12/01/2041    | 5.000%        | 815,000.00    | 12/01/2036 | 100.000    |
|                                                               | 12/01/2042    | 5.000%        | 995,000.00    | 12/01/2036 | 100.000    |
|                                                               | 12/01/2043    | 5.000%        | 1,045,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2044    | 5.000%        | 1,240,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2045    | 5.000%        | 1,305,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2046    | 5.000%        | 1,525,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2047    | 5.000%        | 1,600,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2048    | 5.000%        | 1,845,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2049    | 5.000%        | 1,940,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2050    | 5.000%        | 2,210,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2051    | 5.000%        | 2,320,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2052    | 5.000%        | 2,620,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2053    | 5.000%        | 2,750,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2054    | 5.000%        | 3,085,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2055    | 5.000%        | 3,240,000.00  | 12/01/2036 | 100.000    |
|                                                               | 12/01/2056    | 5.000%        | 3,610,000.00  | 12/01/2036 | 100.000    |
|                                                               |               |               | 34,560,000.00 |            |            |

**ESCROW REQUIREMENTS**

**BATTLE NORTH METROPOLITAN DISTRICT Nos. 1-3  
 EAGLE COUNTY, COLORADO  
 GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS, SERIES 2036  
 Pay & Cancel Refunding of (proposed) Series 2026 + New Money  
 50.000 (target) Mills  
 Assumes Investment Grade, 100x, 2066 Final Maturity  
 (SERVICE PLAN: Full Growth + 6.00% Residential & 2.00% Commercial Bi-Reassessment Projections)**

Dated Date 12/01/2036  
 Delivery Date 12/01/2036

**P&C Ref'g SER26**

| <b>Period<br/>Ending</b> | <b>Principal<br/>Redeemed</b> | <b>Total</b>  |
|--------------------------|-------------------------------|---------------|
| 12/01/2036               | 34,560,000.00                 | 34,560,000.00 |
|                          | 34,560,000.00                 | 34,560,000.00 |

**EXHIBIT D**  
**TOWN RESOLUTION OF APPROVAL**

TOWN OF MINTURN

RESOLUTION NO. \_\_ - SERIES 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO APPROVING THE CONSOLIDATED SERVICE PLAN FOR BATTLE NORTH METROPOLITAN DISTRICT NOS. 1-4

WHEREAS, § 32-1-204.5, C.R.S., provides that no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval by the governing body of such municipality; and

WHEREAS, a Consolidated Service Plan for Battle North Metropolitan District Nos. 1-4 (the “Districts”), dated April 17, 2024 (the “Service Plan”), has been submitted to the Town Council (the “Council”) of the Town of Minturn, Colorado (the “Town”) in accordance with § 32-1-204.5, C.R.S.; and

WHEREAS, the property within the boundaries of the proposed Districts is located wholly within the boundaries of the Town; and

WHEREAS, on April 17, 2024, the Town Council conducted a public hearing on the Service Plan.

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

1. The Town Council has jurisdiction to hear this matter.
2. The Service Plan contains the information required by § 32-1-202(2), C.R.S.
3. Evidence satisfactory to the Town Council of each of the following was presented, and the Town Council hereby finds that:
  - a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed Districts;
  - b. The existing service in the area to be served by the proposed Districts is inadequate for present and projected needs;
  - c. The proposed Districts are capable of providing economical and sufficient service to the area within their proposed boundaries; and
  - d. The area to be included within the proposed Districts has and will have the financial ability to discharge the proposed indebtedness on a reasonable basis.
4. The Service Plan for the proposed Districts is hereby approved.

**RESOLVED, ADOPTED AND APPROVED THIS 17<sup>TH</sup> DAY OF APRIL, 2024 BY  
THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO.**

TOWN OF MINTURN,  
a home rule municipal corporation

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

ATTEST:

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



**EXHIBIT E**  
**INTERGOVERNMENTAL AGREEMENT**

**INTERGOVERNMENTAL AGREEMENT**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the Town of Minturn, State of Colorado (the “**Town**”) and Battle North Metropolitan District No. 1, Battle North Metropolitan District No. 2, Battle North Metropolitan District No. 3, and Battle North Metropolitan District No. 4, each a quasi-municipal corporation and political subdivision of the State of Colorado (each a “**District**” and collectively, the “**Districts**”). The Town and the Districts are collectively referred to as the “**Parties**.”

**RECITALS**

WHEREAS, the Districts were organized to provide those services and to exercise powers as are more specifically set forth in the Districts’ Consolidated Service Plan approved by the Town on \_\_\_\_\_, 20\_\_ (the “**Service Plan**”); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the Town and the Districts; and

WHEREAS, the Town and the Districts are authorized by Article XIV of the Colorado Constitution and Title 29, Article 1, Part 2, C.R.S., to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each governmental entity; and

WHEREAS, the Town and the Districts have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement (the “**Agreement**”); and

WHEREAS, all capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Service Plan; and

NOW THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

**COVENANTS AND AGREEMENTS**

1. Operations and Maintenance Limitation. The primary purpose of the Districts is to finance the planning, design, acquisition, construction and installation of the Public Improvements. The Districts shall be authorized to operate and maintain those Public Improvements not dedicated to the Town or other governmental entity. The Districts shall not have the authority to operate and maintain the potable water treatment plant or the surface water intake system.

2. Construction Standards Limitation. The Public Improvements shall be designed and constructed in accordance with the standards and specifications of the Town or of another governmental entity having proper jurisdiction, as applicable. The Public Improvements to be

dedicated to the Town will be subject to the applicable warranty and security requirements imposed by the Town on all construction projects. The Districts shall obtain the Town's approval of civil engineering plans for any Public Improvements being constructed by the Districts and outside of the District Boundaries, and shall obtain applicable permits for construction and installation of all such Public Improvements prior to performing such work.

3. Funding Limitation. The funding of any Public Improvements other than those related to the types of Public Improvements authorized in the Service Plan shall be deemed a material modification of the Service Plan under Section 32-1- 207(2), C.R.S.

4. Issuance of Developer Debt. Prior to the issuance of any Developer Debt, the District issuing such Developer Debt shall obtain an External Municipal Advisor Certificate certifying that the interest rate of such Developer Debt does not exceed the rate as set forth in § 32-1-1101(7), C.R.S., as may be amended from time to time.

5. Inclusion/Exclusion Limitation. No property shall be included into any District until such time as the property to be included has been subjected to an approved final plat, unless consented to by the Town given by the Town Council. Except for the property within the Inclusion Area Boundaries, no District shall include additional property within its boundaries without the prior written consent of the Town given by the Town Council.

6. Affordable Housing. The Town Code sets forth a purpose and intent to increase affordable housing choices for year-round residents and to preserve a balance between second homeowners and locals. Per the Town Code, a certain number of residential units within the Project must meet the Town's requirements for affordable housing. In order to align with the purpose and intent set forth in the Town Code relative to affordable housing, Affordable Housing Units (as defined in the Service Plan) may only be included into District No. 4, and may not be included into any of District Nos. 1 through 3.

7. Maximum Debt Authorization. The Districts, in the aggregate, shall not issue Debt in excess of Sixty-Two Million Dollars (\$62,000,000), including costs of issuance thereof, initial capitalized interest, and initial funding of any required reserve or surplus funds related to any such Debt; provided, however, any Debt that is issued (a) to pay, defease, or refund previously issued Debt, or (b) is an intergovernmental agreement(s) among the Districts providing for a multiple fiscal year pledge of revenues to or among the Districts to provide revenues to support Debt issued by any District shall not count against the this limit. The Districts may issue Debt on a schedule and in such year or years as the Districts determine and phased to serve development as it occurs.

8. Monies from Other Governmental Sources. The Districts shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the Town is eligible to apply for and has applied for, except pursuant to approval of the Town. This Section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the Districts without limitation.

9. Bankruptcy Limitation. All of the limitations contained in the Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, have been established under the authority of the Town to approve this Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable non-bankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt issued by a District with a pledge or which results in a pledge that exceeds the Maximum Debt Mill Levy shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the Town as part of a Service Plan Amendment.

10. Eminent Domain Restriction. No District shall exercise its statutory power of eminent domain without first obtaining approval from the Town Council. This restriction on the Districts’ exercise of their eminent domain power is being voluntarily acquiesced to by the Districts and shall not be interpreted in any way as a limitation on the Districts’ sovereign powers and shall not negatively affect the Districts’ status as political subdivisions of the State as conferred by the Special District Act.

11. District Governance. Each District’s Board shall be comprised of persons who are each a qualified “eligible elector” of the District as provided in the Special District Act. It is anticipated that over time, End Users who are eligible electors will assume direct electoral control of each District’s Board as development of the Service Area progresses. The Districts shall not enter into any agreement by which the End Users’ electoral control of the Board is removed or diminished.

12. Service Plan Amendment Requirement. The Service Plan has been designed with sufficient flexibility to enable the Districts to provide required services and facilities under evolving circumstances without the need for numerous amendments. Actions of a District which violate material terms the Service Plan shall be deemed to be material modifications to the Service Plan and the Town shall be entitled to all remedies available under State and local law to enjoin such actions of the District, and to seek other remedies provided in law or in equity. The Financial Plan and anticipated Public Improvements presented in the Service Plan are subject to change due to market conditions at the time of debt issuance and Approved Development Plans. Any such change, within the limitations of the Service Plan, shall not constitute a material modification of the Service Plan. The addition of other types of improvements other than as described in this Service Plan and Exhibit B, shall constitute a material modification requiring approval of Town Council.



16. Enforcement. The parties agree that this Agreement may be enforced in law, or in equity for specific performance, injunctive, or other appropriate relief. The Town shall have the right to seek specific performance to enforce the provisions of the Service Plan and this Intergovernmental Agreement. The parties also agree that this Agreement may be enforced pursuant Section 32-1-207, C.R.S. and other provisions of the Special District Act granting rights to municipalities or counties approving a service plan of a special district.
17. Entire Agreement of the Parties. This Agreement constitutes the entire agreement between the Parties and supersedes all prior written or oral agreements, negotiations, or representations and understandings of the Parties with respect to the subject matter contained herein.
18. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto.
19. Governing Law; Venue. The internal laws of the State of Colorado shall govern the interpretation and enforcement of this Agreement, without giving effect to choice of law or conflict of law principles. The parties hereby submit to the jurisdiction of and venue in the district court in Eagle County, Colorado. In any proceeding brought to enforce the provisions of this Agreement, the substantially prevailing party therein shall be entitled to an award of reasonable attorneys' fees, actual court costs and other expenses incurred.
20. Beneficiaries. Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between the named Parties and is not intended to, and shall not be deemed to confer any rights upon any persons or entities not named as Parties.
21. Effect of Invalidity. If any portion of this Agreement is held invalid or unenforceable for any reason by a court of competent jurisdiction as to either Party or as to both Parties, such portion shall be deemed severable and its invalidity or its unenforceability shall not cause the entire agreement to be terminated.
22. Assignability. Neither the Town nor any of the Districts shall assign their rights or delegate their duties hereunder without the prior written consent of the other Parties.
23. Successors and Assigns. This Agreement and the rights and obligations created hereby shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first set forth above.

BATTLE NORTH METROPOLITAN DISTRICT  
NO. 1

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

Attest:

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

BATTLE NORTH METROPOLITAN DISTRICT  
NO. 2

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

Attest:

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

BATTLE NORTH METROPOLITAN DISTRICT  
NO. 3

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

Attest:

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

BATTLE NORTH METROPOLITAN DISTRICT  
NO. 4

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

Attest:

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

TOWN OF MINTURN

By: \_\_\_\_\_  
Mayor

Attest:

By: \_\_\_\_\_  
Town Clerk





## MEMORANDUM

**TO:** Mike Sawyer

**FROM:** William P. Ankele, Jr.

**DATE:** April 15, 2024

**RE:** Responses to April 10, 2024 Service Plan Comments

---

This Memorandum addresses comments transmitted by e-mail from Mike Sawyer on April 10, 2024, primarily concerning Exhibit B (Infrastructure Cost Estimates) and Exhibit C (Financing Plan) to the draft Consolidated Service Plan for the Battle North Metropolitan District Nos. 1-4.

All of the material comments in the April 10, 2024 email are addressed below. There are some comments that were not addressed, either because they have already been incorporated in the revised Service Plan, or as otherwise covered in other responses.

Specific changes to the Service Plan incorporating responses to certain comments have already been made to the draft submitted for consideration on April 17, 2024.

### **Exhibit B Comments and Responses**

1. Without a conceptual development plan it is difficult to know whether the \$51 MM of improvements is within the ballpark of what it will cost to install the necessary improvements for the development.

**Response:**

*The main components of the plan are based on the following:*

- *Improvements to the existing Maloit Road and the Maloit Road entrance.*
- *Necessary utilities and services which primarily include water and sewer, and for which we have a process in place with ERWSD and the Town.*
- *Improvements will adhere to the Town Code.*
- *During the subdivision process, public improvements that are proposed will be presented to the Town for comment.*

- 2. It appears as though the estimate of costs has some sort of escalator built in. It would be beneficial to understand how the individual line items are calculated. As an example in Phase I, Line S1 shows a quantity of 9,000 LF at \$91/LF, which equates to \$819,000, but the cost is shown as \$941,850. This is prevalent through all of Exhibit B.

**Response:**

*A 15% escalation factor was built into each line-item cost.*

- 3. Phase I of the development Line R12 identifies \$1,000,000 for a Public Transportation Bus stop, justification would be appreciated.

**Response:**

*We have understood that public transportation which could help reduce traffic through Town was an important consideration to the Town. A more robust public transportation hub in this area of Town may improve overall public transportation participation rates. During the subdivision process, improvements that are proposed will be presented to the Town. Cost estimates will be included with the subdivision submittal for any proposed public improvements.*

- 4. Phase I of the development Line R11 (the second R11) identifies \$2,000,000 for Hwy 24 improvements, justification would be appreciated.

**Response:**

*There are multiple users that use this entrance. Coordination between all users will be required to determine if any improvements are needed. During the subdivision process, improvements that are proposed will be presented to the Town. Cost estimates will be included with the subdivision submittal for any proposed public improvements.*

- 5. Phase I of the development Line A6 at 1.0% likely does not provide adequate construction observation services.

**Response:**

*Cost estimates will be included with the subdivision submittal for any proposed public improvements. Currently, there are separate line items for construction testing, surveying and civil engineering. The 1% budget for other construction observation should be adequate for this limited work.*

6. Phase I of the development Line A7 at 12% may not provide adequate contingency.

**Response:**

*We feel the 12% contingency, combined with the 15% escalation factor should be adequate. Cost estimates will be included with the subdivision submittal for any proposed public improvements. We have allowed for an increased contingency of 30% for phase II work.*

7. Phase II of the development Line R12 identifies \$1,000,000 for a Public Transportation Bus stop, justification would be appreciated.

**Response:**

*We have understood that public transportation which could help reduce traffic through the Town was an important consideration to the Town. A more robust public transportation hub in this area of the Town may reduce traffic through the Town. During subdivision review, improvements that are proposed will be presented to the Town. Cost estimates will be included with the subdivision submittal for any proposed public improvements.*

8. Phase II of the development Line R11 (the second R11) identifies \$1,000,000 for Hwy 24 improvements, justification would be appreciated.

**Response:**

*There are multiple users that use this entrance. Future uses along Tigiwon Road will also need to be considered. Coordination between all users will be required to determine if any improvements are needed. During the subdivision process, improvements that are proposed will be presented to the Town. During this period, cost estimates for any proposed public improvements will be presented to the Town.*

9. Phase II of the development Line A6 at 1.0% likely does not provide adequate construction observation services.

**Response:**

*Cost estimates will be included with the subdivision submittal for any proposed public improvements. Currently, there are separate line items for construction testing, surveying and civil engineering. The 1% budget for other construction observation should be adequate for this limited work.*

10. Phase II of the development Line A7 at 30% should be justified as to why.

**Response:**

*A larger contingency was used for Phase 2 as the scope of this phase is less defined than Phase 1 which had a smaller contingency.*

**Exhibit C Comments and Responses**

1. The Town may want to require the proponent to show current comparable issues of high-yield debt to justify the proposed 5.00% interest rate for the first issue and a 4.00% interest rate for the second issue.

**Response:**

*The response to this question comment is combined with the response to #2. See below.*

2. The Town may want to require the proponent to show comparable issues of a similar nature that have a debt service coverage rate of 1.0x and ask for comment on the realistic ability to market debt to investors at this rate.

**Response to #1-2:**

*The general intent of Service Plan financial models is to estimate potential bonding capacity under favorable market conditions, with the goal of providing structural flexibility to the Districts at the time any of them choose to raise capital for funding infrastructure. The underwriting assumptions in all Service Plan financial models, including those submitted here, always vary from current market conditions, as they are built from ideal market assumptions to set a ceiling under which the Districts may bond.*

*The assumptions, however, do have precedent in the public bond markets. For example, under strong market conditions such as those seen in 2021, rates for early stage nonrated cashflow bonds, similar in structure (1.0x debt service coverage and 6% biennial reassessment) to those submitted with this Service Plan, were in the mid-4.0% range.*

*Examples of publicly sold bonds structured this way include:*

- *Jay Grove MD (Erie, Boulder County) – Series 2021 Bonds – \$8.470M – Senior Cash Flow Bond sized on 6% biennial appreciation, sized on 1.0x debt service coverage, coupon/yield of 4.250%*
- *Lanterns MD No. 1 (Castle Rock, Douglas County) – Series 2021 Bonds – \$25.482M – Senior Cash Flow Bond sized on 6% biennial appreciation, sized on 1.0x debt service coverage, coupon/yield of 4.500%*
- *Greenways MD No. 1 (Colorado Springs, El Paso County) – Series 2021 Bonds – \$17.386M – Senior Cash Flow Bond sized on 6% biennial appreciation, sized on 1.0x debt service coverage, coupon/yield of 4.625%*
- *Bradley Heights MD No. 2 (Colorado Springs, El Paso County) – Series 2021 Bonds – \$35.000M – Senior Cash Flow Bond sized on 6% biennial appreciation, sized on 1.0x debt service coverage, coupon/yield of 4.750%*

- *Cielo MD (Douglas County) – Series 2021 Bonds – \$17.942M – Senior Cash Flow Bond sized on 6% biennial appreciation, sized on 1.0x debt service coverage, coupon/yield of 5.250%*
- *Villages at Murphy Creek (Aurora, Arapahoe County) – Series 2021 Bonds – \$12.358M – Senior Cash Flow Bond sized on 6% biennial appreciation, sized on 1.0x debt service coverage, coupon/yield of 5.500%*

*The bonds issued by these Districts will be structured to reflect market conditions at the time of borrowing, and they will be sold at rates demanded by investors in that particular market at that particular time of pricing. Stronger market conditions will equate to lower rates and a potentially higher bond size, while weaker market conditions will translate to higher rates, more conservative structures and a lower bond size. In no case will the Districts ever exceed its authorized Service Plan debt limit.*

3. Any slowdown in absorption or value of development would impact the ability of the district to pay back its debt in a timely manner.

**Response:**

*A slowdown in development does have the potential to reduce the amount of revenue available to repay debt. However, the risk associated with a slowdown in the pace of development is transferred to the bond investors through a 50 mill cap on debt service taxes. The only obligation of the Districts is to levy the 50 mills through the debt service mill levy imposition term.*

4. Based on the nature of the proposed debt issue, the inflationary increase in home values, will result in taxpayers having a permanent 50.00 mill levy on their properties, which will result in a 6.00% tax increase biennially.

**Response:**

*The mill levy that is imposed on homes located within the boundaries of the Districts will be dependent on the amount of public infrastructure that the Districts finance through debt and market conditions at time of issuance. It is also common for metropolitan districts to refinance early-stage debt that was critical to fund upfront horizontal public infrastructure at more favorable lending terms once the district has built out and credit quality has improved. This allows the district to reduce the mill levy pledged to debt service payments.*

*The appreciation in home values is driven by local market conditions and not assumptions included in bond underwriting. While the market has accepted a biennial appreciation rate that is between 2% and 6%, historically home values in Colorado have appreciated at biennial rates ranging from 6% to 8% over the past 20 years.*

- 5. The average price of a home is identified at \$1,850,000, which will have an added tax bill of \$6,615/year to cover the costs of the MD. As mentioned above, that amount will increase by 6.00% biennially.

**Response:**

*As noted above, the biennial appreciation rate will be driven by local market conditions and not the assumptions used to underwrite bonds issued by the Districts.*

- 6. The plan does not include any detail of the annual operational costs of the district, simply identifies that the first-year costs will be \$100,000. The proponent should provide detailed maintenance costs for the improvements that will remain the responsibility of the districts to ensure a 10-mill levy will be adequate.

**Response:**

*The Special District Act requires that the Service Plan include a non-binding estimate of operating costs in the first year of organization. The \$100,000 figure is one that is commonly used in Service Plans throughout the State and is intended only to meet the statutory requirement. Actual operating costs for the first year (and beyond), will be determined year by year.*

- 7. There should be further explanation of what infrastructure will be turned over/dedicated to the Town and what infrastructure will be maintained by the district.

**Response:**

*Infrastructure being dedicated to the Town or the Districts will be determined in the future based on Approved Development Plans by the Town.*

- 8. Section VI, Sub F discusses the District Operating Costs and identifies that the initial 10-mill levy for operations. The section further states that the district has the "...ability to increase its mill levy as necessary for provision of operation and maintenance services...". There may need to be some legal interpretation related to this ability without a vote of the taxpayers.

**Response:**

*Appropriate election questions will be posed that will cover the need for operations taxes, and so no legal interpretation will be needed.*

**Financial Plan Conclusion Comments and Responses**

1. While the plan identifies that there will be adequate resources to discharge the debt proposed to be issued by the districts, at a 1.0x coverage for debt service, there is ample concern that the district will not cashflow.

**Response:**

*As noted above, the general intent of Service Plan financial models is to estimate potential bonding capacity under favorable market conditions, with the goal of providing structural flexibility to the Districts at the time any District chooses to raise capital for funding infrastructure. The underwriting assumptions used to structure the bonds that will be eventually issued by a District will be dictated by market conditions at that time. As indicated in the sample transactions outlined above, there is significant market precedent for bonds structured with 1.0x debt service coverage and assuming 6% biennial reassessment.*

2. Further, without more detailed plans of the development to determine the actual costs of development and then a better estimation of full build-out operational costs, it is very difficult to draw any concrete conclusions as to whether the district has the financial wherewithal to successfully discharge the proposed debt and operate the districts.

**Response:**

*The Service Plan is intended to set a ceiling for debt issuance prior to any development being achieved. The market will further constrain the Districts' future debt issuances; bonds will be sized according to market conditions and revenue projected by a market study at the time of issuance. Investors will not purchase bonds that cannot be repaid. It is often the case that bonds issued by metro districts are not able to fully reimburse the developer for eligible public improvements due to market conditions at time of pricing.*

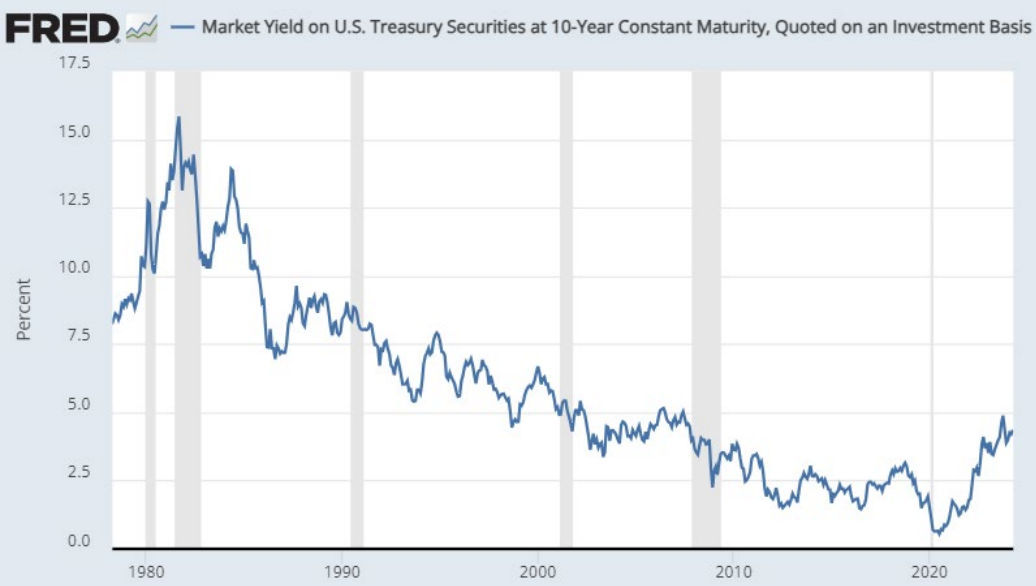
*Furthermore, any bond issuance will require a Market Study be performed to demonstrate that the debt to be issued can, under reasonable development assumptions, be paid according to its terms.*

**Other Selected Comments and Responses**

- 1. Section VI sub B and C– a maximum interest rate on debt of 18% would be untenable for the project. Would recommend that the number be capped at 10% unless expressed written permission is granted by the Town. I would also suggest that the maximum interest rate also be applied to any proponent held debt. Also, should contemplate what the maximum interest rate would be on advances by the proponent to the development.

**Response:**

*The revised Service Plan specifies a maximum interest rate of 15%, rather than 18% as originally drafted, which is believed to be reasonable. The intent of the Service Plan is to provide structural flexibility to the Districts at the time any District chooses to raise capital for funding infrastructure. The maximum interest rate on debt issued by the Districts of 15% is less than the 18% that is a widely accepted assumption in Service Plans adopted throughout Colorado. It is also important to note that the potential scope of this Service Plan is 40 years and while current interest rates are high relative to recent lows over the past few years, we are still in a relatively low interest rate environment when compared to rates over the past 40 years. As an example, the 10-year Treasury note, which is a benchmark rate in the municipal bond market, is currently sitting at just under 4.60% (as of April 11, 2024). That is nearly the highest 10-year Treasury note rates have been when compared to rates over the past five to 10 years. However, when compared to rates over the past 30 to 40 years, that were as high as nearly 16% in the early 1980s, we are still in a relatively low rate environment.*





2. Section VI – “The maximum issuance fees and expenses will not exceed three percent (3%).”

**Response:**

*Service Plans statewide generally establish an upper limit on the underwriting discount ranging from 3% to 5%. There is little to no precedent in capping fees for other consultants, which would severely limit the Districts’ ability to engage the consultants they choose as necessary to issue debt. In order to issue debt in the public market, consultants with a high-level of experience in these types of transactions, which are nuanced and extremely complex, are necessary. Additionally, the market requires certain features in these transactions, including independent market studies and cashflow forecasts, which are not requirements in other transactions in the broader municipal bond market. The total fees charged by the consultants necessary to draft the offering document range depending on the complexity of the transaction and market conditions at time of issuance. Setting a cap here has the potential to severely limit the Districts’ ability to issue bonds in the future.*



To: Mayor and Council  
From: Madison Harris, Planner I  
Date: May 10, 2024  
Agenda Item: Resolution 17 – 2024 – 806 Cemetery Road – New Maintenance and Storage Building

**UPDATE:**

At the May 1, 2024 Town Council meeting, Council requested updated guidance from Colorado Parks and Wildlife regarding a recommendation on the proposed building window given the entirety of the Cemetery is located within a wintering elk corridor. Please see below for the correspondence from Devin Duval, District Wildlife Manager, Colorado Parks and Wildlife:

*“Hi Michelle,*

*Thanks again for the conversation today. After having some better context for the proposed action, and assessing other relevant closures, I am comfortable with a 5/21 - 11/22 construction window recommendation. This would be consistent with the mini mile opening, and the FS road dates. This would allow for the cemetery to start in roughly two weeks time.*

*I had a nice conversation with Sydney as well, so hopefully we can all follow up at some point and discuss further if need be. Feel free to pass this along to her as well.*

*Devin Duval  
District Wildlife Manager”*

The 2023 Community Plan Action 7.5.3 states “Collaborate with regional partners such as the Eagle River Watershed Council, Eagle Summit Wilderness Alliance, and Eagle Valley Land Trust, and Vail Valley Mountain Trails Alliance on stewardship education and enforcement efforts to protect and preserve natural resources and wildlife.” Chapter 5 *Water Infrastructure, Hazard Mitigation & Sustainability* on page 81 of the plan it states “Sustainability can and should be considered and woven into all aspects of the Town’s operations and culture wherever possible. From recycling, composting and Zero Waste events such as the Minturn Market, to water conservation, to sustainable development and landscaping practices, to renewable energy viability, to balancing recreation and development with the protection of natural resources, ecosystems, and wildlife, to alternative transportation habits.”

The 2023-2025 Strategic Plan promotes “Wildlife protection and safety” within the key strategy to “Practice Fair, Transparent and Communicative Local Government” as well as a second key strategy “Long-Term Stewardship of the Natural Beauty and Health of Minturn’s Environment.”

The proposed construction window by Colorado Parks and Wildlife follows the town’s goals as they pertain to the 2023-2025 Strategic Plan and the 2023 Community Plan.

**REQUEST:**

Review of Planning Commission actions from their regular meeting of January 24, 2024. The following actions were taken by the Planning Commission, acting as the Minturn Design Review Board, which may be called-up for further review by the Minturn Town Council:

**806 Cemetery Road**

- Final Plan DRB Application for New Maintenance and Storage Building

Please note that unless there are revisions or additions to the conditions proposed by staff during decision by the Planning Commission, staff will no longer be writing cover memos for items on the Consent Agenda. In this case there was a modification to a condition recommended by staff.

**INTRODUCTION:****806 Cemetery Road**

At their regular meeting of January 24, 2024, the Planning Commission, acting as the Town of Minturn Design Review Board, reviewed the final plans for a new maintenance and storage building located at 806 Cemetery Road. The plans approved by the DRB are for:

- **New Maintenance and Storage Building**

Site plans (exterior elevation renderings and floor plans) are attached for reference.

No neighbors spoke at the DRB hearing where the DRB discussed proposed exterior materials, as well as the proposed roof forms and massing in context to Chapter 16 – *Zoning*, and Appendix ‘B’ *Design Review Standards and Guidelines*, of the Town of Minturn Municipal Code (MMC).

The DRB unanimously supported the proposed construction as meeting the objectives and requirements of the MMC and design standards.

Ultimately, the DRB voted 5-0 to recommend approval of the proposal as a Final Plan review, with one condition proposed by Town Staff, modified by the Planning Commission:

1. The Applicant shall work with the Town of Minturn to initiate a zone district amendment for the subject property within 3 months of any DRB approval. The building permit process can happen concurrently with the amendment of the zoning district.

**STANDARD:**

Code Section 16-21-615 provides the standard for DRB decisions as follows:

(d) Administrative procedure.

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:
  - a. The proposal's adherence to the Town's zoning regulations.
  - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.
  - c. The proposal's adherence to the Town of Minturn Design Standards and Guidelines.
- (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:
  - a. That the proposal is in conformance with the Town zoning regulations.
  - b. That the proposal helps achieve the goals and objectives of the Community Plan.
  - c. That the proposal complies with the Town of Minturn Design Standards and Guidelines.

**ANALYSIS:**

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. No members of the public spoke at the DRB hearing.

The proposal meets the requirements of Chapter 16 including Appendix B - Design Guidelines and Standards. Imposition of a building window for protection of natural resources and wildlife is consistent with the Community Plan and Strategic Plan.

**COMMUNITY INPUT:**

No members of the public spoke at the DRB hearing. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, and following Section 16-21-610 Public notice.

**BUDGET / STAFF IMPACT:**

N/A.

**STRATEGIC PLAN ALIGNMENT:**

The Planning Commission’s review of proposed development projects and their actions to approve final plans for individual projects, acting as the Town of Minturn Design Review Board, aligns with the following key strategies:

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

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

**ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN**

The ability for Minturn to approach development as **resilient, sustainable, creative and diverse** will allow the town to continue embracing what has “**made Minturn, Minturn.**” The town can further leverage its crossroads location as a valley-wide benefit and **competitive advantage.**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve the following application with potential addition of a building window as identified by CPW:

1. 806 Cemetery Road – New Maintenance and Storage Building

**ATTACHMENTS:**

- Resolution 17 – Series 2024
- Staff Report
- Review letter by Inter-Mountain Engineering
- DRB Application
- Proposed exterior elevation drawings and site plans for 806 Cemetery Road

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 17 – SERIES 2024**

**A RESOLUTION APPROVING DESIGN REVIEW TO  
CONSTRUCT A STRUCTURE AT 806 AND 808  
CEMETERY ROAD WITH CONDITIONS**

**WHEREAS**, The Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and,

**WHEREAS**, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974 §29-20-101 through §29-20-108, C.R.S., as amended and §31-23-301, C.R.S., as amended to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and,

**WHEREAS**, the 2023 Community Plan adopted via Resolution No. 05, Series 2023 sets forth community visions, policy goals, and implementing strategies calling for the protection and preservation of natural resources and wildlife; and

**WHEREAS**, the 2023-2025 Strategic Plan adopted via Resolution No. 02, Series 2023 promotes “Wildlife protection and safety” within the key strategy to “Practice Fair, Transparent and Communicative Local Government” as well as a second key strategy “Long-Term Stewardship of the Natural Beauty and Health of Minturn’s Environment;” and

**WHEREAS**, the property owner of 806 Cemetery Road and 808 Cemetery Road has submitted a Design Review Board (“DRB”) application to construct a structure within and/or adjacent to areas identified by Colorado Parks and Wildlife as a sensitive habitat for migratory and wintering wildlife; and

**WHEREAS**, the Planning Commission reviewed this DRB application at their regular meeting of January 24, 2024, and forwarded a recommendation of approval with conditions to the Town Council on consent agenda; and

**WHEREAS**, pursuant to Sec. 16-21-30(8) of the Minturn Municipal Code (“MMC”) the Town Council exercised its right to call up for review the DRB application upon concerns of the impact to wildlife wintering habitat and migration corridor;

**WHEREAS**, according to Sec. 16-21-30(8) the Town Council “may affirm, deny, or affirm with additional conditions the decision of the Planning and Zoning Commission” and have deemed that approval with conditions of the DRB application is appropriate with conditions recommended by the Commission and with the addition of a new condition limiting construction activities pursuant to the protection of migratory and/or wintering wildlife.

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

The DRB application for a new Maintenance and Storage Shed at 806 Cemetery Road be approved subject to the following conditions:

1. The Applicant shall work with the Town of Minturn to initiate a zone district amendment for the subject property within 3 months of any DRB approval. The building permit process can happen concurrently with the amendment of the zoning district.
2. The Town requests the applicant voluntarily undertake the authorized DRB construction between the recommended dates of May 21 through November 22, 2024 in conformance of other area-related activity.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 15<sup>th</sup> day of May, 2024.**

TOWN OF MINTURN

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

ATTEST:

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

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



Minturn Planning Commission  
Chair – Lynn Teach  
Jeff Armistead  
Michael Boyd  
Amanda Mire  
Sage Pierson  
Tom Priest

## Design Review Board Hearing

---

### Final Plan Review for New Maintenance and Storage Building

#### 806 Cemetery Road

---

|                               |                                                    |
|-------------------------------|----------------------------------------------------|
| <b>Hearing Date:</b>          | January 24, 2024                                   |
| <b>File Name and Process:</b> | Maintenance and Storage Building Final Plan Review |
| <b>Owner/Applicant:</b>       | Riverview Cemetery                                 |
| <b>Representative:</b>        | Pedro Campos, Zehren and Associates                |
| <b>Legal Description:</b>     | Subdivision: River View Cemetery Lot: 2            |
| <b>Address:</b>               | 806 Cemetery Road                                  |
| <b>Zoning:</b>                | Lionshead Character Area – No Zoning               |
| <b>Staff Member:</b>          | Madison Harris, Planner I                          |
| <b>Recommendation:</b>        | <b>Approval, with Conditions</b>                   |

---

### Staff Report

**I. Summary of Request:**

The Applicant requests Final Plan review of a new, 864 square foot maintenance and storage building located at 806 Cemetery Road in the Lionshead Character Area. Although the DRB has not reviewed any conceptual plans, the Applicant’s representative, Pedro Campos, has been proactive in meeting with Town staff prior to submitting plans for a new building and has provided a complete and thorough set of site, landscaping, and architectural plans allowing staff to conduct a final plan level review of the project.

**Proposed Plans**

The plans show a single-level structure with a maximum height measured to the midpoint of the roof of 14 feet 3 inches above proposed grade.

Parking is not an issue as this is a storage and maintenance building.

According to staff’s analysis of development standards and dimensional limitations in Section III below, the project meets the Town’s standards.



Staff believes that the Applicant and their representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review.

As a reminder, the Planning Commission has the option to review the proposal as a “conceptual” plan review if the Commission feels that the plans are *not* sufficient or are in need of revisions and additional review prior to final plan approval; or, the Commission may take action to approve, approve with conditions, or deny the Final Plans.

Staff is **recommending approval**, with conditions.

**II. Summary of Process and Code Requirements:**

This is a final plan-level of review for a new maintenance and storage building on a legally created lot within the Town of Minturn. This is a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting as the Design Review Board, and to address the DRB’s concerns or feedback regarding suggested revisions to the project.

If the DRB feels that the plans are complete, appropriate, and meet the intent and purposes of the Minturn Municipal Code, Chapter 16, the DRB has the option to take final action to approve or approve with specific conditions and giving the Applicant and staff clear direction on any recommended revisions to the plans.

No variances are required or requested at this time.

**Design Review Process**

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

- (d) Administrative procedure.*
  - (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*
  - (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*
    - a. The proposal's adherence to the Town's zoning regulations.*
    - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
    - c. The proposal's adherence to the Design Standards.*
  - (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*
    - a. That the proposal is in conformance with the Town zoning regulations.*

- b. That the proposal helps achieve the goals and objectives of the Community Plan.
- c. That the proposal complies with the Design Standards.

Staff suggests that the final plans for 806 Cemetery Road meet or can be revised to meet the required findings ‘a,’ ‘b,’ and ‘c’ of subparagraph 3 – *Necessary findings*.

**III. Zoning Analysis:**

**Zoning**

The subject property is located within the “Lionshead Character Area”. This property does not have any zoning standards governing it at this time.

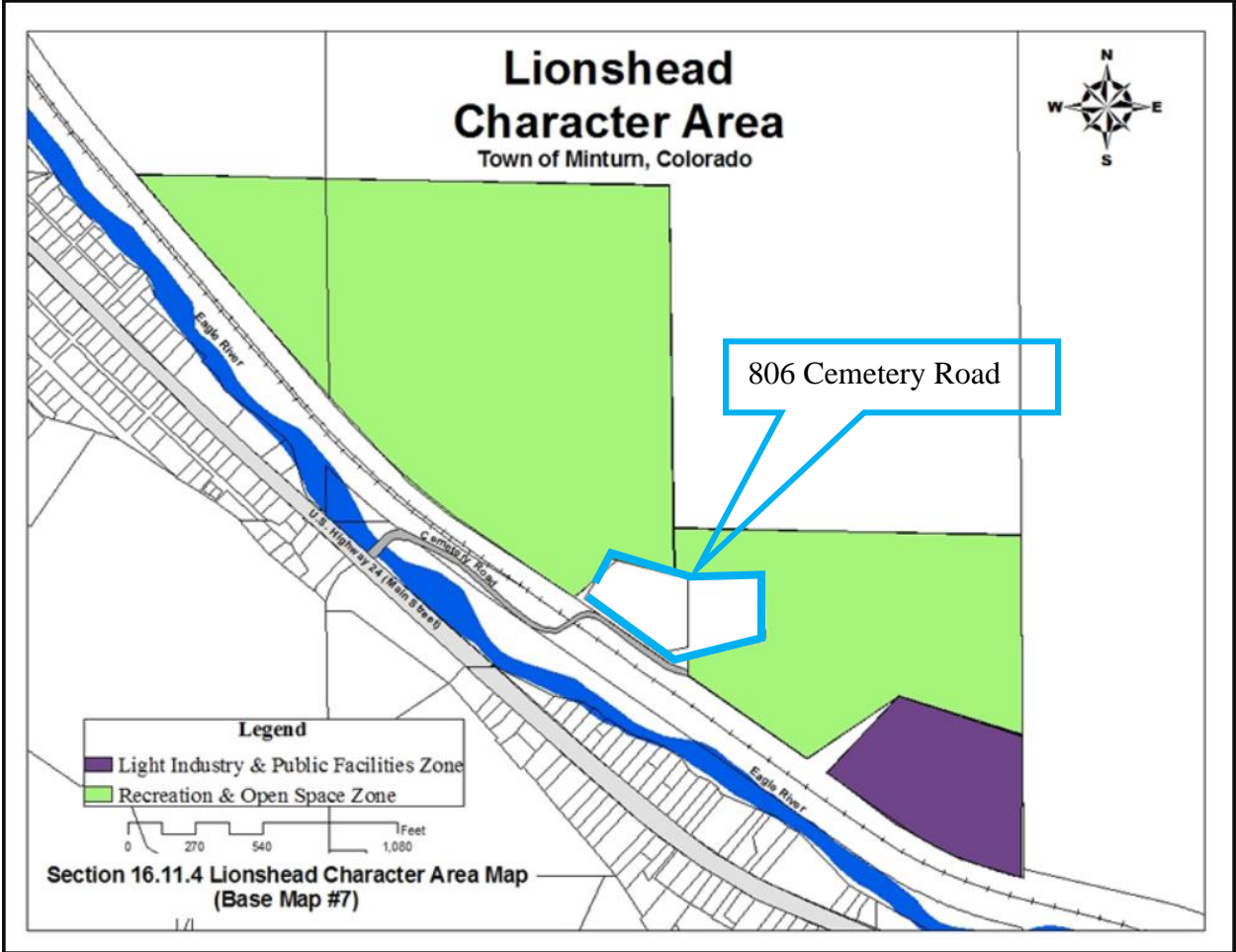


Figure 1: Lionshead Character Area Zoning Map

**Dimensional Limitations and Development Standards**

As evidenced in Figure 1 above, 806 Cemetery Road is not zoned. There are no dimensional limitations or development standards that apply to this property currently. It is staff’s recommendation that a condition of approval be added to ensure that zoning standards i.e. uses, dimensional limitations, and development standards, be implemented in a timely fashion otherwise DRB approval is extinguished.

**IV. Applicable Standards and Design Guideline Criteria:**

**Final Site, Grading and Drainage Design**

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings is considered.

The proposed design maintains the structures 15 feet away from the property line, thus allowing for use of that area for snow shed and drainage. Likewise, the site plan and final grading details generally demonstrate that proper (positive) grading will be directed away from the structure; that drainage is handled on the subject property. The Town Engineer has provided a comment in the attached letter dated January 8, 2024, regarding drainage.

**Mass and Form**

Staff believes that the design and scale of the proposed structure is typical of storage and maintenance buildings. Staff further suggests that the scale of the project is appropriate and will not overpower surrounding natural and build environments.

**V. Issues and Areas of Non-Conformance:**

**Issues or Required Plan Revisions**

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit submittal:

**Zoning Standards**

As mentioned earlier in this staff report, the subject property is not subject to zoning as the property, upon annexation, was not zoned. This means that there are no setbacks, height restrictions, impervious coverage limitations, or allowed uses formally expressed within the Minturn Municipal Code. However, what is being proposed would likely conform to typical standards applicable to other zone districts in Town: this building is 15 feet away from the rear property line when the most common rear setback in town is 10 feet, the building height is well under 28 feet which is the most common height restriction, and a building that allow the Cemetery to store their equipment away from the elements would likely be an allowed use. Still, it is necessary to formalize zoning on this property. Staff will work with the property owner to facilitate the initiation of a zone district amendment to create a new zone district. Standards would need to be applied and added to the Municipal Code to ensure the DRB approval is valid.

**VI. Staff Recommendation and Suggested Conditions:**

Staff suggests that the Final Plans for 806 Cemetery Road **comply** with applicable provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code.

In the event the Planning Commission, acting as the Town of Minturn Design Review Board, recommends approval of the Final Plans, staff respectfully suggests the following conditions of approval.

1. The Applicant shall work with the Town of Minturn to initiate a zone district amendment for the subject property within 3 months of any DRB approval.

January 8, 2024

Madison Harris  
Town of Minturn Planner  
PO Box 309  
Minturn, CO 81645

Re: Minturn Cemetery  
806 Cemetery Road  
DRB Resubmittal Review  
Project No. 23-0001

Dear Madison:

We reviewed the revised DRB submittal for the Minturn Cemetery Maintenance Shed dated December 18, 2023, for compliance with the engineering requirements of Section 16-21-165; Design Review applications of the Minturn Municipal Code (MMC).

**MMC Section 16-21-615 Section C:**

**Section (C) (2) Boundary Survey:**

The “Partial Topographic Survey” prepared by Eagle Valley Surveying Inc. dated September 5, 2023, has been updated and provided with the application.

- The survey has been revised to address the comments in our letters of October 16 and October 20, 2023.

The revised survey complies with the requirements of the MMC; however, there are two technical items which should be revised. *“Note 1 – Date of Update: 9/5/23” and “Surveyor’s Certificate”*: The dates associated with these items should be revised to reflect the date additional information was added to the map – i.e., additional monuments, November 2023 title report, and utility locations.

The Survey included with the revised application is satisfactory to proceed with Design Review; however an updated map reflecting the revised dates should be provided for inclusion in the Town file.

**Section (C) (3) Site Plan:**

- The site plan has been revised to reflect the information provided on the updated survey and is complete.

**VAIL VALLEY OFFICE**

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

**DENVER OFFICE**

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | [info@inter-mtn.net](mailto:info@inter-mtn.net)

Madison Harris

Re: Minturn Cemetery  
806 Cemetery Road  
DRB Resubmittal Review  
Project No. 23-0001

**Section (C) (4) Grading & Drainage Plan:**

- Alpine Engineering, Inc, provided calculations dated October 30, 2023, to demonstrate the adequacy of the proposed drainage.

The revised application is complete as noted and we recommend the Town proceed with Design Review.

Please feel free to contact us if you have additional questions.

Respectfully,  
Inter-Mountain Engineering (Town Engineer)



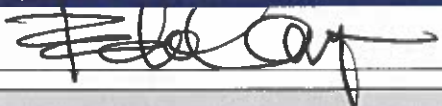
Jeffery M. Spanel PE

CC: Michelle Metteer, Scot Hunn



## DESIGN REVIEW APPLICATION

**TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT**  
 P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
 Phone: 970-827-5645 Fax: 970-827-5545 Email: planner1@minturn.org

|                                                                                                                                                  |                                                                  |                                   |                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------|------------------------------------------|
| <b>Project Name:</b>                                                                                                                             |                                                                  |                                   |                                          |
| Riverview Cemetery - Maintenance Shed                                                                                                            |                                                                  |                                   |                                          |
| <b>Project Location</b>                                                                                                                          |                                                                  |                                   |                                          |
| Street Address: 806 Cemetery Road, Minturn, CO 81645                                                                                             |                                                                  |                                   |                                          |
| Zoning: Lionshead Light Industrial and Public Facilities                                                                                         |                                                                  | Parcel Number(s): 210335110002    |                                          |
| <b>Application Request:</b>                                                                                                                      |                                                                  |                                   |                                          |
| Construction of a new maintenance shed on the northwest corner of the property. The shed will be utilized for equipment storage and maintenance. |                                                                  |                                   |                                          |
| <b>Applicant:</b>                                                                                                                                |                                                                  |                                   |                                          |
| Name: Zehren and Associates - Pedro Campos                                                                                                       |                                                                  |                                   |                                          |
| Mailing Address: PO Box 1976, Avon, CO 81620                                                                                                     |                                                                  |                                   |                                          |
| Phone: 970.949.0257                                                                                                                              |                                                                  | Email: pedroc@zehren.com          |                                          |
| <b>Property Owner:</b>                                                                                                                           |                                                                  |                                   |                                          |
| Name: Minturn Cemetery Association                                                                                                               |                                                                  |                                   |                                          |
| Mailing Address: PO Box 297, Minturn, CO 81645                                                                                                   |                                                                  |                                   |                                          |
| Phone: 970.827.4160                                                                                                                              |                                                                  | Email: office@minturncemetery.org |                                          |
| <b>Required Information:</b>                                                                                                                     |                                                                  |                                   |                                          |
| Lot Size: 2.37 Acres                                                                                                                             | Type of Residence (Single Family, ADU, Duplex)<br>No Residential | # of Bedrooms N/A                 | # On-site Parking Spaces 4               |
| # of Stories: 1                                                                                                                                  | Snow storage sq ft: 1,089                                        | Building Footprint sq ft: 864     | Total sq ft Impervious Surface: 16,201.5 |
| <b>Signature:</b>                                                                                                                                |                                                                  |                                   |                                          |
|                                                               |                                                                  | Pedro Campos                      | 9/26/2023.                               |
| Fee Paid: _____ Date Received: _____ Planner: _____                                                                                              |                                                                  |                                   |                                          |

## DESIGN REVIEW APPLICATION

### SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

| Applicant                           | Staff                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Application Fee</b> (Non-Refundable application fee shall be collected) <ul style="list-style-type: none"> <li>• Design Review Board - \$200.00 —</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Letter of Intent</b><br>-- What is the purpose of the project including; <ul style="list-style-type: none"> <li>• Relevant Background</li> <li>• Current Status of the Site</li> <li>• All Proposed Uses and Structures</li> <li>• How the Proposal Differs from what already exists</li> <li>• Information regarding Easements or Dedicated Tracts, etc.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Vicinity Map</b><br>-- Directional Map indicating how to get to the Property involved in the request. <ul style="list-style-type: none"> <li>• Zoning of Property</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Site Plan showing Precise Nature of the Proposed Use –</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>To Scale</b> <ul style="list-style-type: none"> <li>• Scaled Drawings of Proposed Design of Structure               <ul style="list-style-type: none"> <li>○ Plan View and Sections</li> </ul> </li> <li>• Building Heights – all 4 directions N/S/E/W</li> <li>• topography</li> <li>• Building Location and impervious coverage</li> <li>• Setbacks</li> <li><i>NA</i> Ordinary High Water Mark determined by the Town Engineer and paid for by Applicant</li> <li><i>NA</i> Parking Plan</li> <li>• Traffic Circulation               <ul style="list-style-type: none"> <li>○ Location and Width of Existing and Proposed Access Points</li> <li>○ Location of Existing Driveways and Intersections</li> </ul> </li> <li>• Landscaped Area – Plan including existing and proposed vegetation.</li> <li>• Approximate Location of Existing Wooded Areas and Rock Outcrops</li> <li>• Location and Type of Existing and Proposed Easements</li> <li>• Utility Easements</li> <li>• Drainage Features</li> <li>• Snow Storage areas expressed in square feet as a percentage of the overall site area</li> </ul> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Preliminary Building Plans and Elevations</b> <ul style="list-style-type: none"> <li>• Indicates Dimensions</li> <li>• General Appearance</li> <li>• Scale</li> <li>• Interior Plan for the Buildings</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Elements needed on the Site Plan**

- Scale
- North Arrow
- Date Prepared
- Lot Dimensions, Area, Entire Site Acreage

|                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Architecture Details – Materials Board**

- Windows – Placement and Color
- Doors – Placement and Color
- Siding – Type and Color
- Roof Material – Type and Color
- Paint Color

|                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Boundary Survey with a stamp and signature of a licensed surveyor**

- Date of survey (survey date must be within 6 months of the project application date)
- Right-of-way and property lines; including bearings, distances and curve information.
- Labeled ties to existing USGS benchmark.
- Property boundaries to the nearest one-hundredth (.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
- All existing easements recorded with the County Clerk and Recorder. Include bearings and distances.
- Spot elevations at the edge of asphalt along the street frontage of the property at five-foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
- Topographic conditions at two-foot contour intervals.
- Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
- Rock outcroppings and other significant natural features.
- All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
- *NA* Environmental hazards where applicable (i.e., rock fall, wetlands and floodplain).
- *NA* Watercourse setbacks, if applicable. Show centerline and edge of stream or creek in addition to the required stream setback from the ordinary high water mark.

|                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Grading and Drainage Plan**

- Existing contours. Existing two-foot contours must be provided for all disturbed areas. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area.
- Proposed contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
- Spot elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
- Top-of-foundation elevations. The top-of-foundation elevation must be shown on the plan and must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.
- Drainage arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
- Drainage facilities. Proposed drainage facilities, such as French drains or culverts, must be shown.
- Retaining walls. Retaining wall details are required and must include drainage details. Note top- and bottom-of-wall elevations at each location where the retaining wall steps up or down, and include the tallest point of the retaining wall.

|                                     |                          |
|-------------------------------------|--------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/>            | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |





Z E H R E N  
AND ASSOCIATES

**Minturn Cemetery District  
Design Review Application**

September 26, 2023

Ms. Madison Harris, Town Planner  
Town of Minturn  
301 Boulder Street, #309  
Minturn, Colorado 81645  
Ph: 970 827 5645 / Email: [planner1@minturn.org](mailto:planner1@minturn.org)

**RE: Minturn Cemetery District – Design Review Application Letter of Intent  
New Storage Shed and Maintenance Area Expansion Project**  
Zehren and Associates, Inc Project No. 20192747.00

Dear Madison,

On behalf of the Minturn Cemetery District located at 806 Cemetery Road, Minturn, Colorado (herein referenced as the 'District) please accept this letter as the letter of intent for the Design Review Application. Zehren and Associates, Inc and I are serving as the representative for the application on behalf of the District. We have been working closely with the District Manager and its Board the past few years on plans for additional space for service and maintenance. This Design Review Application is for a proposed new storage and maintenance shed. The intent of the project is to create additional covered space to store cemetery equipment and materials away from the elements. The new building will improve the overall layout, functionality, and appearance of the Cemetery 'back of house' area, and help staff operate the Cemetery across the seasons.

The application is based on Sections 16-21-170 and 16-21-615 of the Minturn Municipal Code. This is where the procedures and requirements for the design review application are described. The following materials are being submitted in support of the application:

- 1) A completed Design Review Form
- 2) A check for \$200 for the base application fee.
- 3) An updated topographic survey of the project area prepared by Eagle Valley Surveying, dated September 5, 2023.
- 4) An application packet with several key plans and displays including:
  - a. Site Grading and Drainage Plan
  - b. Landscape Plan
  - c. Retaining Wall Details
  - d. Architectural Plans and Elevations
  - e. Three-Dimensional Model and Images of proposed materials (to match existing shed)
- 5) Supporting Aerial Maps and Site Pictures



Z E H R E N  
AND ASSOCIATES

**Project Description:**

The new storage shed building is a 48' long by 18' wide manufactured steel building. It is proposed to be located at the northwest corner of the Cemetery, adjacent to and immediately east of the existing metal shed. The new building is aligned with the existing shed, slightly rotated to relate to the curvature of the service drive accessing both buildings. The building has a shed roof, with the high point in the front at a height of 14'-7" on the east, and 18'-0" on the west based on a difference of finished grade at the front of the building, which slopes down to the west. The proposed materials are corrugated metal siding and using the same colors for siding, trim and roof to match the existing shed. A reinforced concrete slab will be poured over a compacted and prepared sub-grade to serve as the base and floor of the new building.

There are three roll-up garage doors proposed as part of the building facing south, to facilitate egress and ingress of vehicles and equipment used for burials and cemetery maintenance. The western section of the building and the western garage door is taller at 18' and the finished grade is lower with a finished floor elevation of 7912.46. The eastern section of the building includes the other two garage doors to the east, with a height of 14'-7" and a higher finished floor elevation of 7913.80. A small sloped concrete knee wall (16" maximum height) is proposed between the western most garage door and the adjacent door to the east to handle the grade break across the front of the building. The roof of the building is on the same plan despite the difference in height across the building.

Site work related to the project includes a new precast concrete block wall to match existing walls used elsewhere in the cemetery to retain grade. The new wall is aligned with an existing boulder wall and extends along the same alignment behind the proposed new building, to create flat space to accommodate the new building. The wall varies in height with a maximum height of 9' at the angled corner and stepping down with grade along the west side. At its western extent, the wall is 5.5' tall. Care has been taken to reduce the overall height of the wall and use materials already present within the Cemetery. A cobble lined drainage swale is proposed behind the building and in front of the wall to convey run-off and maintain drainage away from the building and tying in with the existing storm water detention basin behind the existing shed.

The service drive in front of the new building is proposed to be re-paved and slightly expanded by 5'-8" and 4'-9" to the south to allow for maneuvering equipment in and out of the building. Drainage is maintained as in existing conditions, sheet flowing into the adjacent cemetery lawn area. There are large existing trees in front of the building in the cemetery's burial areas. (11) new trees: 10 evergreens of different species and varying heights between 8' and 12' and 1 deciduous tree with a 3' caliper) are proposed behind the building and walls to help screen the structure. A limit of proposed work is indicated on the plans depicting the overall area that is anticipated to be disturbed during the project construction.

The project has been carefully sited, sized and designed to fit in the available space within the cemetery's existing boundaries and in the existing location where service and back of house functions have occurred. The Cemetery intends for the project to enhance its overall grounds with a more well-kept and organized service area, and to help normal day to day operations, and burials. Upon approval of the Design Review Application the project will finalize technical documents required for building permit, including structural engineering for the building and wall foundations. The intended schedule is a 2024 spring and summer construction, with ordering of materials and fabrication of the steel building to take place early in 2024.



Z E H R E N  
AND ASSOCIATES

Madison,

Thank you for reviewing this design review application for completeness based on the Town's requirements. If any additional information is necessary or there are questions about any of the project details, please let me know. The Cemetery looks forward to presenting the project to the Planning Commission when it is scheduled for a hearing, hopefully in the near future.

Thank you for your continued guidance with this project and your assistance on behalf of the Minturn Cemetery District.

Very Sincerely,

Pedro Campos, Principal  
Zehren and Associates, Inc.



Z E H R E N  
AND ASSOCIATES

**Riverview Cemetery  
Revised Design Review Application**

December 18, 2023

Ms. Madison Harris, Town Planner  
Town of Minturn  
301 Boulder Street, #309  
Minturn, Colorado 81645  
Ph: 970 827 5645 / Email: [planner1@minturn.org](mailto:planner1@minturn.org)

**RE: Riverview Cemetery – Revised DRB Application**  
Zehren and Associates, Inc Project No. 20192747.00

Dear Madison,

On behalf of the Minturn Cemetery District located at 806 Cemetery Road, Minturn, Colorado; Zehren and Associates is submitting the attached drawings and documents in response to the comments provided by the Town Engineer dated 10/16/23 and 10/20/23.

The following updates have been made to the submittal drawings and documents:

1. A more recent Title Report has been provided (No changes from the previously submitted report have been noted)
2. The survey has been updated by Eagle Valley Surveying, per the request of the Town, with the following items:
  - a. Monuments were added and certified along the north and west property boundaries.
  - b. Note #4 has been revised to reflect that the monuments “were found and accepted on the North and West property boundaries of Lot 2 and Lot 3”
  - c. Note #2 has been revised to reflect the most recent Title Report regarding all title and easement information.
  - d. Spot elevations along the edge of the existing asphalt driveway
  - e. Utility lines have been added to the survey (Only Electric was found in the project area)
3. The Site Plan has been updated by Zehren and Associates, to reflect the additional information provided in the updated survey, and revisions requested in coordination with the drainage calculations. These include the following items:
  - a. A drainage swale has been added above the retaining walls to direct runoff from the hillside to the west and around the existing detention basin.
  - b. The proposed retaining wall height has been raised 6” from a maximum of 9’ to a maximum of 9’-6”.
  - c. The proposed maintenance shed is located over an existing electrical line. The electrical line will be relocated to the south, as shown on the updated Site Plan.
4. A stamped drainage report has been provided by Alpine Engineering and includes calculations indicating that the existing detention basin is adequately sized for the existing and proposed impervious areas.



Z E H R E N  
AND ASSOCIATES

We believe these revisions to the Design Review Submittal documents are in compliance with the code requirements for Design Review applications and adequately address the Town Engineers comments (attached for reference).

Please feel free to contact us with any questions or concerns on the revised submittal materials and thank you for your continued guidance and assistance on behalf of the Minturn Cemetery District.

Very Sincerely,

Pedro Campos, Principal  
Zehren and Associates, Inc.

October 16, 2023

Madison Harris  
Town of Minturn Planner  
PO Box 309  
Minturn, CO 81645

Re: Minturn Cemetery  
806 Cemetery Road  
DRB submittal Review  
Project No. 23-0001

Dear Madison:

We reviewed the DRB submittal for the Minturn Cemetery Maintenance Shed for compliance with the engineering requirements of Section 16-21-165; Design Review applications of the Minturn Municipal Code (MMC).

**MMC Section 16-21-615 Section C:**

**Section (C) (2) Boundary Survey:**

A “Partial Topographic Survey” prepared by Eagle Valley Surveying Inc. dated September 25, 2023 was included with the application.

- Survey Note 4 states “BEARINGS AND DISTANCES ALONG PROPERTY LINES SHOWN HEREON ARE AS SHOWN ON THE SUBDIVISION PLAT ONLY. A BOUNDARY SURVEY WOULD BE NECESSARY TO DETERMINE THE TRUE DIMENSIONS OF THE LOT AND SETBACKS, WHICH MAY VARY FROM THE PLATTED DIMENSIONS.”
- The survey shows only the site of the proposed Maintenance Shed and is not a boundary survey of the property as required by the MMC.

**e. All existing easements recorded with the County Clerk and Recorder.**

- Survey Note 2 states “SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR AMENDED PLATS, EASEMENTS OF RECORD (OTHER THAN PLATTED), ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE”.
- A title report was not included in the materials provided. A current title report should be provided, and the survey updated to reflect any exceptions noted in the report.

**VAIL VALLEY OFFICE**

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

**DENVER OFFICE**

9618 Brook Hill Lane | Lone Tree, CO 80124

**970.949.5072 | [info@inter-mtn.net](mailto:info@inter-mtn.net)**

Madison Harris

Re: Minturn Cemetery  
806 Cemetery Road  
DRB submittal Review

Project No. 23-0001

**f. Spot elevations at the edge of asphalt along the street frontage of the property at five-foot intervals, and a minimum of two (2) spot elevations on either side of the lot.**

- Spot elevations along the edge of the existing road should be added to the survey.

**j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.**

- Utility lines including storm sewers need to be added to the survey.

**Section (C) (3) Site Plan:**

- The site plan will need to be updated to reflect any revised information provided on the updated survey.

**Section (C) (4) Grading & Drainage Plan:**

- Drainage is directed to an existing storm water detention basin located behind the existing pump house. No information has been provided to show the existing basin is large enough to accept additional drainage from the proposed construction. A letter report prepared by a licensed professional engineer should be provided to demonstrate adequacy of the proposed drainage.

Please feel free to contact us if you have additional questions.

Respectfully,  
Inter-Mountain Engineering (Town Engineer)



Jeffery M. Spanel PE

CC: Michelle Metteer, Scot Hunn

October 20, 2023

Scot Hunn  
Town of Minturn  
PO Box 309  
Minturn, CO 81645

Re: Minturn Cemetery  
806 Cemetery Road  
DRB submittal Review – Boundary Survey  
Project No. 23-0001

Dear Scot:

We reviewed the “Partial Topographic Survey” prepared by Eagle Valley Surveying Inc. dated September 25, 2023 to recommend revisions such that the survey would comply with the engineering requirements of Section 16-21-165 (C) (2) of the Minturn Municipal Code (MMC).

The proposed Maintenance Shed is located along the north property line of the Cemetery. The cemetery property is a large parcel and because the improvements are located adjacent to the north property line and not near any other property lines, the Town could consider a revision to the Topographic Survey which certifies the monuments shown on the west property line and adds monumentation for the north property line. This should allow Survey Note 4 to be removed or edited to certify monuments along the north and West property lines. A current title report should be provided to the surveyor such that Note 2 can be deleted from the survey.

The other comments in our October 16, 2023 letter regarding spot elevations and utility locations should be addressed on the revised survey.

Please feel free to contact us if you have additional questions.

Inter-Mountain Engineering (Town Engineer)



Jeffery M. Spanel PE

CC: Michelle Metteer, Madison Harris

**VAIL VALLEY OFFICE**

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

**DENVER OFFICE**

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | [info@inter-mtn.net](mailto:info@inter-mtn.net)



# INVOICE



**Land Title Guarantee Company**  
**5975 Greenwood Plaza Blvd Suite 125**  
**Greenwood Village, CO 80111**  
**970-476-2251**

TOWN OF MINTURN  
 SIDNEY HARRINGTON  
 P.O. BOX 309  
 Minturn, CO 81645

| <u>Reference</u>         |                           |
|--------------------------|---------------------------|
| Your Reference Number:   | TBD Commitment - 50070500 |
| Our Order Number:        | VA-16216                  |
| Our Customer Number:     | 3002978.0                 |
| Invoice Requested by:    | SIDNEY HARRINGTON         |
| Invoice (Process) Date:  | November 07, 2023         |
| Transaction Invoiced By: | Web Services              |
| Email Address:           | system@ltgc.com           |

**Invoice Number: VA-16216**

Date: November 07, 2023

Order Number: 50070500

Property Address: 804, 806 AND 808 CEMETERY ROAD MINTURN 81645

Parties: A Buyer To Be Determined

| Invoice Charges        |                                                                                                                                                                                                |          |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Service:               | TBD Commitment                                                                                                                                                                                 | \$265.00 |
| Ref:                   | 50070500                                                                                                                                                                                       |          |
| Addr:                  | 804, 806 AND 808 CEMETERY ROAD                                                                                                                                                                 |          |
| Party:                 | MINTURN CEMETERY ASSOCIATION DISTRICT, AS TO PARCEL A AND TOWN OF MINTURN, COLORADO, A COLORADO MUNICIPALITY OF THE COUNTY OF EAGLE AND THE STATE OF COLORADO, AS TO PARCEL B, PARCELS 7 AND 9 | \$265.00 |
|                        |                                                                                                                                                                                                | \$0.00   |
|                        |                                                                                                                                                                                                | \$265.00 |
| Total Amount Invoiced: |                                                                                                                                                                                                |          |
| Less Payment(s):       |                                                                                                                                                                                                |          |
| Balance Due:           |                                                                                                                                                                                                |          |

**Due and Payable upon receipt**

Please make check payable to Land Title Guarantee Company and send to the address at the top of Page 1.  
 Please reference **Invoice Number VA-16216** on your Payment



### Customer Distribution



**Prevent fraud** - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **RND50070500**

Date: **11/07/2023**

Property Address: **804, 806 AND 808 CEMETERY ROAD, MINTURN, CO 81645**

**For Closing Assistance**

**For Title Assistance**

Scott Cieslewicz  
5975 GREENWOOD PLAZA  
BLVD  
GREENWOOD VILLAGE, CO  
80111  
(303) 850-4189 (Work)  
[scieslewicz@ltgc.com](mailto:scieslewicz@ltgc.com)

**Seller/Owner**

TOWN OF MINTURN  
Attention: SIDNEY HARRINGTON, CEMETERY DST. PO BOX 1230  
ADMIT.  
P.O. BOX 309  
MINTURN, CO 81645  
(970) 827-5645 (Work)  
office@minturncemetery.org  
Delivered via: Electronic Mail

EAGLE VALLEY SURVEYING  
Attention: MIKE POST  
EDWARDS, CO 81632  
(970) 949-1406 (Work)  
(970) 845-9504 (Work Fax)  
mikepost@evsurvey.com  
Delivered via: Electronic Mail

LAND TITLE GUARANTEE COMPANY  
Attention: SARAH DORMAN (FOR PLAT REVIEW)  
610 WEST LIONSHEAD CIRCLE #300  
VAIL, CO 81657  
(970) 476-2251 (Work)  
(970) 476-4534 (Work Fax)  
sdorman@ltgc.com  
Delivered via: Electronic Mail

ZEHREN & ASSOCIATES  
Attention: PEDRO CAMPOS  
48 E BEAVER CREEK BLVD SUITE 303  
AVON, CO 81620  
(970) 949-0257 (Work)  
(970) 949-1080 (Work Fax)  
pedroc@zehren.com  
Delivered via: Electronic Mail



### Estimate of Title Fees

**Order Number:** RND50070500

**Date:** 11/07/2023

**Property Address:** 804, 806 AND 808 CEMETERY ROAD, MINTURN, CO 81645

**Seller(s):** MINTURN CEMETERY ASSOCIATION DISTRICT, AS TO PARCEL A AND TOWN OF MINTURN, COLORADO, A COLORADO MUNICIPALITY OF THE COUNTY OF EAGLE AND THE STATE OF COLORADO, AS TO PARCEL B, PARCELS 7 AND 9

**Buyer(s):** A BUYER TO BE DETERMINED

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit [ltgc.com](http://ltgc.com) to learn more about Land Title.

| Estimate of Title Insurance Fees |                 |
|----------------------------------|-----------------|
| "TBD" Commitment                 | \$265.00        |
| <b>TOTAL</b>                     | <b>\$265.00</b> |

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

**Chain of Title Documents:**

- [Eagle county recorded 12/05/1967 under reception no. 107055 at book 211 page 705](#)
- [Eagle county recorded 12/17/1979 under reception no. 192473 at book 296 page 80](#)
- [Eagle county recorded 06/10/2002 under reception no. 798235](#)
- [Eagle county recorded 06/10/2002 under reception no. 798234](#)
- [Eagle county recorded 06/10/2002 under reception no. 798233](#)

**Plat Map(s):**

- [Eagle county recorded 06/10/2002 under reception no. 798232](#)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: RND50070500

**Property Address:**

804, 806 AND 808 CEMETERY ROAD, MINTURN, CO 81645

**1. Effective Date:**

11/01/2023 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"TBD" Commitment

\$0.00

Proposed Insured:

A BUYER TO BE DETERMINED

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A FEE SIMPLE

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

MINTURN CEMETERY ASSOCIATION DISTRICT, AS TO PARCEL A AND TOWN OF MINTURN, COLORADO, A COLORADO MUNICIPALITY OF THE COUNTY OF EAGLE AND THE STATE OF COLORADO, AS TO PARCEL B, PARCELS 7 AND 9

**5. The Land referred to in this Commitment is described as follows:**

PARCEL A:

LOTS 2 AND 3 AND PARCEL A, RIVER VIEW CEMETERY, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL B:

LOT 1, RIVER VIEW CEMETERY, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL 7:

\*\*\*\*\*

NOTE: THE FOLLOWING LEGAL DESCRIPTION IS PRELIMINARY AND IS SUBJECT TO CHANGE UPON COMPLIANCE WITH THE REQUIREMENTS UNDER SCHEDULE B-1, HEREIN.

\*\*\*\*\*

A PARCEL OF LAND LYING IN THE NE1/4NE1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN, EAGLE COUNTY, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING BRASS CAP MONUMENT MARKING THE NE SECTION CORNER OF SAID SECTION 35;  
THENCE S 00°02'00" E ALONG THE EASTERLY BOUNDARY LINE OF SAID NE1/4NE1/4 OF SECTION 35 A DISTANCE OF 898.29 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED AT RECEPTION NO. 88960;  
THENCE THE FOLLOWING TWO COURSES ALONG SAID PARCEL OF LAND:  
(1) N 72°40'00" W A DISTANCE OF 517.20 FEET;  
(2) S 54°38'07" W A DISTANCE OF 425.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD;  
THENCE N 55°30'00" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD A DISTANCE OF 611.93 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF THE RIVER VIEW CEMETERY;  
THENCE THE FOLLOWING TWO COURSES ALONG SAID BOUNDARY LINE OF THE RIVER VIEW CEMETERY:

**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule A**

**Order Number: RND50070500**

(1) NORTH A DISTANCE OF 397.97 FEET;  
(2) N 76°48'00" W A DISTANCE OF 58.03 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF SAID NE1/4NE1/4 OF SECTION 35;  
THENCE N 01°20'42" W ALONG SAID WESTERLY BOUNDARY LINE OF THE NE1/4NE1/4 OF SECTION 35 A DISTANCE OF 221.53 FEET TO THE E 1/16TH CORNER OF SECTION 35 AND SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN;  
THENCE N 89°33'22" E ALONG THE NORTHERLY BOUNDARY LINE OF SAID NE1/4NE1/4 OF SECTION 35 A DISTANCE OF 1405.89 FEET TO THE POINT OF BEGINNING.

PARCEL 9:

\*\*\*\*\*  
NOTE: THE FOLLOWING LEGAL DESCRIPTION IS PRELIMINARY AND IS SUBJECT TO CHANGE UPON COMPLIANCE WITH THE REQUIREMENTS UNDER SCHEDULE B-1, HEREIN.  
\*\*\*\*\*

A PARCEL OF LAND LYING IN THE SW1/4 SE1/4 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN, EAGLE COUNTY, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF THE EASTERLY RIGHT-OF-WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD, WHENCE AN EXISTING BRASS CAP MONUMENT MARKIN THE SOUTH 1/4 CORNER OF SAID SECTION 26 BEARS S 89°33'22" W A DISTANCE OF 555.63 FEET, SAID POINT OF BEGINNING ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF SAID SECTION 26;  
THENCE THE FOLLOWING FIVE COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD:  
(1) 0.28 FOOT ALONG A 7119.28 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 00°00'01" AND WHOSE CHORD BEARS N 55°00'01" W A DISTANCE OF 0.28 FEET;  
(2) 41.13 FEET ALONG A 4712.86 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 00°30'00" AND WHOSE CHORD BEARS N 54°45'00" W A DISTANCE OF 41.13 FEET;  
(3) 40.48 FEET ALONG A 3509.65 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 00°40'00" AND WHOSE CHORD BEARS N 54°10'00" W A DISTANCE OF 40.84 FEET;  
(4) 654.29 FEET ALONG A 3342.16 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 11°13'00" AND WHOSE CHORD BEARS N 48°13'30" W A DISTANCE OF 653.24 FEET;  
(5) 13.98 FEET ALONG A 3509.65 FOOT RADIUS CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 00°13'41" AND WHOSE CHORD BEARS N 42°30'09" W A DISTANCE OF 13.98 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE SW1/4 SE1/4 OF SAID SECTION 26;  
THENCE N 00°54'41" W ALONG SAID WESTERLY BOUNDARY LINE OF SE1/4 SE1/4 OF SECTION 26 A DISTANCE OF 898.89 FEET TO THE SOUTH 1/16TH CORNER OF SAID SECTION 26;  
THENCE N 89°42'12" E ALONG THE NORTHERLY BOUNDARY LINE OF SAID SW1/4 SE1/4 OF SECTION 26 A DISTANCE OF 1400.67 FEET TO THE SE 1/16TH CORNER OF SAID SECTION 26;  
THENCE S 01°07'36" E ALONG THE EASTERLY BOUNDARY LINE OF SAID SW1/4 SE1/4 OF SECTION 26 A DISTANCE OF 1394.02 FEET TO THE EAST 1/16TH OF SAID SECTION 26 AND 35, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN;  
THENCE S 89°33'22" W ALONG THE SOUTHERLY BOUNDARY LINE OF SAID SECTION 26 A DISTANCE OF 850.23 FEET TO THE POINT OF BEGINNING.

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

**Order Number: RND50070500**

Copyright 2006-2023 American Land Title Association. All rights reserved.

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule B, Part I**

**(Requirements)**

**Order Number:** RND50070500

**All of the following Requirements must be met:**

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

- 1. CERTIFIED COPY OF ORDINANCE OF THE TOWN OF MINTURN, COLORADO, A COLORADO MUNICIPALITY, OF THE COUNTY OF EAGLE AND STATE OF COLORADO (AUTHORIZING THE PROPOSED TRANSACTION OF THE SUBJECT PROPERTY AND THE EXECUTION OF NECESSARY DOCUMENTS) AND RECITING THAT THE BOARD HAS BEEN DULY AUTHORIZED IN THE PREMISES BY THE CORPORATION. SAID ORDINANCE MUST BE PROPERLY CERTIFIED BY AN OFFICER OF THE CORPORATION. SAID ORDINANCE MUST BE SUBMITTED TO AND APPROVED BY LAND TITLE GUARANTEE COMPANY.
- 2. FURNISH A CURRENTLY CERTIFIED COPY OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORPORATION NAMED BELOW, AUTHORIZING THE EXECUTION AND DELIVERY BY THE PROPER OFFICERS OF ALL INSTRUMENTS NECESSARY FOR THE CONSUMMATION OF THIS TRANSACTION, AND SPECIFICALLY NAMING SAID OFFICERS AND THEIR TITLES. SAID CERTIFICATION MUST BE BY A PARTY OTHER THAN THE PARTY AUTHORIZED TO SIGN AND MUST STATE THAT THE RESOLUTION HAS NOT BEEN MODIFIED OR REVOKED.

CORPORATION: RIVER VIEW CEMETERY ASSOCIATION DISTRICT.

- 3. LAND TITLE GUARANTEE COMPANY REQUIRES AN ACCURATE LEGAL DESCRIPTION OF SUBJECT PROPERTY TO BE PROVIDED FOR REVIEW AND APPROVAL. UPON FURTHER REVIEW THE COMPANY HEREBY RESERVES THE RIGHT TO INSERT ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS AS MAY BE NECESSARY.

(AFFECTS PARCELS 7 AND 9)

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: RND50070500

**This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.**

1. **Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
2. **Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
6. **(a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
7. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
8. **RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED MAY 02, 1904 IN BOOK 48 AT PAGE [502](#).**  
**(AFFECTS NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35)**
9. **RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 04, 1929 IN BOOK 106 AT PAGE [517](#) AND RECORDED MARCH 21, 1977 IN BOOK 253 AT PAGE [461](#).**  
**(AFFECTS NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35)**
10. **RIGHT OF WAY EASEMENT AS GRANTED TO WESTERN SLOPE GAS COMPANY, A COLORADO CORPORATION IN INSTRUMENT RECORDED JANUARY 23, 1967, IN BOOK 201 AT PAGES [19](#) AND [20](#) (SEE PAGE [20](#)).**
11. **RESERVATIONS AS CONTAINED IN DEED RECORDED NOVEMBER 18, 1937 IN BOOK 116 AT PAGE [488](#).**



**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** RND50070500

12. ORDINANCE NO. 128, SERIES OF 1974, ANNEXING CERTAIN REAL PROPERTY TO THE TOWN OF MINTURN RECORDED DECEMBER 20, 1974 UNDER RECEPTION NO. [134024](#) AND RECORDED DECEMBER 30, 1974 UNDER RECEPTION NO. [134115](#) AND RECORDED DECEMBER 14, 1981 UNDER RECEPTION NO. [229705](#).  
  
(NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35).
13. RESERVATIONS AS CONTAINED IN DEED RECORDED DECEMBER 17, 1979 IN BOOK 296 AT PAGE [80](#).
14. NOTES AND EASEMENTS AS SHOWN ON THE PLAT OF RIVER VIEW CEMETERY RECORDED JUNE 10, 2002 UNDER RECEPTION NO. [798232](#).
15. ANY RIGHT TITLE OR INTEREST WHICH MAY BE CLAIMED BY THE UNION PACIFIC RAILROAD COMPANY, THE RIGHT OF WAY OF WHICH ADJOINS LOT 1, RIVER VIEW CEMETERY AS SHOWN ON THE PLAT THEREOF RECORDED JUNE 10, 2002 UNDER RECEPTION NO. [798232](#).
16. COVENANTS, CONDITIONS AND RESTRICTIONS, WHICH CONTAIN A REVERTER CLAUSE, AS SET FORTH IN DEEDS RECORDED JUNE 10, 2002 UNDER RECEPTION NOS. [798233](#) AND [798235](#).
17. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE EAGLE RIVER FIRE PROTECTION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JUNE 24, 2002, UNDER RECEPTION NO. [799500](#) AND MAP RECORDED DECEMBER 7, 2009 UNDER RECEPTION NO. [26003](#).
18. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EASEMENT AGREEMENT RECORDED SEPTEMBER 16, 2010 UNDER RECEPTION NO. [201018417](#).
19. RIGHTS OF THE PUBLIC AND THE COUNTY TO AND OVER ANY OF THE STREETS, ROADS, ALLEYS, WALKS, PATHS, PARKS OR PARKWAYS SHOWN ON THE MAP OF SAID RIVER VIEW CEMETERY, RECORDED JULY 19, 2017 UNDER RECEPTION NO. [13828](#).
20. RESERVATIONS AS CONTAINED IN WARRANTY DEED RECORDED FEBRUARY 19, 1970 IN BOOK 217 AT PAGE [120](#).
21. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE UPPER EAGLE VALLEY SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MARCH 28, 2017, UNDER RECEPTION NO. [201705247](#).
22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN TOWN OF MINTURN, COLORADO ORDINANCE NO. 06 - SERIES 2018 RECORDED DECEMBER 03, 2018 UNDER RECEPTION NO. [20619](#).
23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN TOWN OF MINTURN ORDINANCE NO. 10 - SERIES 1995 RECORDED JANUARY 18, 2019 UNDER RECEPTION NO. [866](#).
24. RESTRICTIONS IMPOSED BY LAW REGARDING THE SALE AND DISPOSITION OF SAID LAND OR A PLACE WITHIN ANY MAUSOLEUM OR COLUMBARIUM ERECTED THEREON RESULTING FROM THE USE OR DEDICATION OF SAID LAND FOR CEMETERY PURPOSES.

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** RND50070500

- 25. EASEMENTS, RIGHTS, OR INTERESTS ARISING OUT OF
  - (A) THE SALE OR TRANSFER OF LOTS, BLOCKS, PLOTS OR SECTIONS IN MINTURN CEMETERY (RIVER VIEW CEMETERY) OR OF BURIAL RIGHTS THEREIN,
  - (B) THE SALE OR TRANSFER OF CRYPTS OR VAULTS IN ANY MAUSOLEUM, AND OF NICHES IN ANY COLUMBARIUM TO BE ERECTED ON THE HEREIN DESCRIBED LAND, OR,
  - (C) ANY INTERMENT IN SAID LAND.
- 26. LACK OF ACCESS.  
(AFFECTS PARCELS 7 AND 9)
- 27. ANY ADVERSE CLAIM OR BOUNDARY DISPUTE WHICH MAY EXIST OR ARISE BY REASON OF THE FAILURE OF THE SURVEY REFERRED TO IN SCHEDULE A TO LOCATE WITH CERTAINTY THE BOUNDARIES OF THE PREMISES IN SAID TRANSACTION. NO INSURANCE IS GIVEN AS TO THE DIMENSIONS AND LOCATION OF SAID PREMISES WITHIN SAID DESCRIBED LAND.  
(AFFECTS PARCELS 7 AND 9)



## Land Title Guarantee Company Disclosure Statements

**Note: Pursuant to CRS 10-11-122, notice is hereby given that:**

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Note:** Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

**Note:** Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**Joint Notice of Privacy Policy of  
Land Title Guarantee Company  
Land Title Guarantee Company of Summit  
County  
Land Title Insurance Corporation and  
Old Republic National Title Insurance Company**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - your transactions with, or from the services being performed by us, our affiliates, or others;
  - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



## Commitment For Title Insurance

### Issued by Old Republic National Title Insurance Company

#### NOTICE

**IMPORTANT—READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

#### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

#### COMMITMENT CONDITIONS

##### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

##### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

##### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

##### 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue Suite 600  
Denver, Colorado 80206  
303-321-1880



**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Stock Company  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

Craig B. Rants, Senior Vice President

By  President  
Attest  Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



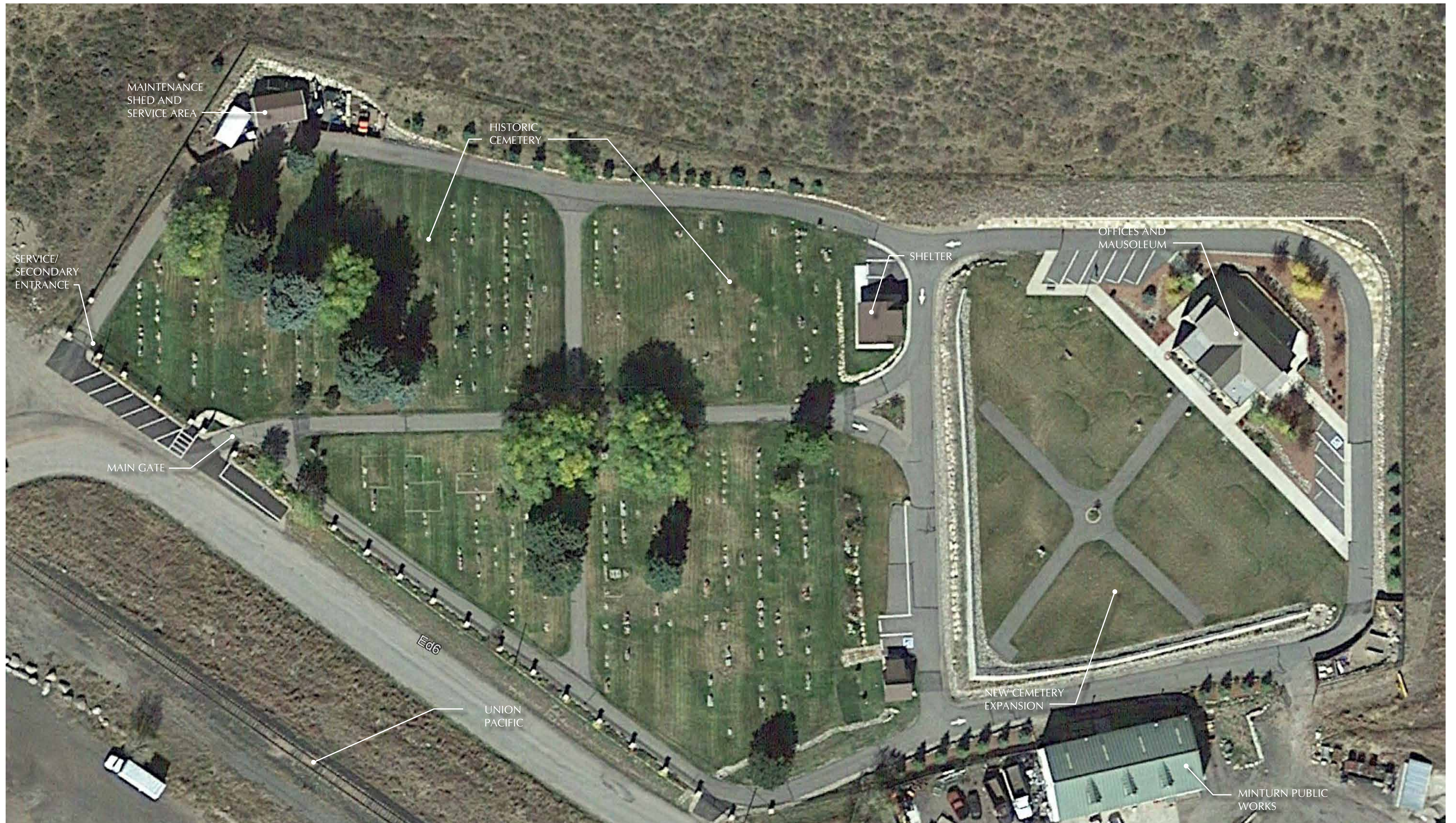
# RIVERVIEW CEMETERY Minturn, CO

## New Maintenance Shed Revised Design Review Application

December 18th, 2023

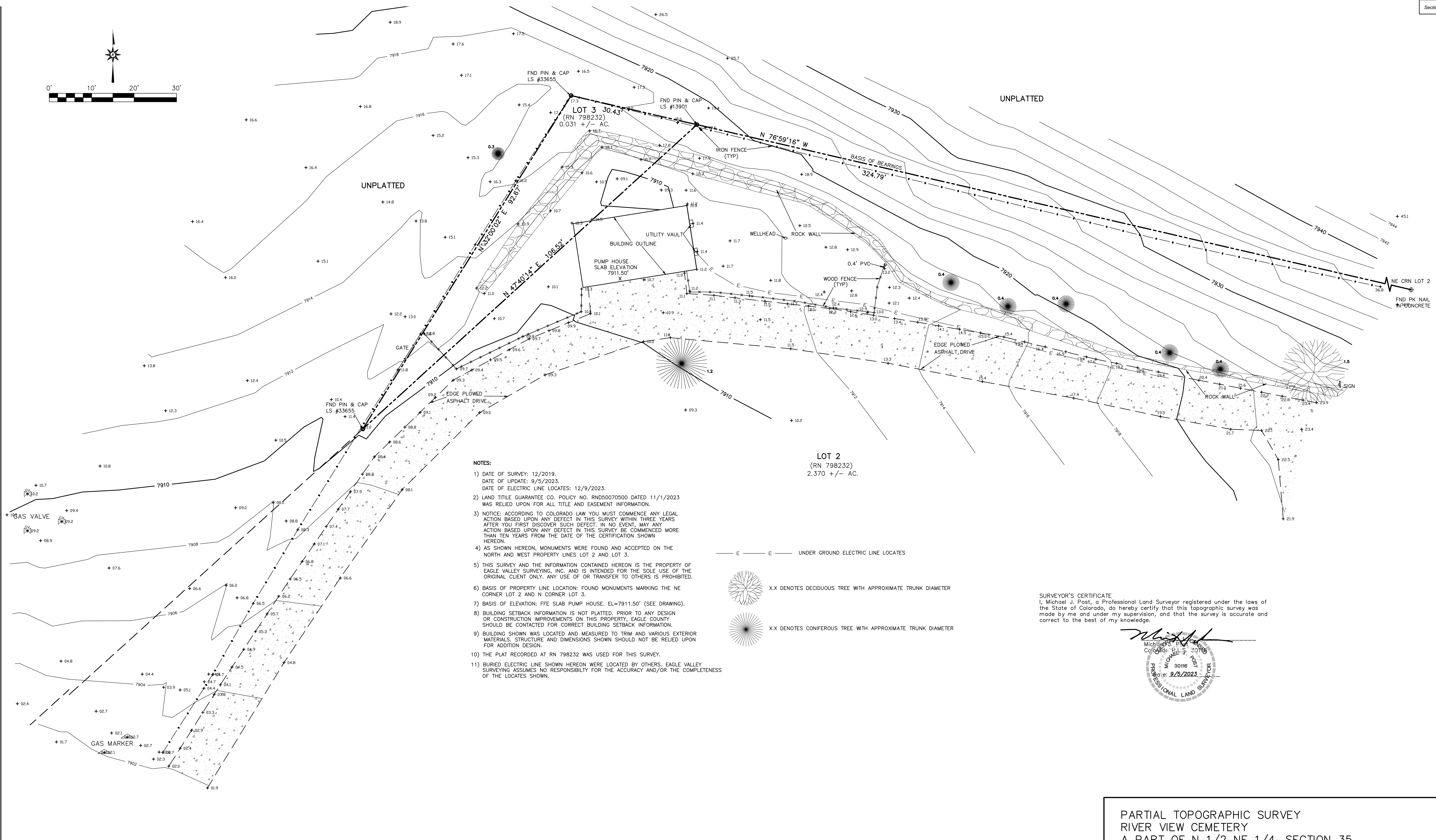
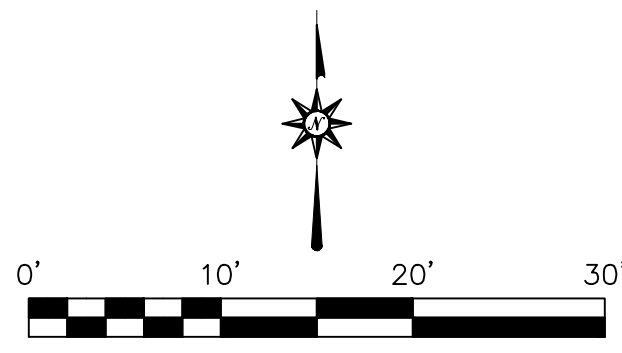




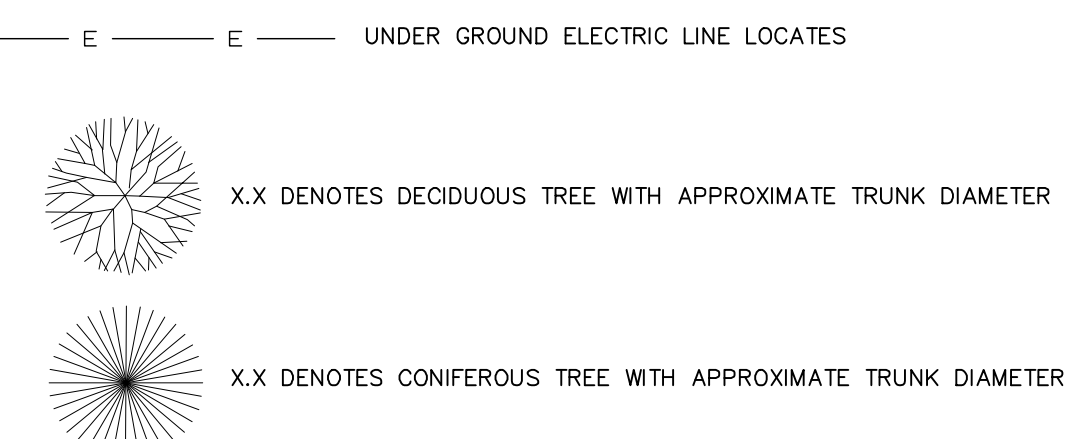


AERIAL IMAGE OF EXISTING CEMETERY PROPERTY

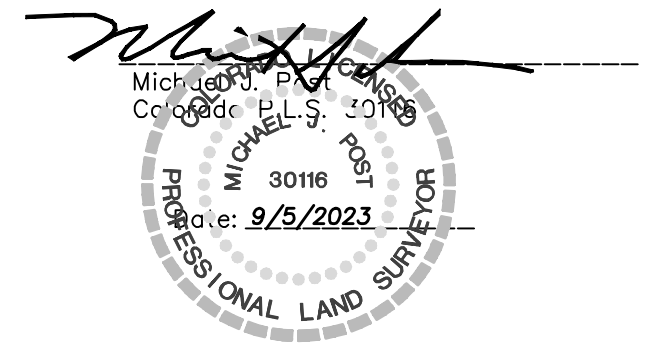




- NOTES:**
- 1) DATE OF SURVEY: 12/2019.  
DATE OF UPDATE: 9/5/2023.  
DATE OF ELECTRIC LINE LOCATES: 12/9/2023.
  - 2) LAND TITLE GUARANTEE CO. POLICY NO. RND50070500 DATED 11/1/2023 WAS RELIED UPON FOR ALL TITLE AND EASEMENT INFORMATION.
  - 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
  - 4) AS SHOWN HEREON, MONUMENTS WERE FOUND AND ACCEPTED ON THE NORTH AND WEST PROPERTY LINES LOT 2 AND LOT 3.
  - 5) THIS SURVEY AND THE INFORMATION CONTAINED HEREON IS THE PROPERTY OF EAGLE VALLEY SURVEYING, INC. AND IS INTENDED FOR THE SOLE USE OF THE ORIGINAL CLIENT ONLY. ANY USE OF OR TRANSFER TO OTHERS IS PROHIBITED.
  - 6) BASIS OF PROPERTY LINE LOCATION: FOUND MONUMENTS MARKING THE NE CORNER LOT 2 AND N CORNER LOT 3.
  - 7) BASIS OF ELEVATION: FFE SLAB PUMP HOUSE. EL=7911.50' (SEE DRAWING).
  - 8) BUILDING SETBACK INFORMATION IS NOT PLATTED. PRIOR TO ANY DESIGN OR CONSTRUCTION IMPROVEMENTS ON THIS PROPERTY, EAGLE COUNTY SHOULD BE CONTACTED FOR CORRECT BUILDING SETBACK INFORMATION.
  - 9) BUILDING SHOWN WAS LOCATED AND MEASURED TO TRIM AND VARIOUS EXTERIOR MATERIALS. STRUCTURE AND DIMENSIONS SHOWN SHOULD NOT BE RELIED UPON FOR ADDITION DESIGN.
  - 10) THE PLAT RECORDED AT RN 798232 WAS USED FOR THIS SURVEY.
  - 11) BURIED ELECTRIC LINE SHOWN HEREON WERE LOCATED BY OTHERS. EAGLE VALLEY SURVEYING ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND/OR THE COMPLETENESS OF THE LOCATES SHOWN.



**SURVEYOR'S CERTIFICATE**  
I, Michael J. Post, a Professional Land Surveyor registered under the laws of the State of Colorado, do hereby certify that this topographic survey was made by me and under my supervision, and that the survey is accurate and correct to the best of my knowledge.



PARTIAL TOPOGRAPHIC SURVEY  
RIVER VIEW CEMETERY  
A PART OF N 1/2 NE 1/4, SECTION 35  
TOWNSHIP 5 SOUTH, RANGE 81 WEST, 6TH P.M.  
EAGLE COUNTY, COLORADO




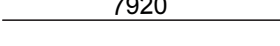




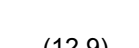




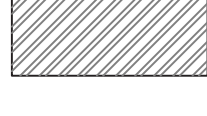
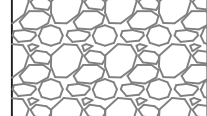
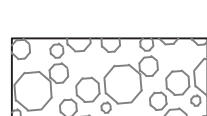
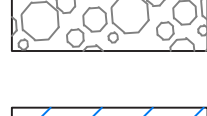

**EAGLE VALLEY SURVEYING, INC.**  
41199 HIGHWAY 6 & 24, EAGLE-VALE  
P.O. BOX 1230  
EDWARDS, CO. 81632  
(970)949-1406

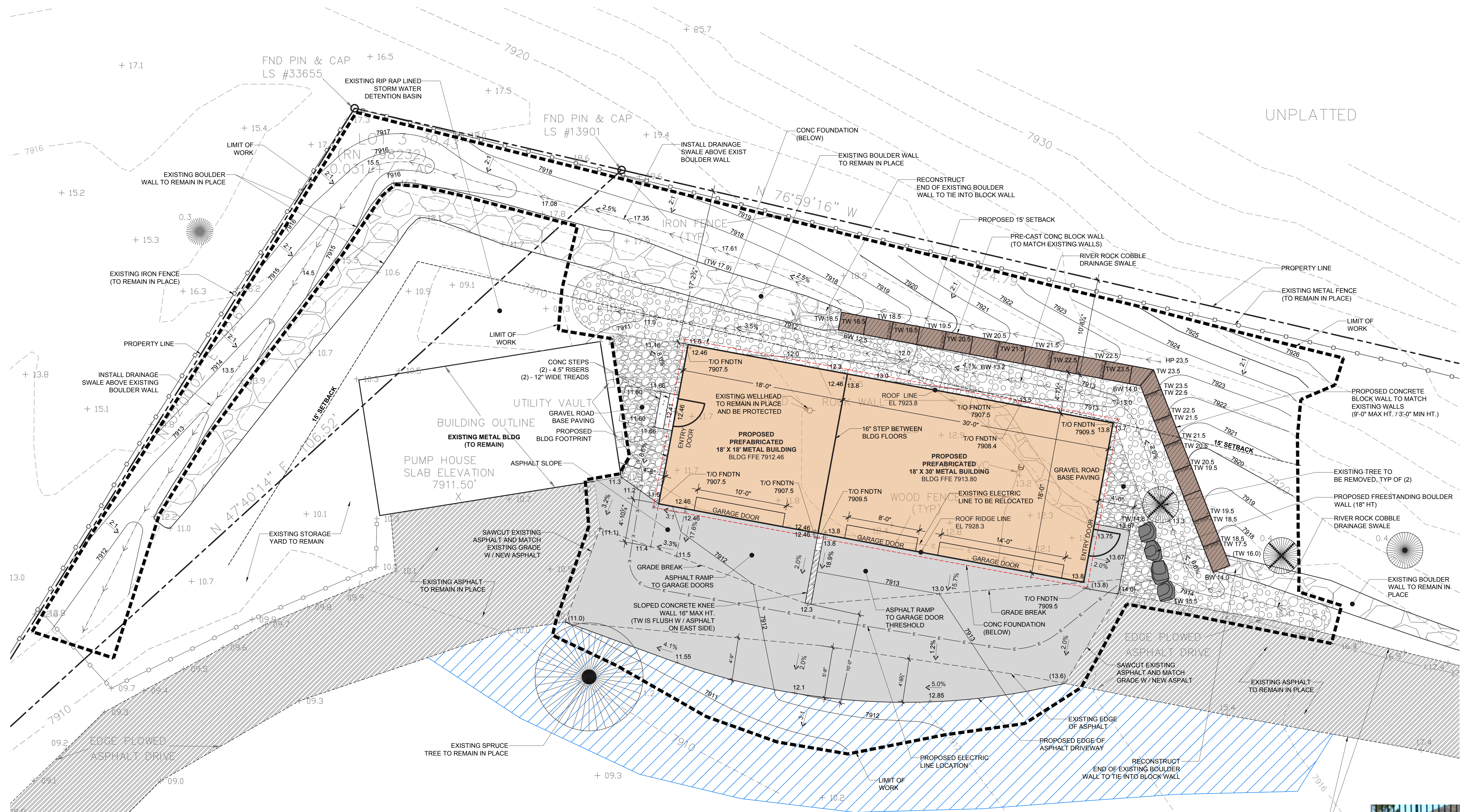
|                  |               |
|------------------|---------------|
| 1747-T2-2023.DWG | DATE: 12/2012 |
| DRN. BY: M. POST | PAGE: 1 OF 1  |

JOB No. 1747



**SYMBOL LEGEND:**

-  EXISTING TREE TO REMAIN  
TYP OF (2)
-  EXISTING TREE TO BE REMOVED  
TYP OF (2)
-  PROPERTY LINE
-  PROPOSED CONTOUR
-  EXISTING CONTOUR
-  EXISTING ELECTRIC LINE
-  PROPOSED ELECTRIC LINE (RELOCATED)
-  LIMIT OF WORK
-  PROPOSED SPOT ELEVATION
-  EXISTING SPOT ELEVATION
-  PROPOSED MAINTENANCE BUILDINGS  
AREA: 864 SQ FT
-  NEW ASPHALT PAVING  
QTY: 944.93 SQ FT
-  EXISTING ASPHALT PAVING  
(TO REMAIN IN PLACE)
-  GRAVEL ROAD BASE PAVING  
QTY: 165  
PRODUCT: COMPACTED CDOT CLASS 6 ROAD BASE
-  RIVER ROCK COBBLE  
QTY: 462  
TYPE: 3 - 6" RIVER ROCK
-  SNOW STORAGE AREA  
QTY: 1,089 SF
-  PRE-CAST CONCRETE BLOCK RETAINING WALL  
QTY: 57.5 LF  
PRODUCT: TO MATCH EXISTING WALLS
-  SITE SALVAGED BOULDERS  
QTY: 9 LF  
SIZE: 30" X 21" X 24"



Proposed Concrete Block Wall to Match Existing Walls

© 2023 Zehren and Associates, Inc.

**SITE AREA CALCULATIONS:**

TOTAL AREA OF LOT 2 = 2.370 AC (103,237.2 SF)

EXISTING IMPERVIOUS SURFACE COVERAGE  
 BUILDING AREA = 413.5 SF  
 PAVED AREAS + WALLS = 14,467.5 SF  
 TOTAL = 14,881 SF (14% OF TOTAL LOT 2 AREA)

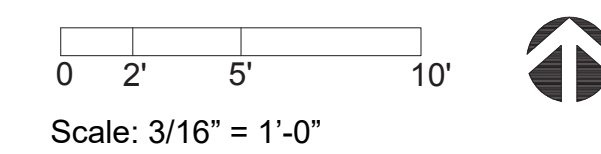
PROPOSED IMPERVIOUS SURFACE COVERAGE BEING ADDED AS A RESULT OF THIS PROJECT:  
 BUILDING AREA = 864 SF  
 PAVED AREAS + WALL = 456.5 SF  
 TOTAL = 1,320.5 SF (1.3% OF TOTAL LOT 2 AREA)

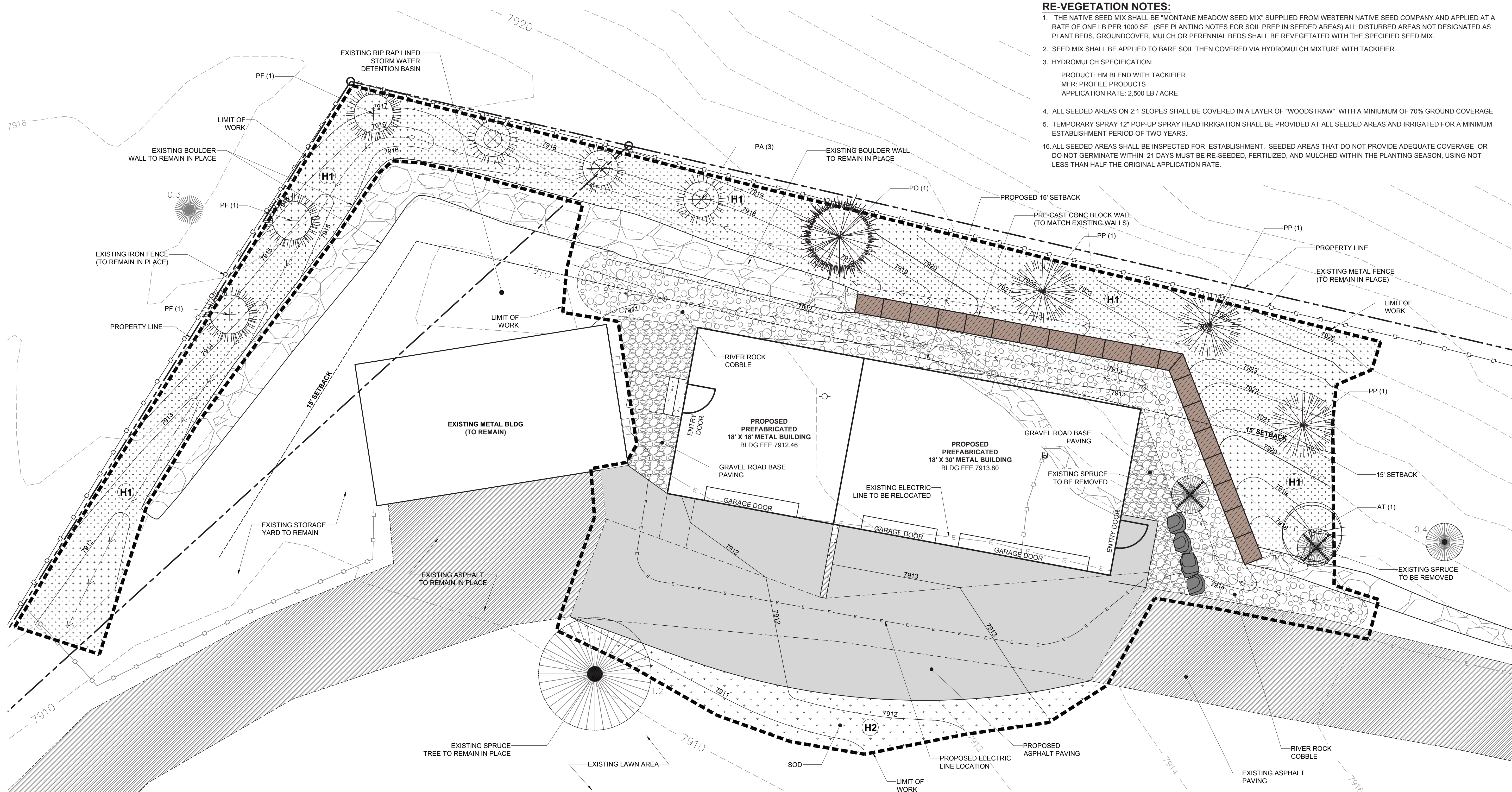
TOTAL PROPOSED IMPERVIOUS SURFACE COVERAGE = 16,201.2 SF (15.7% OF TOTAL LOT 2 AREA)

PROPOSED SNOW STORAGE AREA = 1,089 SF (69% ADJACENT ASPHALT PAVING)

EXISTING CEMETERY PLOTS (LAWN AREA)

LOT 2  
(RN 798232)  
2.370 +/- AC.





RE-VEGETATION NOTES:

1. THE NATIVE SEED MIX SHALL BE "MONTANE MEADOW SEED MIX" SUPPLIED FROM WESTERN NATIVE SEED COMPANY AND APPLIED AT A RATE OF ONE LB PER 1000 SF. (SEE PLANTING NOTES FOR SOIL PREP IN SEEDED AREAS) ALL DISTURBED AREAS NOT DESIGNATED AS PLANT BEDS, GROUND COVER, MULCH OR PERENNIAL BEDS SHALL BE REVEGETATED WITH THE SPECIFIED SEED MIX.
2. SEED MIX SHALL BE APPLIED TO BARE SOIL THEN COVERED VIA HYDROMULCH MIXTURE WITH TACKIFIER.
3. HYDROMULCH SPECIFICATION:  
PRODUCT: HM BLEND WITH TACKIFIER  
MFR: PROFILE PRODUCTS  
APPLICATION RATE: 2,500 LB / ACRE
4. ALL SEEDED AREAS ON 2:1 SLOPES SHALL BE COVERED IN A LAYER OF "WOODSTRAW" WITH A MINIMUM OF 70% GROUND COVERAGE
5. TEMPORARY SPRAY 12" POP-UP SPRAY HEAD IRRIGATION SHALL BE PROVIDED AT ALL SEEDED AREAS AND IRRIGATED FOR A MINIMUM ESTABLISHMENT PERIOD OF TWO YEARS.
6. ALL SEEDED AREAS SHALL BE INSPECTED FOR ESTABLISHMENT. SEEDED AREAS THAT DO NOT PROVIDE ADEQUATE COVERAGE OR DO NOT GERMINATE WITHIN 21 DAYS MUST BE RE-SEEDED, FERTILIZED, AND MULCHED WITHIN THE PLANTING SEASON, USING NOT LESS THAN HALF THE ORIGINAL APPLICATION RATE.

LANDSCAPE LEGEND:

- EXISTING TREE TO REMAIN  
TYP OF (2)
- EXISTING TREE TO BE REMOVED  
TYP OF (2)
- PROPERTY LINE
- PROPOSED CONTOUR  
7920
- EXISTING CONTOUR  
7916
- LIMIT OF WORK
- HOT WINGS TARTARIAN MAPLE (AT)  
*Acer tartaricum 'Hot Wings'*  
QTY: 1  
SIZE: 3" CALIPER
- COLORADO BLUE SPRUCE (PP)  
*Picea pungens 'Glauca'*  
QTY: 3  
SIZE: 12' HT.
- BRISTLECONE PINE (PA)  
*Pinus aristata*  
QTY: 3  
SIZE: 8' HT.
- LIMBER PINE (PF)  
*Pinus flexilis*  
QTY: 3  
SIZE: 10' HT.
- PONDEROSA PINE (PO)  
*Pinus ponderosa*  
QTY: 1  
SIZE: 12' HT.
- NATIVE SEED  
QTY: 1,361 SF  
PRODUCT: MONTANE MEADOW MIX  
SUPPLIER: WESTERN NATIVE SEED
- SOD  
QTY: 237 SF  
TYPE: KENTUCKY BLUEGRASS
- PRE-CAST CONCRETE BLOCK RETAINING WALL  
QTY: 57.5 LF  
PRODUCT: TO MATCH EXISTING WALLS
- SITE SALVAGED BOULDERS  
QTY: 9 LF  
SIZE: 30" X 21" X 24"

PLANTING NOTES AND SPECIFICATIONS:

1. ALL PLANT MATERIALS SHALL BE NURSERY GROWN. PLANTS SHALL BE HEALTHY AND FREE OF DISEASE AND PESTS. ALL PLANT MATERIAL IS TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. LANDSCAPE CONTRACTOR SHALL SUPPLY PHOTOS AND LOCATION OF THE SOURCE OF ALL TREES AND SHRUBS TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO DELIVERY OF MATERIALS TO THE PROJECT SITE(S).
3. ALL CONTAINER PLANTS SHALL HAVE BEEN GROWN IN THE CONTAINERS IN WHICH THEY ARE DELIVERED FOR A MINIMUM OF TWO MONTHS, BUT NOT MORE THAN TWO YEARS FOR SHRUBS AND GRASSES AND ONE YEAR FOR PERENNIALS AND GROUND COVERS.
4. PLANTING BACKFILL IS TO CONSIST OF 66% NATIVE TOPSOIL AND 33% ORGANIC COMPOST TO A DEPTH OF 8". TILL 6" OF TOPSOIL IMPORT AND 2" OF COMPOST FOR ALL AREAS TO BE PLANTED. PROVIDE A 36" DEPTH OF PLANTING BACKFILL AROUND ALL TREES
5. ALL TREES AND SHRUBS SHALL HAVE 3" DEPTH MULCH RINGS INSTALLED TO THE OUTSIDE EDGE OF THE ROOT BALL
6. TREES SHALL HAVE ALL BINDING MATERIAL REMOVED AROUND THE BASE ON THE TRUNK AND BURLAP MATERIALS REMOVED AT LEAST HALFWAY TO THE MIDDLE OF THE ROOT BALL PRIOR TO BACKFILLING AND PLANTING.
15. SOIL PREPARATION OF ALL SOD OR NATIVE SEED AREAS WILL INCLUDE THE FOLLOWING:
  - 15.1. LOOSENING THE SOIL TO A MINIMUM OF 4" DEPTH REMOVING ROCKS OVER 2" IN DIAMETER, ROOTS, STICKS, DEBRIS AND ANY OTHER EXTRANEIOUS MATERIAL.

- 15.2. AMENDING SOIL WITH 2" COMPOST AND 2" TOPSOIL, AND TILLING TO A MINIMUM 6" DEPTH.
- 15.3. GRADED TO A SMOOTH, FREE DRAINING EVEN SURFACE WITH A LOOSE, MODERATELY COARSE TEXTURE. REMOVE RIDGES AND FILL DEPRESSIONS AS REQUIRED TO DRAIN.
- 15.4. FILL ANY VERTICAL STRIATIONS AND GULLIES PRIOR TO APPLYING HYDROSEED
- 15.5. ONE APPLICATION OF A DI-AMMONIUM PHOSPHATE FERTILIZER, 18-46-0, SHALL BE BROADCAST PRIOR TO SEEDING AT A RATE OF 8 LBS. PER 1000 S.F. NATIVE SEED SHALL BE
16. NATIVE SEED SHALL BE BROADCAST BY HAND THEN COVERED VIA HYDROMULCH SLURRY WITH UNIFORM COVERAGE OVER ENTIRE SEEDED AREA. (SEE RE-VEGETATION NOTES)
17. ALL SEEDED AREAS SHALL BE INSPECTED FOR ESTABLISHMENT. SEEDED AREAS THAT DO NOT PROVIDE ADEQUATE COVERAGE OR DO NOT GERMINATE WITHIN 21 DAYS MUST BE RE-SEEDED, FERTILIZED, AND MULCHED WITHIN THE PLANTING SEASON, USING NOT LESS THAN HALF THE ORIGINAL APPLICATION RATE.
18. EVERGREEN TREES GREATER THAN 6' ARE TO BE STAKED WITH (3) 5" STEEL T-STAKES AND GUYED WITH GALVANIZED WIRE. SEE PLANTING DETAILS
19. CONTRACTOR SHALL BE RESPONSIBLE FOR ERADICATION, REMOVAL, DISPOSAL OF WEEDS WITHIN THE LIMITS OF WORK DURING THE CONSTRUCTION PERIOD AND THROUGH THE PROJECT'S FINAL ACCEPTANCE.
20. AT THE TIME OF PLANTING ALL NEWLY PLANTED TREES AND SHRUBS SHALL BE FERTILIZED WITH BIOSOIL MIX, ALL PURPOSE FERTILIZER PER MANUFACTURER'S SPECIFICATIONS. THIS FERTILIZER TO BE MIXED IN WITH PLANTING BACKFILL. PLEASE CONTACT ROCKY MOUNTAIN BIO-PRODUCTS, 10801 E. 54TH AVENUE, DENVER, CO. 80239, PHONE (303) 696-8964.
21. PRIOR TO PLANTING OR SEEDING, THE IRRIGATION SYSTEM SHALL BE FULLY IN PLACE AND OPERATIONAL.
22. ALL DISTURBED AREAS SHALL BE RE-VEGETATED WITH SOD OR MATERIALS THAT MATCH ADJACENT CONDITIONS.
23. ALL EXCESS NATIVE SOIL RESULTING FROM SOIL PREP SHALL BE DISPOSED OF AND REMOVED FROM THE SITE OR STOCKPILED IN LOCATION APPROVED BY OWNER.

IRRIGATION NOTES:

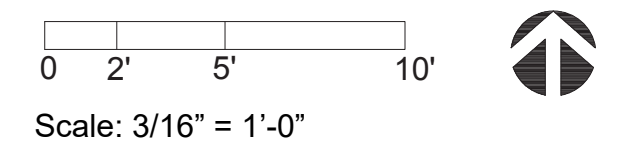
1. IRRIGATION SYSTEM IS TO BE DESIGN BUILD BY CONTRACTOR
2. EXISTING IRRIGATION SYSTEM SHALL BE MODIFIED TO ACCOMMODATE NEW PAVING EXTENTS AND LANDSCAPING.
3. AUTOMATIC DRIP EMITTER IRRIGATION SHALL BE PROVIDED AT ALL NEW TREES, SHRUBS, AND GRASSES. AUTOMATIC MICRO-SPRAY OR SUBSURFACE DRIP IRRIGATION SHALL BE PROVIDED AT ALL PERENNIAL BEDS. AUTOMATIC 6" POP-UP SPRAY HEADS OR ROTORS SHALL BE PROVIDED FOR SOD OR LAWN AREAS. ALL OVERHEAD IRRIGATION HEADS SHALL BE SPACED ON CENTER PER THEIR COVERAGE RADIUS TO PROVIDE EVEN AND EFFICIENT WATERING. ALL SPRAY HEADS SHALL BE INSTALLED WITH A SWING PIPE CONNECTION AT EACH HEAD.
4. FLUSH DIRT AND DEBRIS FROM PIPING BEFORE INSTALLING SPRINKLERS AND OTHER DEVICES.
5. MAINLINE IS TO BE BURIED 12"-18" BELOW FINISHED GRADE. LATERAL PIPES SHALL BE BURIED 8"-12" BELOW FINISHED GRADE IN LANDSCAPED AREAS AND A MINIMUM OF 2" BELOW FINISHED GRADE IN NATIVE/UNDISTURBED AREAS. ALL PIPE TRENCHES SHALL BE FREE OF ROCKS AND DEBRIS PRIOR TO PIPE INSTALLATION. BACKFILL TRENCHES WITH SOIL THAT IS FREE OF ROCKS AND DEBRIS.
6. PROVIDE SCHEDULE 80 4" PVC SLEEVING BELOW ALL HARDSCAPE TO ADJACENT PLANTING AREAS.

EROSION CONTROL & SITE PROTECTION NOTES & SPECIFICATIONS:

1. SILT FENCE, WADDLES, OR HAY BALES ARE TO BE PLACED AT THE LIMIT OF CONSTRUCTION AS NEEDED TO PREVENT EROSION AND SEDIMENTATION. A CONSTRUCTION FENCE WILL BE PLACED AT THE LIMIT OF DISTURBANCE WHERE THE SILT FENCE OR HAY BALES ARE NOT USED.
2. ALL TREES WITHIN THE LIMITS OF DISTURBANCE THAT ARE TO BE PRESERVED SHALL BE PROTECTED AT EVERGREEN TREES WITH SNOW FENCING AT DRIP-LINE, AT DECIDUOUS TREES USE SNOW FENCING AT DRIP-LINE. IF YOU CANNOT PROVIDE SNOW FENCE @ DRIP-LINE DUE TO CONSTRUCTION PROXIMITY, WRAP TRUNK WITH PLASTIC CORRUGATED CULVERT SECTIONS TO A HEIGHT OF 6' OR TO FIRST MAJOR BRANCH. IF IT IS NECESSARY TO DRIVE WITHIN THE DRIP-LINE OF THE TREE, CONTRACTOR SHALL INSTALL 4" OF BARK MULCH OR WOOD CHIPS IN A RING EXTENDING FROM THE TRUNK TO THE TREE'S DRIP LINE.

3. SPECIAL CARE NEEDS TO BE TAKEN FOR TREES WITHIN CONSTRUCTION ACCESS ROUTE AND WORK AREAS. PLASTIC CORRUGATED CULVERT SECTIONS WITH INTERIOR INSULATION OF 1.5" MIN. TO SURROUND TREE TRUNK TO A HEIGHT OF 6' OR TO FIRST MAJOR BRANCH.
4. ERECT AND MAINTAIN TEMPORARY FENCING AROUND TREE PROTECTION ZONES BEFORE STARTING SITE CLEARING. REMOVE FENCE WHEN CONSTRUCTION IS COMPLETE. DO NOT STORE CONSTRUCTION MATERIALS, DEBRIS, OR EXCAVATED MATERIAL WITHIN FENCED AREA. DO NOT PERMIT VEHICLES, EQUIPMENT OR FOOT TRAFFIC WITHIN FENCED AREA. MAINTAIN FENCED AREA FREE OF WEEDS AND TRASH.
5. ALL DISTURBED AREAS NOT DESIGNATED AS SHRUB BEDS, PERENNIAL BEDS, OR LAWN SHALL BE REVEGETATED WITH THE SPECIFIED SEED MIXTURE. SEE PLANTING NOTE #15 FOR MORE INFORMATION.
6. PROVIDE SILT FENCE OR SNOW FENCING AROUND ALL REVEGETATED AREAS FOR A MINIMUM OF ONE YEAR PERIOD OF ESTABLISHMENT (TWO YEARS IDEAL), PARTICULARLY FOR SEEDED SHRUBS.

- HYDRO ZONES
- H1 NATIVE SEED WITH NATIVE OR ADAPTABLE TREES  
TEMPORARY SPRAY IRRIGATION FOR NATIVE SEED  
PERMANENT DRIP IRRIGATION TO TREES  
LOW TO MEDIUM WATER REQUIREMENTS
  - H2 LAWN AREAS  
SPRAY OR ROTOR IRRIGATION  
HIGH WATER REQUIREMENT

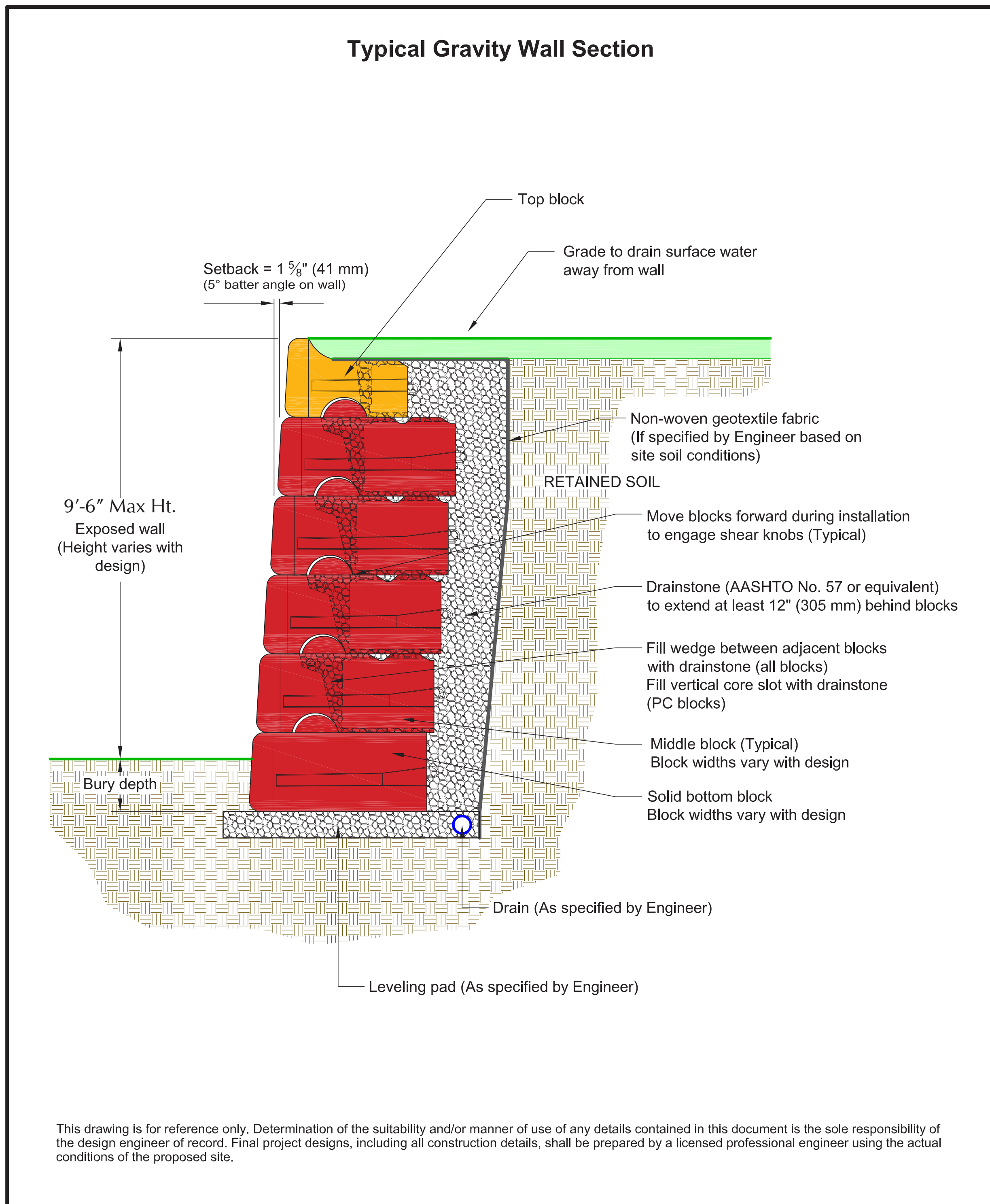


LANDSCAPE MAINTENANCE NOTES:

1. REMOVED WEEDS IN NATIVE SEED AREAS.
2. APPLY WEED CONTROL PESTICIDES TO GRAVEL AND RIVER ROCK COBBLE AREAS AS NEEDED THROUGHOUT THE GROWING SEASON.
3. ADD BARK MULCH TO TREE RINGS AS NEEDED ON A SEASONAL BASIS
4. PRUNE DEAD BRANCHES FROM TREES AS NEEDED
5. CLEAN ALL FILTERS AND INSPECT IRRIGATION SYSTEM FOR PROPER FUNCTION
6. APPLY FERTILIZER TO SPRUCE TREES IN SPRING
7. MONITOR TREES FOR INFESTATIONS AND RECOMMEND ARBOR SERVICES AS REQUIRED.
7. TREAT ALL TREES FOR PEST INFESTATIONS AS REQUIRED
8. REMOVE LEAVES AND DEBRIS FROM PLANTING AREAS AND FENCE AS REQUIRED.

© 2023 Zehren and Associates, Inc.





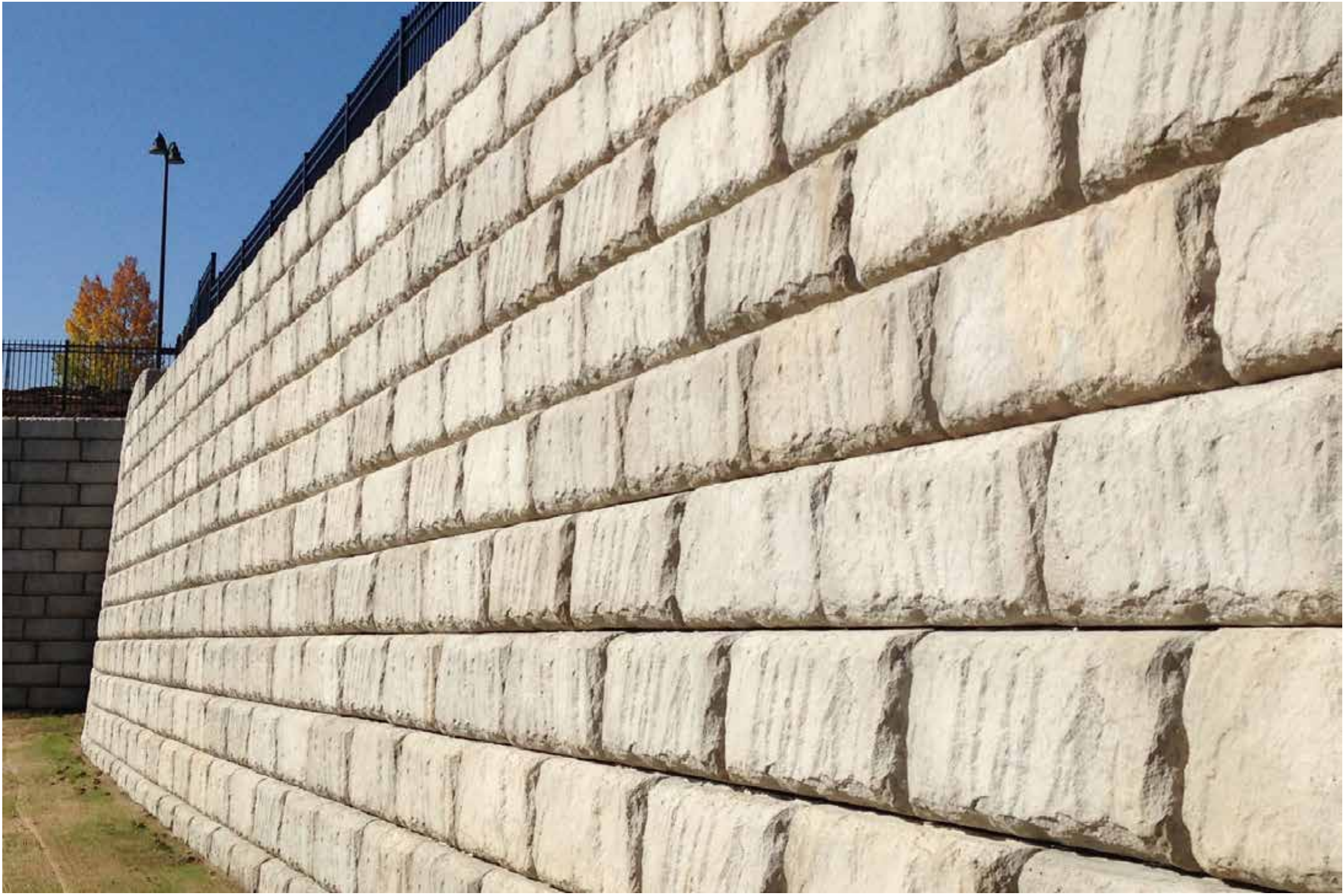
|              |           |
|--------------|-----------|
| DRAWN BY:    | JRJ       |
| APPROVED BY: | JRJ       |
| DATE:        | 17MAR2016 |
| SHEET:       | 1 of 1    |

|        |                                    |                                          |
|--------|------------------------------------|------------------------------------------|
| TITLE: | <b>Typical Gravity Wall Detail</b> |                                          |
| FILE:  |                                    | 1 Typical Gravity Wall Detail 031716.dwg |

**REDI-ROCK**  
 05481 US 31 SOUTH, CHARLEVOIX, MI 49720  
 (866) 222-8400 ext 3010 • engineering@redi-rock.com  
[www.redi-rock.com](http://www.redi-rock.com)

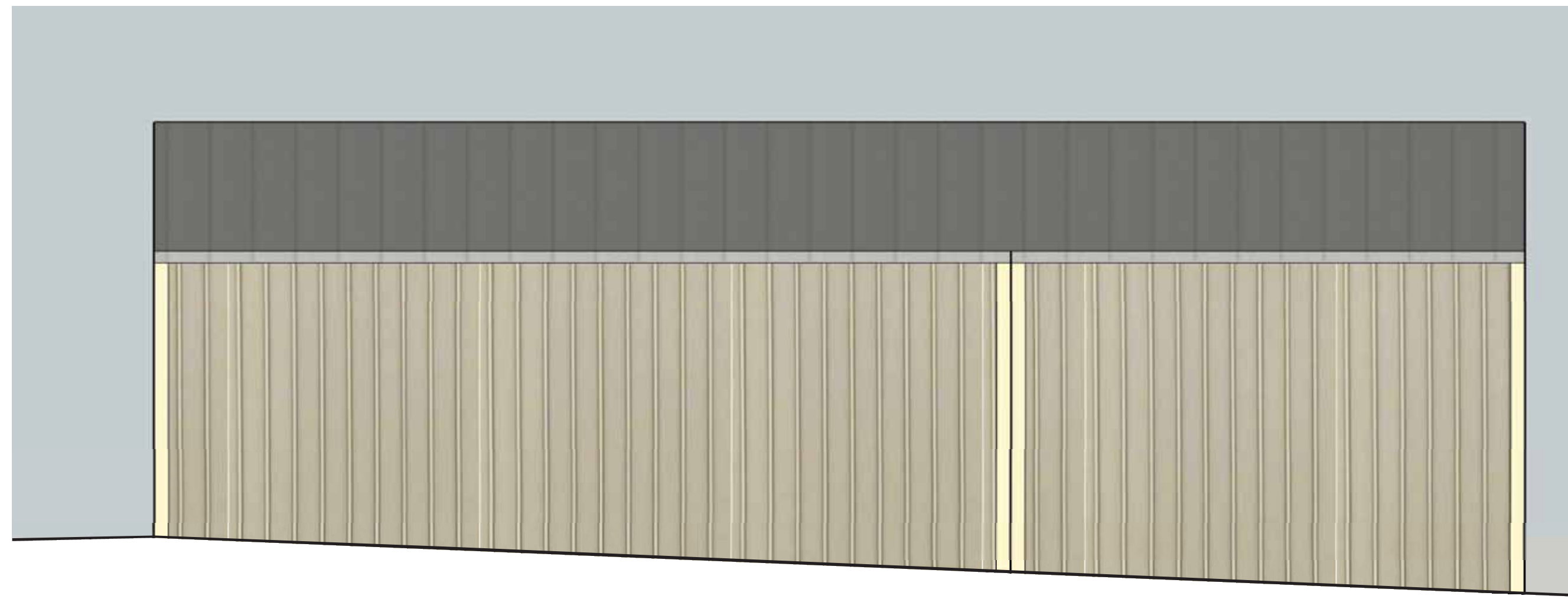


Existing Concrete Block Wall

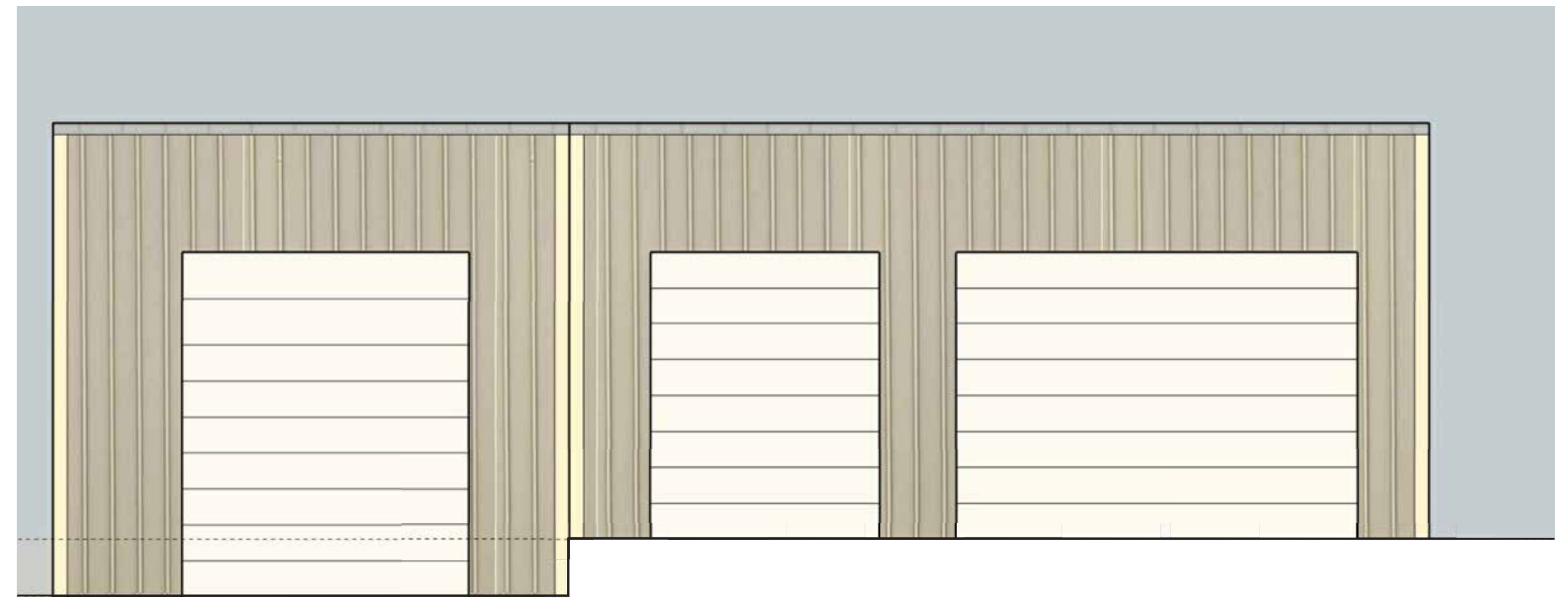


Proposed Concrete Block Wall  
Redi-Rock Limestone

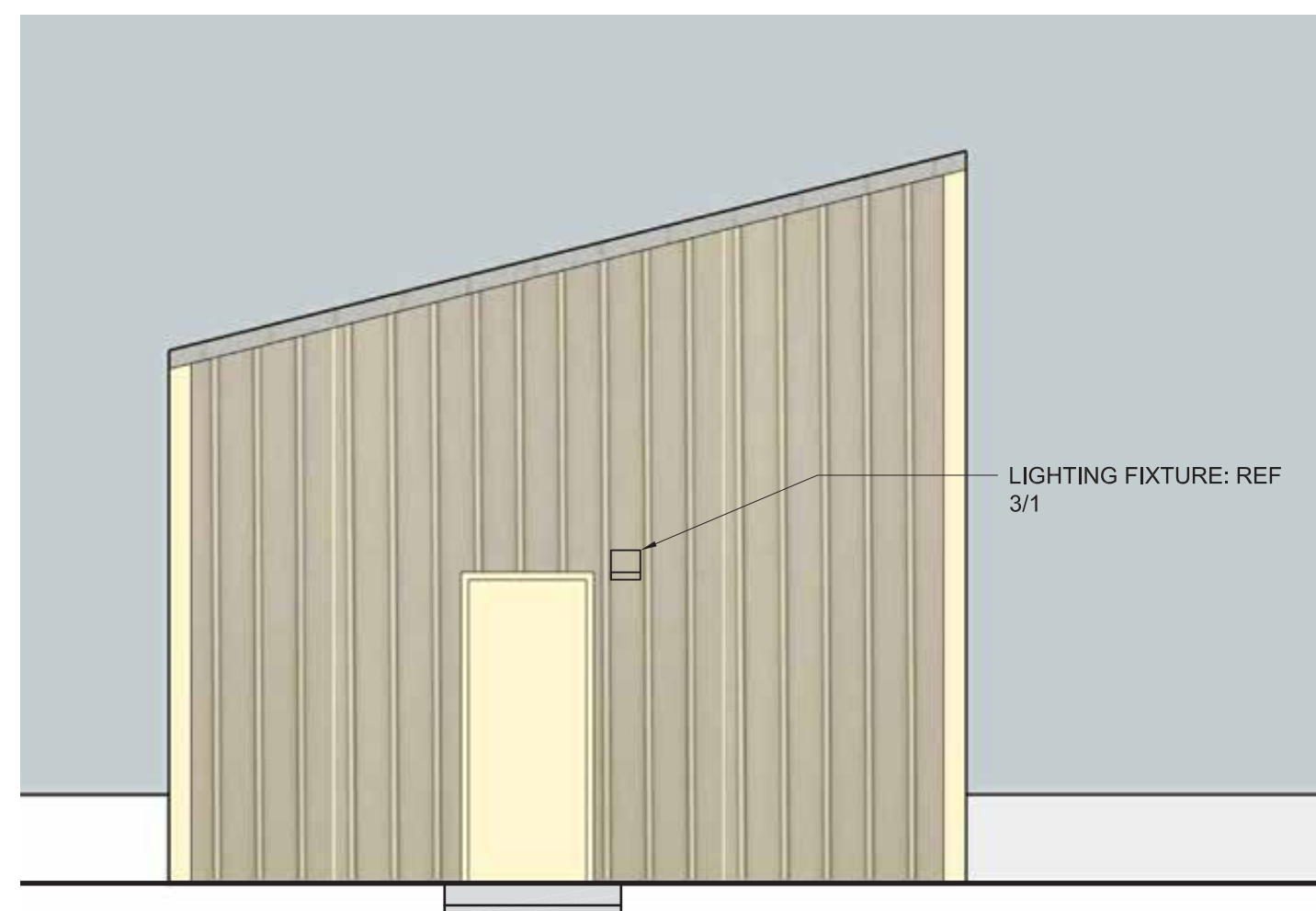




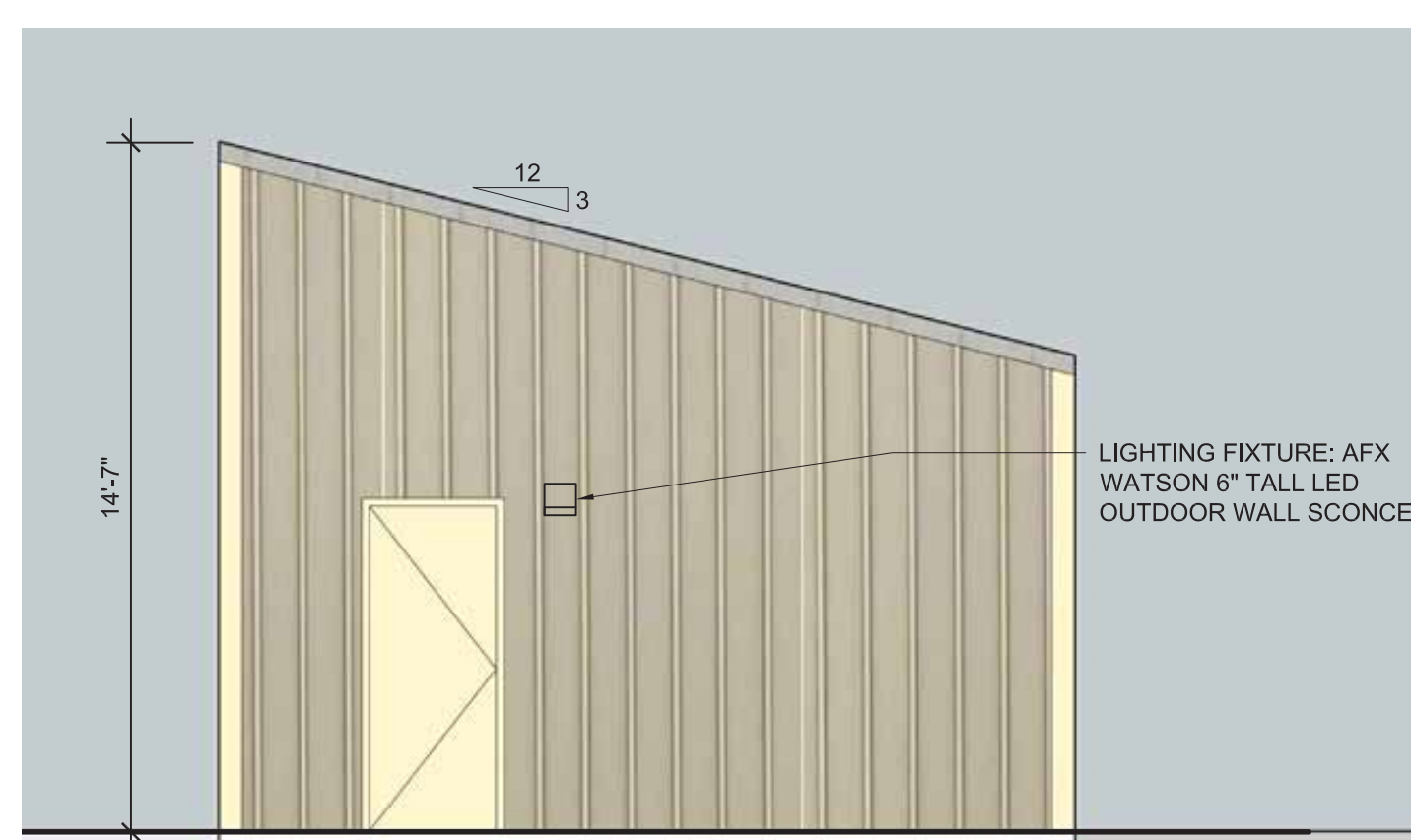
5 EAST ELEVATION  
1 1/4" = 1'-0"



2 WEST ELEVATION  
1 1/4" = 1'-0"



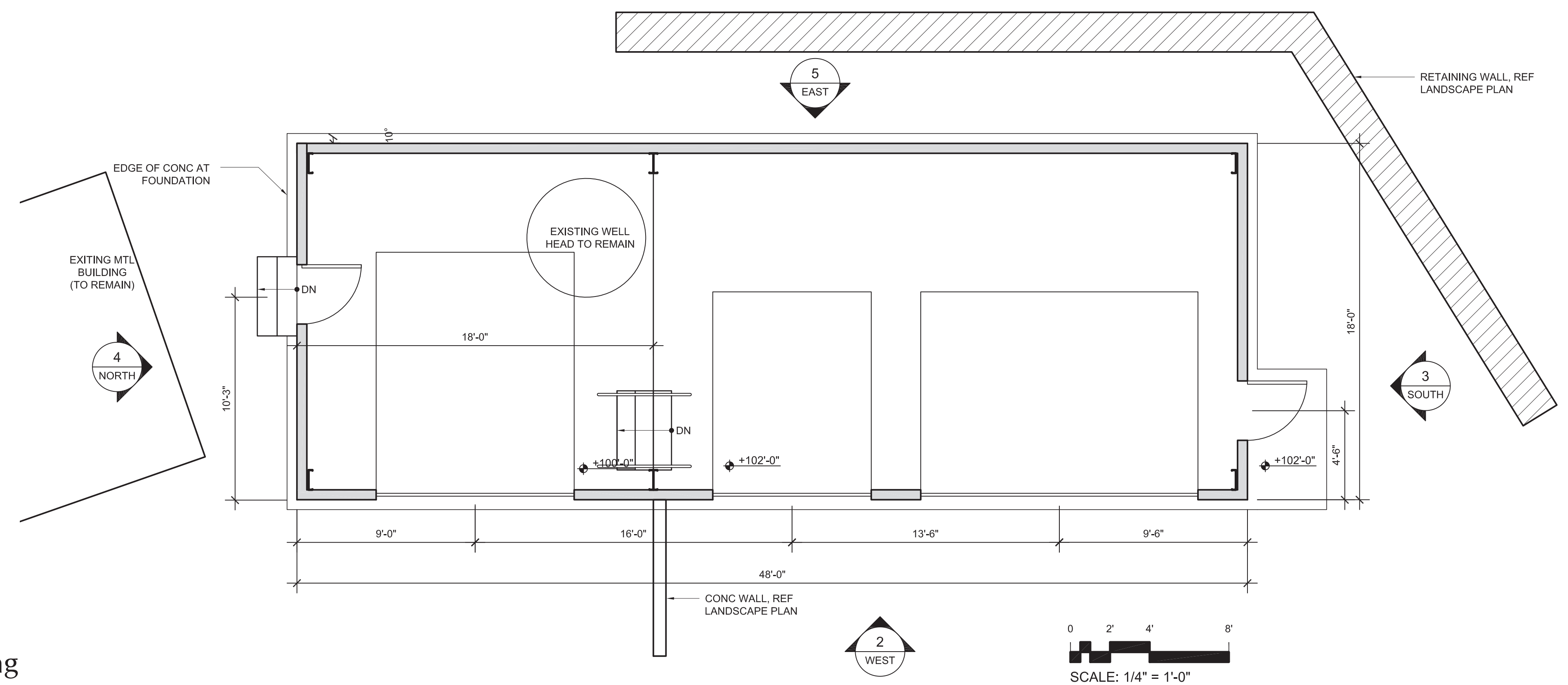
4 NORTH ELEVATION  
1 1/4" = 1'-0"



3 SOUTH ELEVATION  
1 1/4" = 1'-0"



Exterior Lighting



1 FLOOR PLAN  
1 1/4" = 1'-0"







3D Rendering



### MATERIALS / COLORS



Existing Maintenance Building

- Siding: Corrugated Metal Siding to Match Existing
- Trim: Metal Trim to Match Existing
- Roof: Corrugated Metal to Match Existing

#### Building Specifications

**Building Type**

18' - 0" wide x 18' - 0" long x 12' - 0" high building with roof pitch of Single Slope 3:12

**Building Options**

- (1) Roll up door supplied
- (1) Personnel door supplied

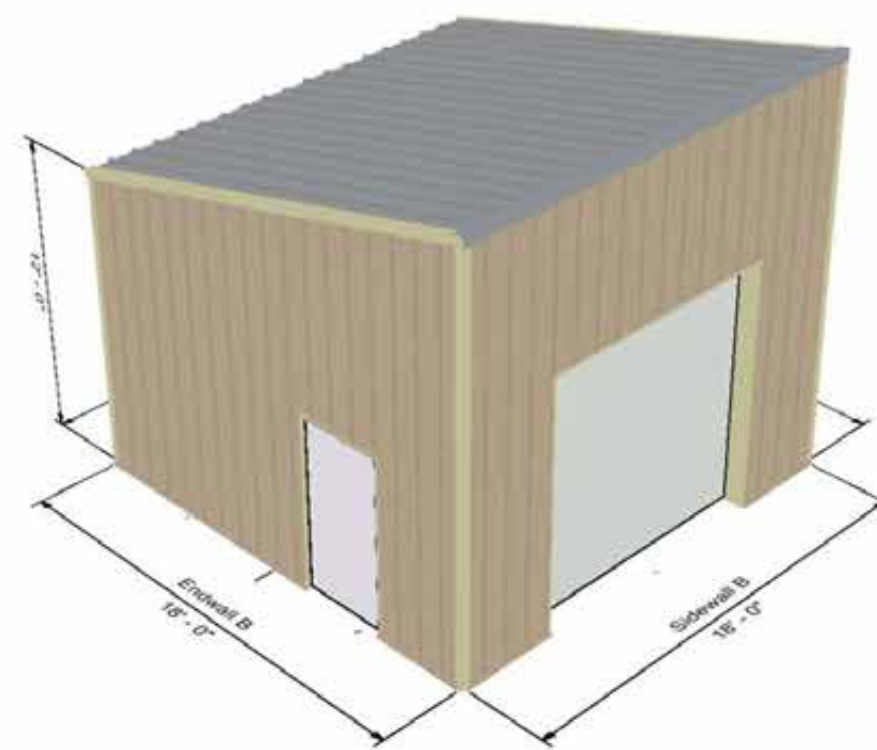
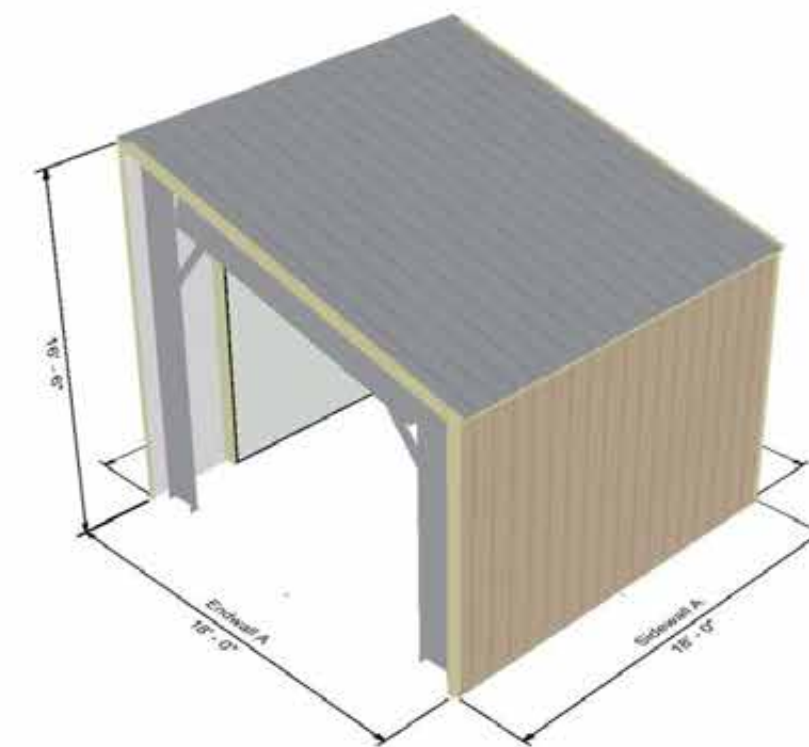
**Frame finish:** Galvanized Steel

**Roof finish:** 26G bare

**Wall finish:** 26G painted

**Stamped Engineering Plans:**

- 143 psf ground snow load, 100 psf min. roof snow load
- 115 mph wind speed, exposure 'C'
- 2015 IBC



#### Building & Site Requirements\*\*\*

- Ground Snow Load:** 143 psf
- Design Roof Snow Load:** 120 psf
- Wind Load/Exposure:** 115 mph C
- Building Code:** 2015 IBC
- Building Occupancy Category:** II
- Building Heating:** Unheated
- Extra Roof Dead Load:** 3 psf

#### Building Specifications

**Building Type**

18' - 0" wide x 30' - 0" long x 10' - 0" high building with roof pitch of Single Slope 3:12

**Building Options**

- (2) Roll up doors supplied

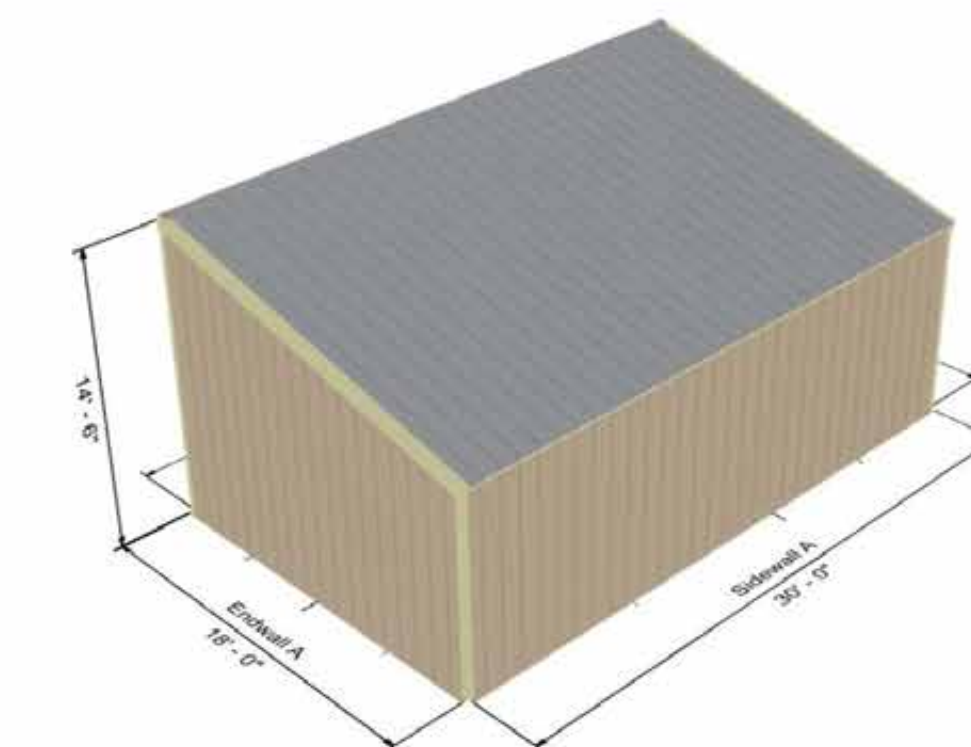
**Frame finish:** Galvanized Steel

**Roof finish:** 26G bare

**Wall finish:** 26G painted

**Stamped Engineering Plans:**

- 143 psf ground snow load, 100 psf min. roof snow load
- 115 mph wind speed, exposure 'C'
- 2015 IBC



#### Building & Site Requirements\*\*\*

- Ground Snow Load:** 143 psf
- Design Roof Snow Load:** 120 psf
- Wind Load/Exposure:** 115 mph C
- Building Code:** 2015 IBC
- Building Occupancy Category:** II
- Building Heating:** Unheated
- Extra Roof Dead Load:** 3 psf

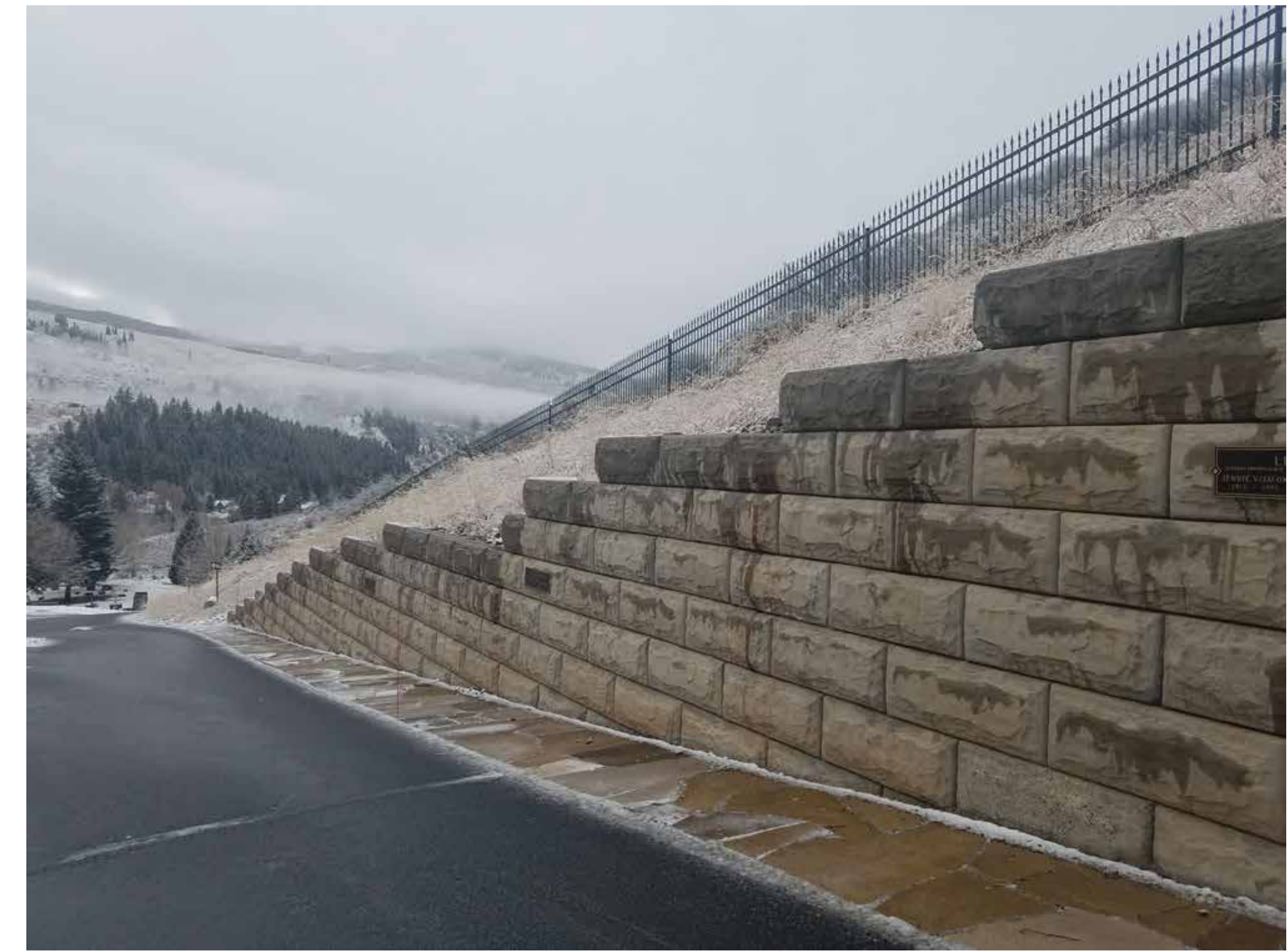




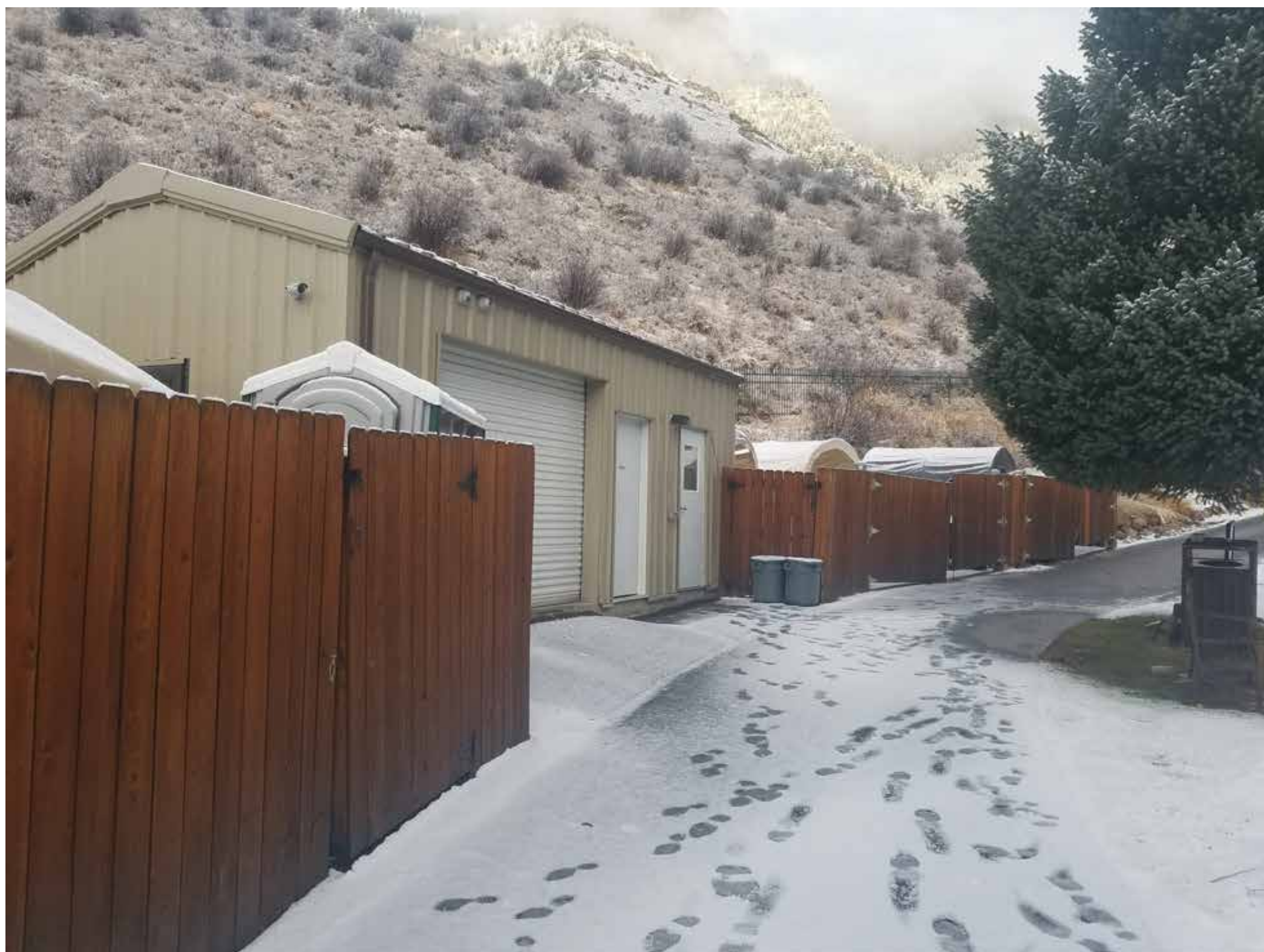
View from hillside above



Access driveway looking northwest



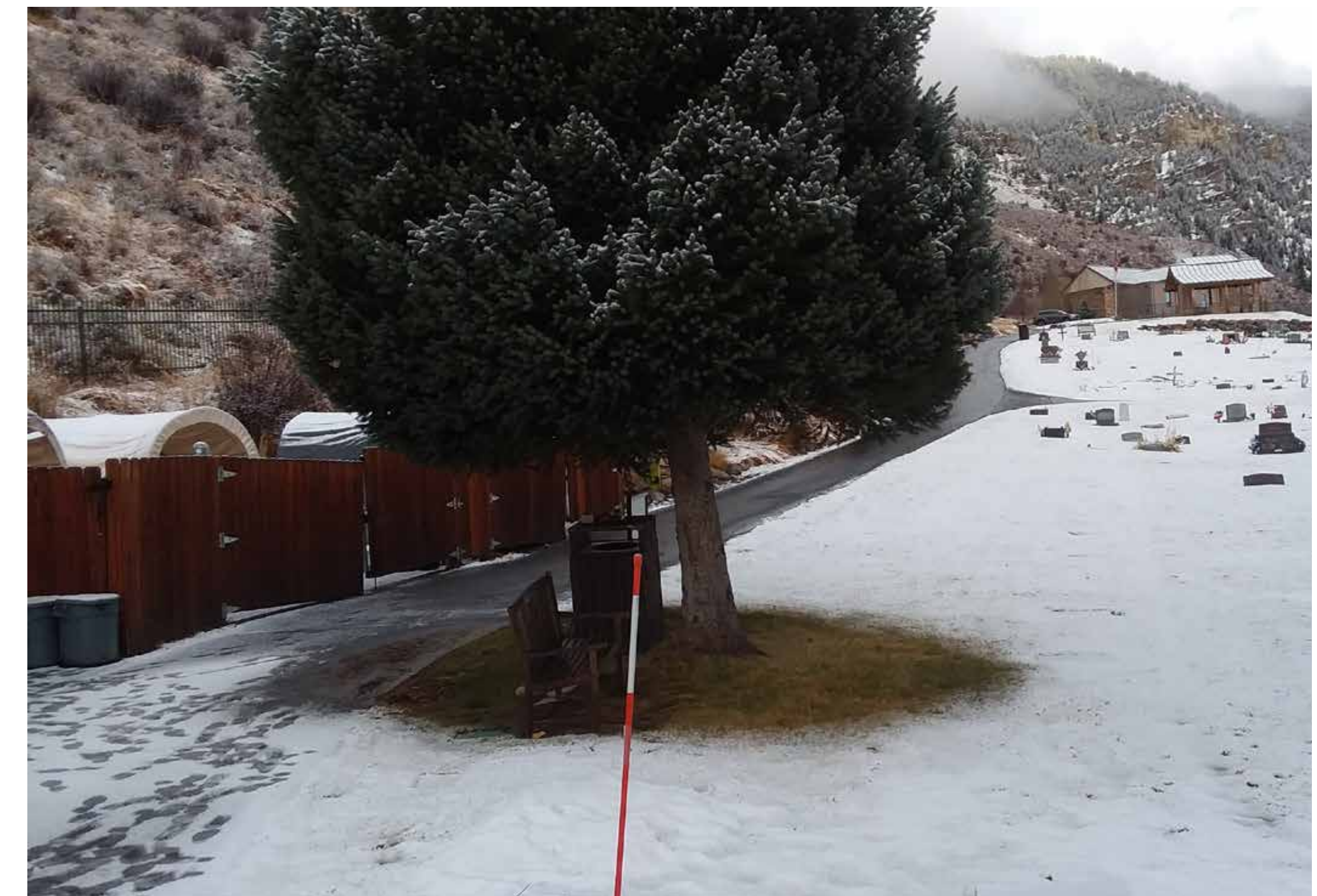
Existing concrete block wall



Existing maintenance building



Existing temporary storage



Existing spruce tree adjacent to site





October 30, 2023

Mr. Jesse Gregg  
Zehren and Associates  
Via email: [jesseg@zehren.com](mailto:jesseg@zehren.com)

**RE: Minturn Cemetery  
Drainage Calculations for Proposed Maintenance Shed Improvements**

Dear Mr. Gregg

Attached I have prepared drainage calculations that pertain to the proposed Maintenance Shed plans dated- DRB September 26, 2023, submitted to the Town of Minturn.

The existing shed and existing adjacent parking area have an impervious area almost the same footprint as the proposed building and the additional asphalt placed on the access drive. The increase in total impervious area for the proposed construction is only 446 square feet.

The proposed swale above the retaining walls will intercept off-site drainage and route it around the existing and proposed buildings. A new drainage swale below the retaining walls will route developed flow to the existing "detention pond" behind the existing shed. This separates the offsite historic runoff from the proposed runoff (see attached plan).

The storm water runoff calculations were performed using Urban Hydrology for Small Watersheds (TR-55) and criteria from Town Code. Soils Maps, Precipitation tables and spreadsheet calculations are attached.

The existing stormwater detention pond (approximately 280 cubic feet) can adequately contain the existing and proposed impervious area associated with the 100-year storm event (90 cubic feet).

Sincerely,



Matt Wadey, PE  
President

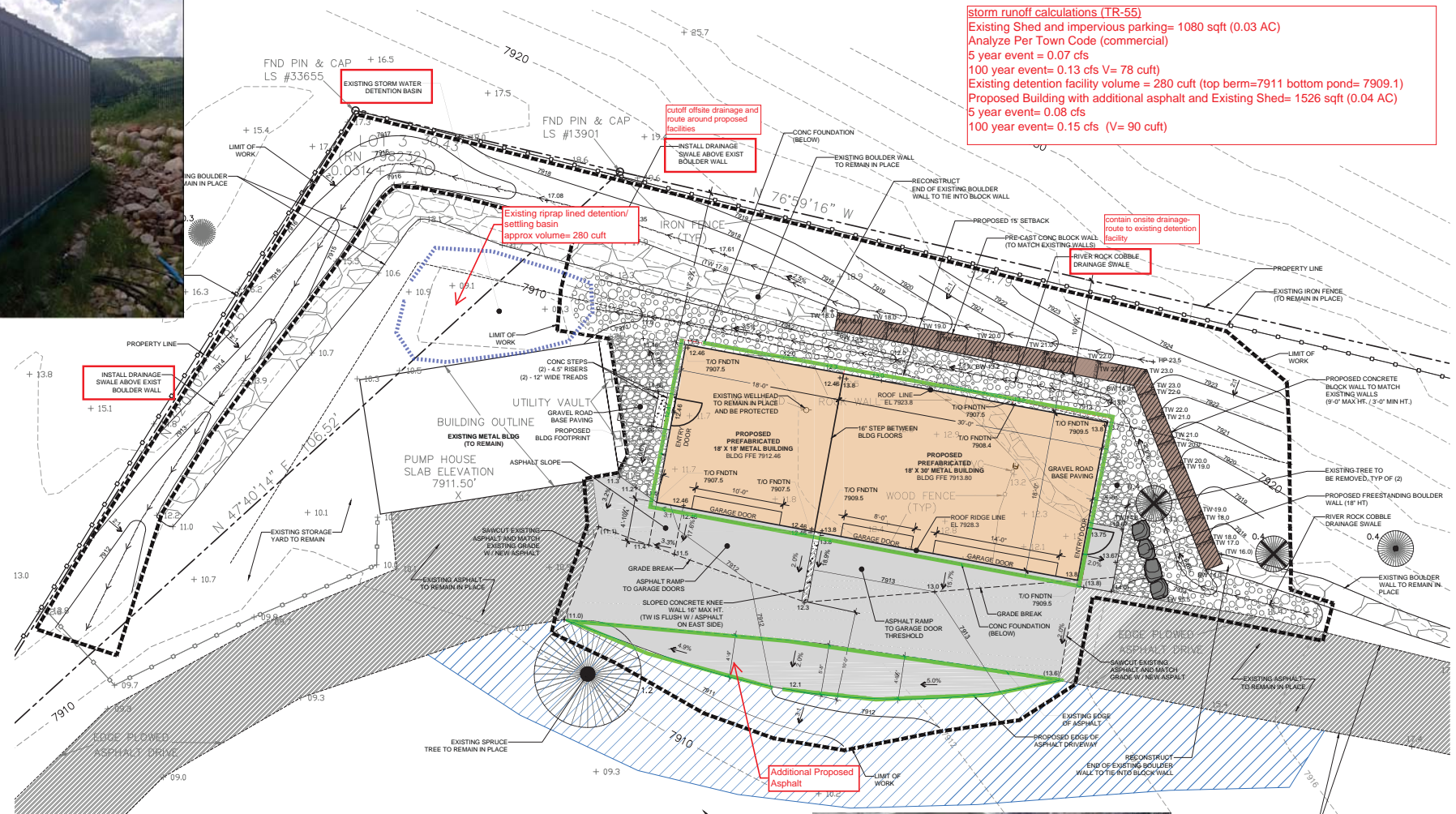


cc: Pedro Campos, Zehren and Associates.

Section 10, Item B.

**storm runoff calculations (TR-55)**  
 Existing Shed and impervious parking = 1080 sqft (0.03 AC)  
 Analyze Per Town Code (commercial)  
 5 year event = 0.07 cfs  
 100 year event = 0.13 cfs V= 78 cuft)  
 Existing detention facility volume = 280 cuft (top berm=7911 bottom pond= 7909.1)  
 Proposed Building with additional asphalt and Existing Shed = 1526 sqft (0.04 AC)  
 5 year event= 0.08 cfs  
 100 year event= 0.15 cfs (V= 90 cuft)

- SYMBOL LEGEND:**
- EXISTING TREE TO REMAIN TYP OF (2)
  - EXISTING TREE TO BE REMOVED TYP OF (2)
  - PROPERTY LINE
  - PROPOSED CONTOUR
  - EXISTING CONTOUR
  - LIMIT OF WORK
  - PROPOSED SPOT ELEVATION
  - EXISTING SPOT ELEVATION
  - PROPOSED MAINTENANCE BUILDINGS AREA: 964 SQ FT
  - NEW ASPHALT PAVING QTY: 923.36 SQ FT
  - EXISTING ASPHALT PAVING (TO REMAIN IN PLACE)
  - GRAVEL ROAD BASE PAVING QTY: 180 PRODUCT: CDOT CLASS 6 ROAD BASE
  - RIVER ROCK COBBLE QTY: 462 TYPE: 3" 6" RIVER ROCK
  - SNOW STORAGE AREA QTY: 1.089 SF
  - PRE-CAST CONCRETE BLOCK RETAINING WALL QTY: 57.5 LF PRODUCT: TO MATCH EXISTING WALLS
  - SITE SALVAGED BOULDERS QTY: 9 LF SIZE: 30" X 21" X 24"



**SITE AREA CALCULATIONS:**

TOTAL AREA OF LOT 2 = 2.370 AC (103,237.2 SF)

**EXISTING IMPERVIOUS SURFACE COVERAGE**

BUILDING AREA = 413.5 SF

PAVED AREAS + WALLS = 14,467.5

TOTAL = 14,881 SF (14% OF TOTAL LOT 2 AREA)

**PROPOSED IMPERVIOUS SURFACE COVERAGE BEING ADDED AS A RESULT OF THIS PROJECT:**

BUILDING AREA = 964 SF

PAVED AREAS + WALLS = 566.5 SF

TOTAL = 1,530.5 SF (1.3% OF TOTAL LOT 2 AREA)

TOTAL PROPOSED IMPERVIOUS SURFACE COVERAGE = 16,201.2 SF (15.7% OF TOTAL LOT 2 AREA)

PROPOSED SNOW STORAGE AREA = 1.089 SF (6% ADJACENT ASPHALT PAVING)



Existing Parking Area (to be removed)

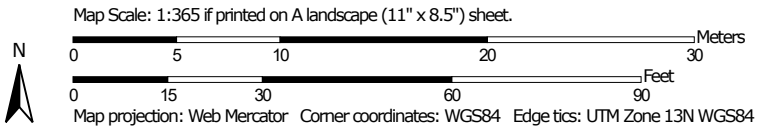


Hydrologic Soil Group—Aspen-Gypsum Area, Colorado, Parts of Eagle, Garfield, and Pitkin Counties

































Section 10, Item B.



Soil Map may not be valid at this scale.



### MAP LEGEND

- Area of Interest (AOI)**
  -  Area of Interest (AOI)
- Soils**
  - Soil Rating Polygons**
    -  A
    -  A/D
    -  B
    -  B/D
    -  C
    -  C/D
    -  D
    -  Not rated or not available
  - Soil Rating Lines**
    -  A
    -  A/D
    -  B
    -  B/D
    -  C
    -  C/D
    -  D
    -  Not rated or not available
  - Soil Rating Points**
    -  A
    -  A/D
    -  B
    -  B/D
- Water Features**
  -  Streams and Canals
- Transportation**
  -  Rails
  -  Interstate Highways
  -  US Routes
  -  Major Roads
  -  Local Roads
- Background**
  -  Aerial Photography
- Other**
  -  C
  -  C/D
  -  D
  -  Not rated or not available

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.  
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Aspen-Gypsum Area, Colorado, Parts of Eagle, Garfield, and Pitkin Counties  
 Survey Area Data: Version 14, Aug 23, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 5, 2021—Sep 7, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Hydrologic Soil Group

| Map unit symbol                    | Map unit name                                                   | Rating | Acres in AOI | Percent of AOI |
|------------------------------------|-----------------------------------------------------------------|--------|--------------|----------------|
| 46                                 | Forsey cobbly loam, 12 to 25 percent slopes                     | C      | 0.0          | 2.2%           |
| 104                                | Torriorthents-Camborthids-Rock outcrop complex, 6 to 65 percent | C      | 0.3          | 97.8%          |
| <b>Totals for Area of Interest</b> |                                                                 |        | <b>0.3</b>   | <b>100.0%</b>  |

### Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Section 10, Item B.



**NOAA Atlas 14, Volume 8, Version 2**  
**Location name: Minturn, Colorado, USA\***  
**Latitude: 39.5858°, Longitude: -106.4305°**  
**Elevation: 7857 ft\*\***  
 \* source: ESRI Maps  
 \*\* source: USGS



**POINT PRECIPITATION FREQUENCY ESTIMATES**

Sanja Perica, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Michael Yekta, Geoffery Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & aerials](#)

**PF tabular**

| <b>PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)<sup>1</sup></b> |                                     |                               |                               |                               |                               |                               |                               |                               |                              |                              |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|------------------------------|------------------------------|
| Duration                                                                                                       | Average recurrence interval (years) |                               |                               |                               |                               |                               |                               |                               |                              |                              |
|                                                                                                                | 1                                   | 2                             | 5                             | 10                            | 25                            | 50                            | 100                           | 200                           | 500                          | 1000                         |
| <b>5-min</b>                                                                                                   | <b>0.117</b><br>(0.090-0.151)       | <b>0.182</b><br>(0.141-0.236) | <b>0.283</b><br>(0.218-0.368) | <b>0.360</b><br>(0.276-0.472) | <b>0.459</b><br>(0.334-0.615) | <b>0.528</b><br>(0.377-0.724) | <b>0.591</b><br>(0.409-0.837) | <b>0.649</b><br>(0.432-0.953) | <b>0.716</b><br>(0.460-1.09) | <b>0.760</b><br>(0.481-1.20) |
| <b>10-min</b>                                                                                                  | <b>0.171</b><br>(0.132-0.222)       | <b>0.267</b><br>(0.206-0.346) | <b>0.414</b><br>(0.319-0.539) | <b>0.528</b><br>(0.404-0.691) | <b>0.672</b><br>(0.489-0.901) | <b>0.773</b><br>(0.553-1.06)  | <b>0.865</b><br>(0.600-1.23)  | <b>0.950</b><br>(0.633-1.40)  | <b>1.05</b><br>(0.673-1.60)  | <b>1.11</b><br>(0.704-1.75)  |
| <b>15-min</b>                                                                                                  | <b>0.209</b><br>(0.161-0.270)       | <b>0.325</b><br>(0.251-0.422) | <b>0.505</b><br>(0.389-0.657) | <b>0.643</b><br>(0.493-0.842) | <b>0.819</b><br>(0.596-1.10)  | <b>0.942</b><br>(0.674-1.29)  | <b>1.06</b><br>(0.731-1.50)   | <b>1.16</b><br>(0.772-1.70)   | <b>1.28</b><br>(0.821-1.95)  | <b>1.36</b><br>(0.859-2.14)  |
| <b>30-min</b>                                                                                                  | <b>0.323</b><br>(0.250-0.419)       | <b>0.424</b><br>(0.327-0.550) | <b>0.596</b><br>(0.458-0.775) | <b>0.744</b><br>(0.570-0.975) | <b>0.958</b><br>(0.712-1.32)  | <b>1.13</b><br>(0.820-1.58)   | <b>1.31</b><br>(0.919-1.89)   | <b>1.50</b><br>(1.01-2.24)    | <b>1.75</b><br>(1.14-2.72)   | <b>1.96</b><br>(1.24-3.08)   |
| <b>60-min</b>                                                                                                  | <b>0.436</b><br>(0.337-0.565)       | <b>0.522</b><br>(0.403-0.677) | <b>0.679</b><br>(0.523-0.884) | <b>0.827</b><br>(0.633-1.08)  | <b>1.05</b><br>(0.792-1.47)   | <b>1.25</b><br>(0.913-1.77)   | <b>1.46</b><br>(1.03-2.13)    | <b>1.69</b><br>(1.15-2.55)    | <b>2.02</b><br>(1.32-3.16)   | <b>2.30</b><br>(1.45-3.62)   |
| <b>2-hr</b>                                                                                                    | <b>0.549</b><br>(0.428-0.705)       | <b>0.619</b><br>(0.482-0.796) | <b>0.763</b><br>(0.592-0.984) | <b>0.909</b><br>(0.702-1.18)  | <b>1.15</b><br>(0.880-1.61)   | <b>1.37</b><br>(1.01-1.93)    | <b>1.61</b><br>(1.16-2.34)    | <b>1.89</b><br>(1.30-2.84)    | <b>2.30</b><br>(1.52-3.56)   | <b>2.64</b><br>(1.69-4.11)   |
| <b>3-hr</b>                                                                                                    | <b>0.630</b><br>(0.494-0.805)       | <b>0.689</b><br>(0.540-0.882) | <b>0.818</b><br>(0.638-1.05)  | <b>0.954</b><br>(0.740-1.23)  | <b>1.19</b><br>(0.915-1.65)   | <b>1.40</b><br>(1.05-1.97)    | <b>1.64</b><br>(1.19-2.38)    | <b>1.92</b><br>(1.33-2.88)    | <b>2.34</b><br>(1.56-3.61)   | <b>2.69</b><br>(1.73-4.17)   |
| <b>6-hr</b>                                                                                                    | <b>0.773</b><br>(0.611-0.979)       | <b>0.851</b><br>(0.672-1.08)  | <b>1.01</b><br>(0.792-1.28)   | <b>1.16</b><br>(0.908-1.48)   | <b>1.41</b><br>(1.09-1.93)    | <b>1.64</b><br>(1.23-2.26)    | <b>1.88</b><br>(1.37-2.69)    | <b>2.16</b><br>(1.51-3.19)    | <b>2.58</b><br>(1.73-3.92)   | <b>2.92</b><br>(1.90-4.47)   |
| <b>12-hr</b>                                                                                                   | <b>0.938</b><br>(0.748-1.18)        | <b>1.08</b><br>(0.859-1.36)   | <b>1.33</b><br>(1.05-1.68)    | <b>1.55</b><br>(1.23-1.97)    | <b>1.89</b><br>(1.46-2.53)    | <b>2.18</b><br>(1.64-2.95)    | <b>2.48</b><br>(1.81-3.47)    | <b>2.80</b><br>(1.97-4.06)    | <b>3.26</b><br>(2.21-4.88)   | <b>3.64</b><br>(2.39-5.51)   |
| <b>24-hr</b>                                                                                                   | <b>1.17</b><br>(0.938-1.45)         | <b>1.35</b><br>(1.09-1.68)    | <b>1.68</b><br>(1.34-2.10)    | <b>1.96</b><br>(1.56-2.47)    | <b>2.39</b><br>(1.86-3.16)    | <b>2.74</b><br>(2.08-3.68)    | <b>3.11</b><br>(2.29-4.30)    | <b>3.50</b><br>(2.48-5.01)    | <b>4.06</b><br>(2.77-5.99)   | <b>4.50</b><br>(2.99-6.74)   |
| <b>2-day</b>                                                                                                   | <b>1.48</b><br>(1.20-1.83)          | <b>1.67</b><br>(1.35-2.06)    | <b>2.01</b><br>(1.62-2.49)    | <b>2.32</b><br>(1.87-2.89)    | <b>2.80</b><br>(2.20-3.67)    | <b>3.19</b><br>(2.45-4.25)    | <b>3.62</b><br>(2.70-4.97)    | <b>4.09</b><br>(2.93-5.79)    | <b>4.75</b><br>(3.28-6.95)   | <b>5.28</b><br>(3.55-7.83)   |
| <b>3-day</b>                                                                                                   | <b>1.68</b><br>(1.37-2.06)          | <b>1.91</b><br>(1.56-2.34)    | <b>2.31</b><br>(1.88-2.84)    | <b>2.67</b><br>(2.16-3.31)    | <b>3.21</b><br>(2.54-4.17)    | <b>3.65</b><br>(2.82-4.83)    | <b>4.13</b><br>(3.09-5.62)    | <b>4.64</b><br>(3.34-6.53)    | <b>5.37</b><br>(3.73-7.80)   | <b>5.95</b><br>(4.02-8.76)   |
| <b>4-day</b>                                                                                                   | <b>1.86</b><br>(1.52-2.27)          | <b>2.11</b><br>(1.73-2.58)    | <b>2.56</b><br>(2.09-3.14)    | <b>2.96</b><br>(2.40-3.65)    | <b>3.54</b><br>(2.81-4.58)    | <b>4.03</b><br>(3.12-5.29)    | <b>4.54</b><br>(3.41-6.14)    | <b>5.09</b><br>(3.68-7.11)    | <b>5.85</b><br>(4.08-8.45)   | <b>6.46</b><br>(4.39-9.47)   |
| <b>7-day</b>                                                                                                   | <b>2.33</b><br>(1.92-2.83)          | <b>2.61</b><br>(2.15-3.17)    | <b>3.11</b><br>(2.55-3.79)    | <b>3.55</b><br>(2.90-4.35)    | <b>4.21</b><br>(3.36-5.39)    | <b>4.75</b><br>(3.70-6.18)    | <b>5.32</b><br>(4.02-7.13)    | <b>5.93</b><br>(4.32-8.21)    | <b>6.78</b><br>(4.77-9.70)   | <b>7.47</b><br>(5.11-10.8)   |
| <b>10-day</b>                                                                                                  | <b>2.73</b><br>(2.26-3.30)          | <b>3.04</b><br>(2.51-3.67)    | <b>3.57</b><br>(2.94-4.32)    | <b>4.04</b><br>(3.32-4.93)    | <b>4.75</b><br>(3.81-6.06)    | <b>5.34</b><br>(4.19-6.91)    | <b>5.96</b><br>(4.53-7.95)    | <b>6.63</b><br>(4.86-9.13)    | <b>7.57</b><br>(5.36-10.8)   | <b>8.32</b><br>(5.73-12.0)   |
| <b>20-day</b>                                                                                                  | <b>3.82</b><br>(3.19-4.57)          | <b>4.22</b><br>(3.52-5.05)    | <b>4.92</b><br>(4.09-5.90)    | <b>5.54</b><br>(4.59-6.68)    | <b>6.45</b><br>(5.23-8.13)    | <b>7.21</b><br>(5.71-9.23)    | <b>8.01</b><br>(6.15-10.6)    | <b>8.86</b><br>(6.56-12.1)    | <b>10.1</b><br>(7.19-14.1)   | <b>11.0</b><br>(7.67-15.7)   |
| <b>30-day</b>                                                                                                  | <b>4.74</b><br>(3.99-5.64)          | <b>5.26</b><br>(4.41-6.26)    | <b>6.13</b><br>(5.13-7.32)    | <b>6.89</b><br>(5.74-8.27)    | <b>7.99</b><br>(6.50-9.98)    | <b>8.88</b><br>(7.07-11.3)    | <b>9.81</b><br>(7.57-12.8)    | <b>10.8</b><br>(8.03-14.6)    | <b>12.2</b><br>(8.73-16.9)   | <b>13.2</b><br>(9.26-18.7)   |
| <b>45-day</b>                                                                                                  | <b>5.97</b><br>(5.04-7.06)          | <b>6.64</b><br>(5.61-7.86)    | <b>7.76</b><br>(6.53-9.22)    | <b>8.71</b><br>(7.29-10.4)    | <b>10.0</b><br>(8.18-12.4)    | <b>11.1</b><br>(8.85-13.9)    | <b>12.2</b><br>(9.42-15.7)    | <b>13.3</b><br>(9.90-17.7)    | <b>14.7</b><br>(10.6-20.3)   | <b>15.9</b><br>(11.2-22.3)   |
| <b>60-day</b>                                                                                                  | <b>7.05</b><br>(5.98-8.31)          | <b>7.88</b><br>(6.68-9.29)    | <b>9.22</b><br>(7.79-10.9)    | <b>10.3</b><br>(8.68-12.3)    | <b>11.8</b><br>(9.67-14.5)    | <b>13.0</b><br>(10.4-16.2)    | <b>14.2</b><br>(11.0-18.2)    | <b>15.3</b><br>(11.5-20.3)    | <b>16.9</b><br>(12.2-23.1)   | <b>18.0</b><br>(12.8-25.2)   |

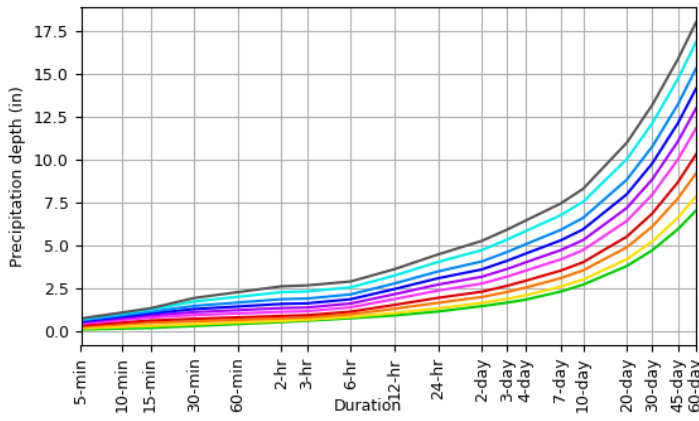
<sup>1</sup> Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

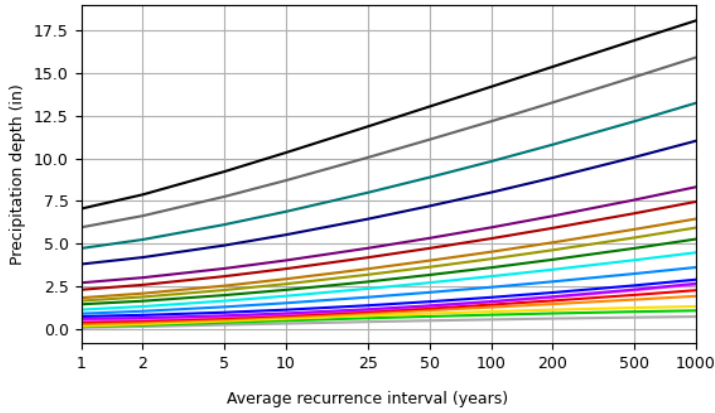
**PF graphical**

Section 10, Item B.

PDS-based depth-duration-frequency (DDF) curves  
 Latitude: 39.5858°, Longitude: -106.4305°



| Average recurrence interval (years) |
|-------------------------------------|
| 1                                   |
| 2                                   |
| 5                                   |
| 10                                  |
| 25                                  |
| 50                                  |
| 100                                 |
| 200                                 |
| 500                                 |
| 1000                                |



| Duration |
|----------|
| 5-min    |
| 10-min   |
| 15-min   |
| 30-min   |
| 60-min   |
| 2-hr     |
| 3-hr     |
| 6-hr     |
| 12-hr    |
| 24-hr    |
| 2-day    |
| 3-day    |
| 4-day    |
| 7-day    |
| 10-day   |
| 20-day   |
| 30-day   |
| 45-day   |
| 60-day   |

NOAA Atlas 14, Volume 8, Version 2

Created (GMT): Mon Oct 30 14:50:42 2023

[Back to Top](#)

Maps & aerials

Small scale terrain



Large scale terrain

WinTR-55 Current Data Description

--- Identification Data ---

User: MW Date: 10/30/2023  
 Project: Minturn Cemetery Units: English  
 SubTitle: Existing Conditions Areal Units: Acres  
 State: Colorado  
 County: Eagle  
 Filename: O:\Minturn\Cemetery-Riverview-2019\DRAINAGE\Shed-2023\TR55-existing.w55

--- Sub-Area Data ---

| Name     | Description | Reach  | Area(ac) | RCN | Tc    |
|----------|-------------|--------|----------|-----|-------|
| Existing |             | Outlet | 0.03     | 98  | 0.100 |

Total area: .03 (ac)

--- Storm Data ---

Rainfall Depth by Rainfall Return Period

| 2-Yr<br>(in) | 5-Yr<br>(in) | 10-Yr<br>(in) | 25-Yr<br>(in) | 50-Yr<br>(in) | 100-Yr<br>(in) | -Yr<br>(in) |
|--------------|--------------|---------------|---------------|---------------|----------------|-------------|
| 1.35         | 1.68         | 1.96          | 2.39          | 2.74          | 3.11           | .0          |

Storm Data Source: User-provided custom storm data  
 Rainfall Distribution Type: Type II  
 Dimensionless Unit Hydrograph: <standard>

MW Minturn Cemetery  
 Existing Conditions  
 Eagle County, Colorado

Watershed Peak Table

Sub-Area Peak Flow by Rainfall Return Period

| Sub-Area<br>or Reach<br>Identifier | 5-Yr<br>(cfs) | 25-Yr<br>(cfs) | 100-Yr<br>(cfs) |
|------------------------------------|---------------|----------------|-----------------|
| SUBAREAS<br>Existing               | 0.07          | 0.10           | 0.13            |

REACHES

|        |      |      |      |
|--------|------|------|------|
| OUTLET | 0.07 | 0.10 | 0.13 |
|--------|------|------|------|

MW Minturn Cemetery  
 Existing Conditions

Eagle County, Colorado

Sub-Area Summary Table

| Sub-Area Identifier  | Drainage Area (ac) | Time of Concentration (hr) | Curve Number | Receiving Reach | Sub-Area Description |
|----------------------|--------------------|----------------------------|--------------|-----------------|----------------------|
| Existing             | .03                | 0.100                      | 98           | Outlet          |                      |
| Total Area: .03 (ac) |                    |                            |              |                 |                      |

=====

MW Minturn Cemetery  
Existing Conditions  
Eagle County, Colorado

Sub-Area Land Use and Curve Number Details

| Sub-Area Identifier                | Land Use                             | Hydrologic Soil Group | Sub-Area Area (ac) | Curve Number |
|------------------------------------|--------------------------------------|-----------------------|--------------------|--------------|
| Existing                           | Paved parking lots, roofs, driveways | C                     | .03                | 98           |
| Total Area / Weighted Curve Number |                                      |                       | .03                | 98           |
|                                    |                                      |                       | ===                | ==           |

=====

WinTR-55 Current Data Description

--- Identification Data ---

User: MW Date: 10/30/2023  
 Project: minturn cemetery Units: English  
 SubTitle: Proposed Areal Units: Acres  
 State: Colorado  
 County: Eagle  
 Filename: <new file>

--- Sub-Area Data ---

| Name     | Description | Reach  | Area(ac) | RCN | Tc    |
|----------|-------------|--------|----------|-----|-------|
| proposed |             | Outlet | 0.04     | 98  | 0.100 |

Total area: .04 (ac)

--- Storm Data ---

Rainfall Depth by Rainfall Return Period

| 2-Yr<br>(in) | 5-Yr<br>(in) | 10-Yr<br>(in) | 25-Yr<br>(in) | 50-Yr<br>(in) | 100-Yr<br>(in) | -Yr<br>(in) |
|--------------|--------------|---------------|---------------|---------------|----------------|-------------|
| 1.35         | 1.68         | 1.96          | 2.39          | 2.74          | 3.11           | .0          |

Storm Data Source: User-provided custom storm data  
 Rainfall Distribution Type: Type II  
 Dimensionless Unit Hydrograph: <standard>

=====

MW minturn cemetery  
 Proposed  
 Eagle County, Colorado

Watershed Peak Table

Sub-Area or Reach Identifier Peak Flow by Rainfall Return Period

| Sub-Area or Reach Identifier | 5-Yr (cfs) | 25-Yr (cfs) | 100-Yr (cfs) |
|------------------------------|------------|-------------|--------------|
| SUBAREAS proposed            | 0.08       | 0.12        | 0.15         |

REACHES

|        |      |      |      |
|--------|------|------|------|
| OUTLET | 0.08 | 0.12 | 0.15 |
|--------|------|------|------|

=====

MW minturn cemetery  
 Proposed

Eagle County, Colorado

Sub-Area Summary Table

| Sub-Area Identifier  | Drainage Area (ac) | Time of Concentration (hr) | Curve Number | Receiving Reach | Sub-Area Description |
|----------------------|--------------------|----------------------------|--------------|-----------------|----------------------|
| proposed             | .04                | 0.100                      | 98           | Outlet          |                      |
| Total Area: .04 (ac) |                    |                            |              |                 |                      |

=====

MW minturn cemetery  
Proposed  
Eagle County, Colorado

Sub-Area Land Use and Curve Number Details

| Sub-Area Identifier                | Land Use                    | Hydrologic Soil Group | Sub-Area Area (ac) | Curve Number |
|------------------------------------|-----------------------------|-----------------------|--------------------|--------------|
| proposed                           | CN directly entered by user | -                     | .04                | 98           |
| Total Area / Weighted Curve Number |                             |                       | .04                | 98           |
|                                    |                             |                       | ===                | ==           |

=====



To: Town Council  
From: Madison Harris  
Date: May 10, 2024  
Agenda Item: Ordinance 09 - Series 2024 Amending Chapter 16 of the Minturn Municipal Code to Create the Cemetery Zone District and Associated Use and Development Standards within the Lionshead Character Area

---

**UPDATE:**

At the May 1, 2024 Council meeting, Council passed Ordinance 09 - Series 2024 on first reading with the minor amendment of removing “and structures” from the line item “Accessory building and structures” within the use table. That change has been made and this ordinance is now presented for second reading.

**REQUEST:**

Review and approve Ordinance 09 - Series 2024 Amending Chapter 16 of the Minturn Municipal Code to Create the Cemetery Zone District and Associated Use and Development Standards within the Lionshead Character Area on first reading.

**INTRODUCTION:**

One of the conditions of approval set by the Planning Commission for 806 Cemetery Road for a new maintenance and storage building, was that the Applicant would work with staff to draft zoning standards and allowable uses for the cemetery, as that zoning does not currently exist.

**ANALYSIS:**

At the April 10, 2024 Planning Commission Meeting, they reviewed the attached ordinance and forwarded a recommendation of approval to the Town Council.

**COMMUNITY INPUT:**

Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, and following Section 16-21-610 Public notice.

**BUDGET / STAFF IMPACT:** TBD

**STRATEGIC PLAN ALIGNMENT:**

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

**RECOMMENDED ACTION OR PROPOSED MOTION:**

1. Approve ORdinance 09 - Series 2024 Amending Chapter 16 of the Minturn Municipal Code to Create the Cemetery Zone District and Associated Use and Development Standards within the Lionshead Character Area



**ATTACHMENTS:**

- Staff report
- Ordinance 09 - Series 2024 Amending Chapter 16 of the Minturn Municipal Code to Create the Cemetery Zone District and Associated Use and Development Standards within the Lionshead Character Area

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Michael Boyd  
Amanda Mire  
Darell Wegert

## Planning Commission Hearing

### New Cemetery Zone District, Lionshead Character Area

|                               |                                                   |
|-------------------------------|---------------------------------------------------|
| <b>Hearing Date:</b>          | April 10, 2024                                    |
| <b>File Name and Process:</b> | Cemetery Zoning                                   |
| <b>Existing Zoning:</b>       | No existing zoning                                |
| <b>Proposed Zoning:</b>       | Lionshead Character Area - Cemetery Zone District |
| <b>Staff Member:</b>          | Madison Harris, Planner 1                         |
| <b>Recommendation:</b>        | Approval                                          |

### Staff Report

**I. Summary of Request:**

The Cemetery recently received approval for a new Maintenance and Storage building from the Planning Commission, with a condition of approval that the Cemetery work with the Town to draft zoning. Staff requests review of the attached ordinance showing proposed zoning for the subject parcels and a recommendation to Town Council.

**II. Summary of Process and Code Requirements:**

The following section sets forth those sections of the Town of Minturn Municipal Code applicable to the processing and review of amendments to the text of the Land Use Regulations (Chapter 16 - *Zoning*), or the official zone district map for the Town.

***Section 16-21-410 - Amendments to text of Land Use Regulations or Character Area and Zone District Map.***

All amendments to the text of these Land Use Regulations or amendments to the Character Area Zoning Map shall comply with the following procedures and meet the standards set forth in this Division.

**Section 16-21-420 - Purpose.**

The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

**Sec. 16-21-430 - Initiation.**

(a) Map amendment. An application for an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director or the owner or another person having a recognized interest in the land affected by a proposed amendment, or his or her authorized agent.

(b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.

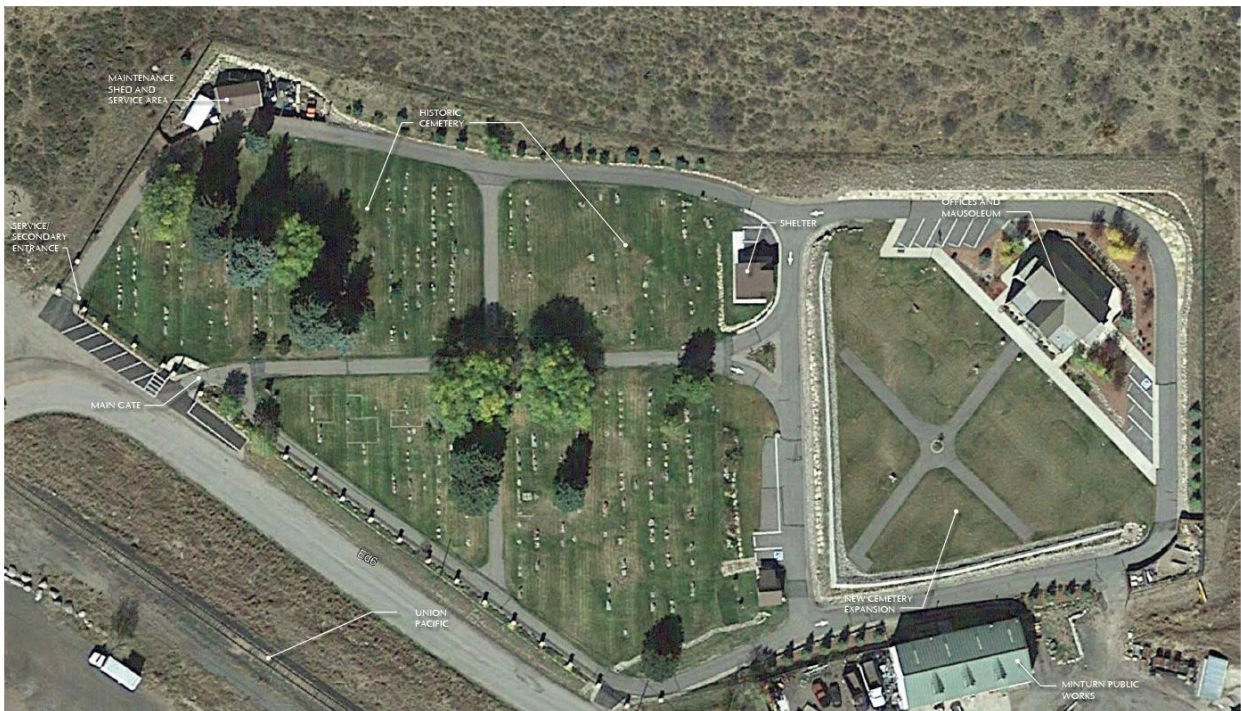
(c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in [Section 16-21-690](#) of this Article and the following additional materials:

(1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.

(2) Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.

**Staff Response:**

The Town has initiated this amendment and worked with the Cemetery as having a recognized interest in land in the Town.



**Figure 1: Subject property to be rezoned to Cemetery Zone District**

**Section 16-21-440 - Procedure.**

- (a) *Review of applications. The submission of an application for an amendment, determination of its sufficiency, staff review and notice and scheduling of a public hearing for an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.*
- (b) *Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.*
- (c) *Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to the Character Area*

Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

**Staff Response:**

Public notice was provided for public hearings before the Planning Commission on April 10, 2024 and Town Council on May 1, 2024 in accordance with the requirements of the MMC.

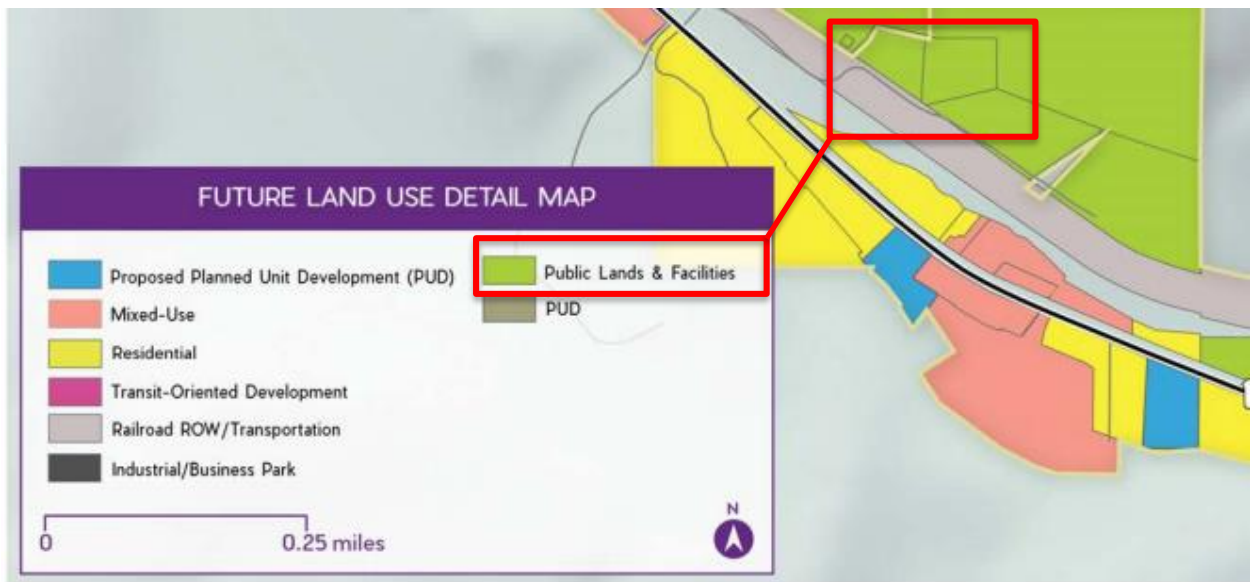
**Section 16-21-450 - Standards**

*The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:*

- (1) *Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.*

**Staff Response:**

806 and 808 Cemetery Road were annexed into the Town, yet never zoned. The intent of this ordinance is to create a zone district with specific, allowed uses called the Cemetery Zone District within the Lionshead Character Area so that there are standards to be applied to this area in the future. The 2023 Community Plan contemplates a form of Public Lands & Facilities zoning for this parcel which staff has flushed out into the proposed zoning in the attached ordinance.



**Figure 2: Excerpt 2023 Minturn Community Plan Future Land Use Map**

(2) *Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.*

**Staff Response:**

The Lionshead Character Area emphasizes low impact uses, of which a cemetery falls into that. As the cemetery is currently functioning, it is compatible with the other uses within the Lionshead Character Area such as Public Works facilities and Little Beach Park.

(3) *Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.*

**Staff Response:**

As there is no zoning currently for the property, it is important to put zoning standards in place so that property owners have direction on what is allowed on their property.

(4) *Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.*

**Staff Response:**

The Cemetery is an existing use and implementing zoning standards should not significantly impact the environment.

(5) *Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

**Staff Response:**

As stated above, it is important to put zoning standards in place so that property owners have direction on what is allowed on their property.

(6) *Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.*

**Staff Response:**

The proposed zoning will not constitute spot zoning and is already serviced by the necessary public facilities.

(7) *Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.*

**Staff Response:**

This proposed ordinance does not encourage a new use or density in the area, but instead just assigns standards to what is already happening in the area.

**Section 16-21-460 - Action by Planning Commission.**

*For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) days after the public hearing one (1) of the following recommendations to the Town Council, or it may table an application for a maximum of forty (40) days to receive additional information. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant.*

- (1) Recommend approval of the application as submitted or with certain conditions as stated;*
- or*
- (2) Recommend denial of the application with all reasons clearly stated.*

**III. Zoning Analysis:**

The subject properties are located within the “Lionshead Character Area”. Directly to either side of the property is the Lionshead Character Area.

The description and purpose of the Lionshead Character Area are as follows:

*“The Lionshead Character Area is bordered on the north, east and west by large areas of open lands managed by the United States Forest Service. The intent of the Community Plan is that any future development plans for the Light Industry and Public Facilities Zone include appropriate infrastructure and improved access across the Eagle River. Potential geologic hazards and critical winter elk habitat exist along the east side of the area. Other than the railroad use that borders this area on the south, future industrial uses are discouraged.”*

*- Town of Minturn Town Code Section 16-11-10*

Staff respectfully suggests that the proposed zoning to the new Cemetery Zone District, particularly given the current nature, scale and character surrounding the subject property, will accomplish objectives of *both* the 2023 Community Plan and the Lionshead Character Area.

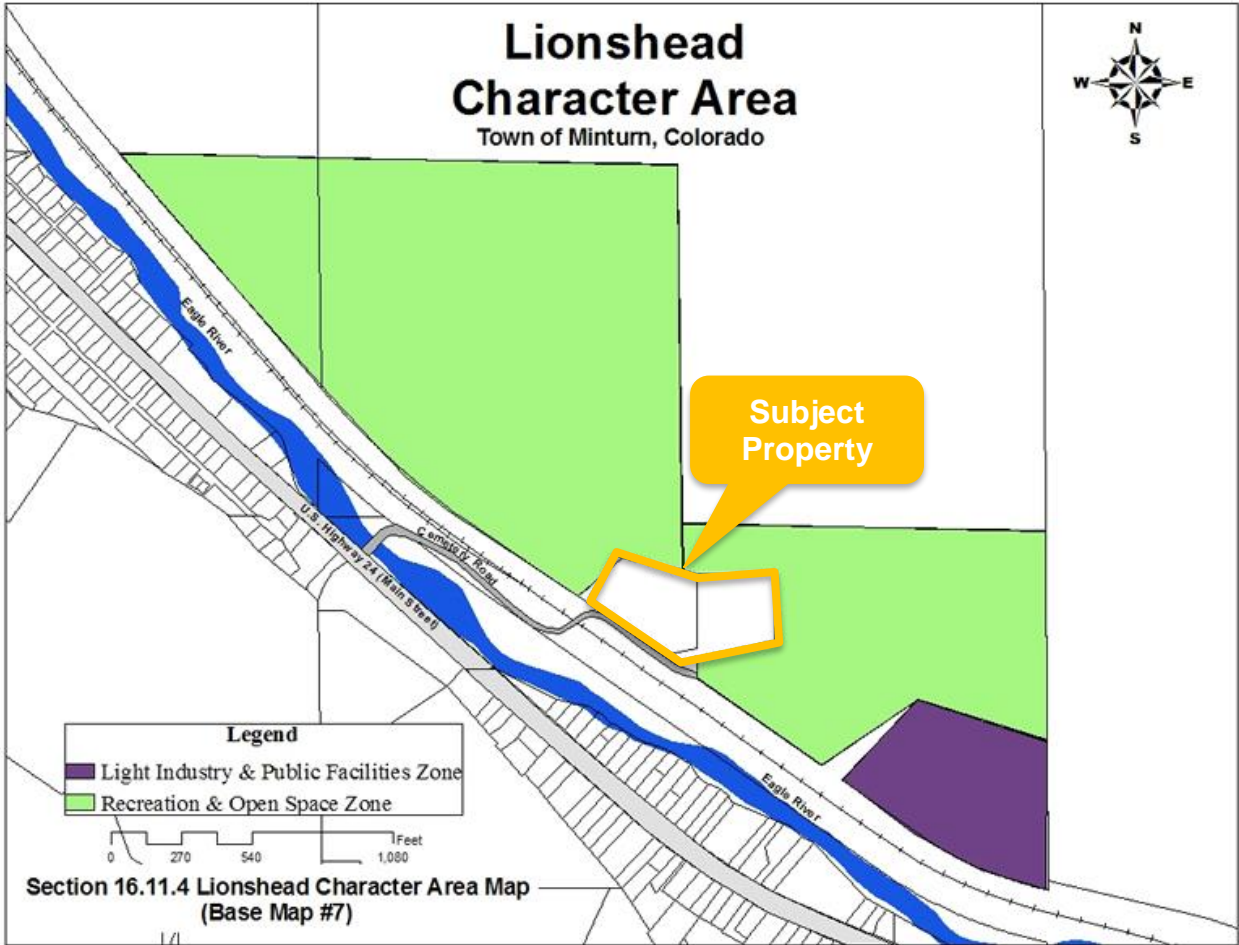


Figure 3: Lionshead Character Area Zoning Map

**VI. Staff Recommendation: Approval**

Staff is recommending **approval** of the proposed zoning for 806 and 808 Cemetery Road to change from no zoning to Lionshead Character Area Cemetery Zone District based on the analysis provided in this report and staff’s findings.

With the Planning Commission’s recommendation, staff will present Ordinance No. (TBD), Series 2024 to the Town Council at their regularly scheduled meeting of Wednesday, May 1, 2024.



### Exhibit A – Existing and Proposed Zoning Map Lionshead Character Area

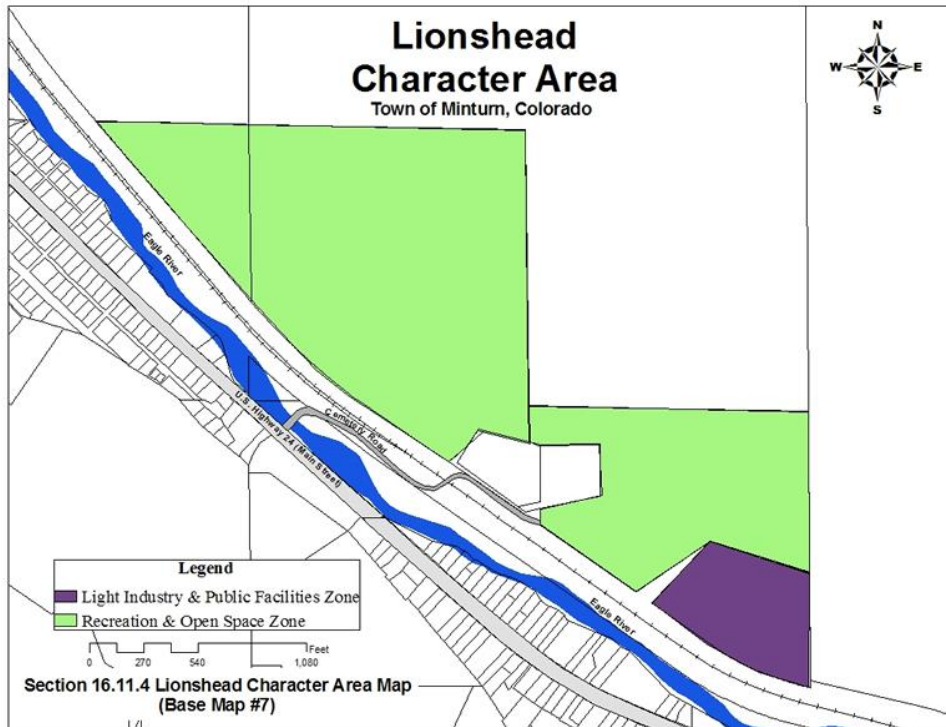


Figure 4: Existing Lionshead Character Area Zoning Map

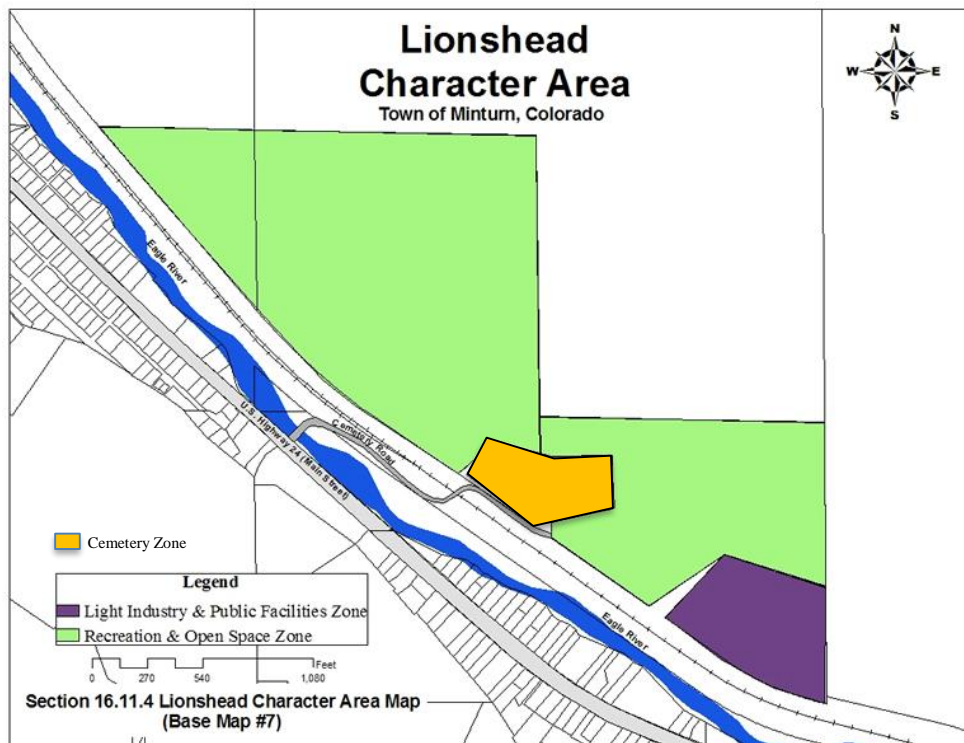


Figure 5: Proposed/Amended Lionshead Character Area Zoning Map

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 09 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 16 OF THE MINTURN  
MUNICIPAL CODE TO CREATE THE CEMETERY ZONE  
DISTRICT AND ASSOCIATED USE AND DEVELOPMENT  
STANDARDS WITHIN THE LIONSHEAD CHARACTER  
AREA

**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 Town of Minturn adopted the 2023 Little Beach Park Recreation Area Plan which addresses, in part, existing conditions and recommendations for the Riverview Cemetery and Mausoleum (hereinafter the “Cemetery”); and

**WHEREAS**, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, Zoning, and Chapter 17, Subdivisions, the Town Land Use Regulations, in accordance with the Town’s strategic plan and the Community Plans; and

**WHEREAS**, the Cemetery property is not currently zoned within the Town; and

**WHEREAS**, the creation of the Cemetery Zone District will facilitate the proper enforcement of the Town’s land use regulations while further the goals and policies of the Town’s strategic plan and community plans; and

**WHEREAS**, on April 10, 2024, the Minturn Planning Commission (hereinafter “Commission”) held a public hearing and recommended approval of Ordinance No. TBD, Series 2024; and

**WHEREAS**, on May 1, 2024, Town Council held a public hearing to consider Ordinance No. 09, Series 2024, along with the recommendation from the Commission, as well as testimony from staff and the general public; and

**WHEREAS**, Council has determined that the text and zoning map amendments to the Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

SECTION 3. The following property is hereby zoned to Lionshead Character Area Cemetery Zone:

Subdivision: RIVER VIEW CEMETERY PARCEL A R798232 MAP 06-10-02 R798235 QCD 01-17-02

Subdivision: RIVER VIEW CEMETERY Lot: 2 R798232 MAP 06-10-02

SECTION 4. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall cause a printed copy of the amendment to the Town Zoning District Map to be made, which shall be dated and signed by the Mayor and attested to by the Town Clerk, and which shall bear the seal of the Town. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the Town Clerk. The Clerk shall also record a certified copy of this Ordinance with the Eagle County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Minturn Land Use Regulations, Minturn Municipal Code Chapter 16, to implement the provisions of this Ordinance.

**ARTICLE 2 - Definitions, Illustrations and Lot Standards**

\* \* \*

**Sec. 16-2-20. - Definitions.**

Cemetery means the use of property for the interment of human remains, whether above or below ground, along with all accessory structures and uses which are commonly and reasonably associated with such use. Accessory uses shall include but are not limited to funeral homes, columbarias, cenotaph walls, and ossuaries.

\* \* \*

**Sec. 16-2-40. – General lot requirements and dimensional standards.**

Table 16-A  
Dimensional Standards

|                |       | A                    | B                   | C                    | D                  | E                     | F    | G    | H           |
|----------------|-------|----------------------|---------------------|----------------------|--------------------|-----------------------|------|------|-------------|
|                |       | LOT REQUIREMENTS     |                     |                      |                    | SETBACKS              |      |      |             |
| Character Area | Zones | Min. Lot Area / Max. | Min. Lot / Max. Lot | Maximum Building Lot | Maximum Impervious | Minimum Setbacks (ft) |      |      | Live Stream |
|                |       |                      |                     |                      |                    | Front                 | Rear | Side |             |
|                |       |                      |                     |                      |                    |                       |      |      |             |

|           |                                | Lot Area (sq. ft.) | Dimension (feet) | Coverage (%) | Surface Area (%) |                                                    |           |          | Setback (ft) |
|-----------|--------------------------------|--------------------|------------------|--------------|------------------|----------------------------------------------------|-----------|----------|--------------|
| Lionshead | Recreation & open space        | N/A                | N/A              | N/A          |                  | To be determined as part of conditional use review |           |          | 30           |
|           | Light ind. & public facilities | 10,000             | 100              | 45           |                  | 25                                                 | 25        | 10       |              |
|           | <u>Cemetery</u>                | <u>N/A</u>         | <u>N/A</u>       | <u>40</u>    | <u>N/A</u>       | <u>25</u>                                          | <u>10</u> | <u>5</u> |              |

\* \* \*

**Sec. 16-2-60. – Building height limitations for all zone districts except 100 Block Zones.**

\* \* \*

**TABLE 16-B  
Building Height**

| CHARACTER AREA | ZONES                        | MAXIMUM BUILDING HEIGHT |
|----------------|------------------------------|-------------------------|
| Lionshead      | Light Ind. Public Facilities | 28 feet                 |
|                | <u>Cemetery</u>              | <u>28 feet</u>          |

\* \* \*

**ARTICLE 11 – Lionshead Character Area**

\* \* \*

**Sec. 16-11-10. - Character Area characteristics.**

The Lionshead Character Area is bordered on the north, east and west by large areas of open lands managed by the United States Forest Service. The intent of the Community Plan is that any future development plans for the Light Industry and Public Facilities Zone include appropriate infrastructure and improved access across the Eagle River. Potential geologic hazards and critical winter elk habitat exist along the east side of the area. The Lionshead Character Area also includes civic and cemetery uses. Other than the railroad use that borders this area on the south, future industrial uses are discouraged.

\* \* \*

**Sec. 16-11-35. – Cemetery Zone.**

- (a) This area is characterized by the Riverview Cemetery and Mausoleum which encompasses approximately 4.45 acres of south facing, gently sloped land. The Cemetery Zone consists of access drives, burial plots, a mausoleum, irrigated and non-irrigated turf areas, planting areas.

as well as administrative, storage, and accessory buildings. The Cemetery Zone is bordered on the west, north, and east sides by generally open, vacant lands; and to the south by the Town of Minturn Public Works facility, Union Pacific Railroad right-of-way, and Little Beach Park.

(b) The purpose of the Cemetery Zone is to provide appropriate zoning and associated standards for the Cemetery Zone District. The zone district is intended to provide regulations that allow for a cemetery and accessory uses associated with the Cemetery District.

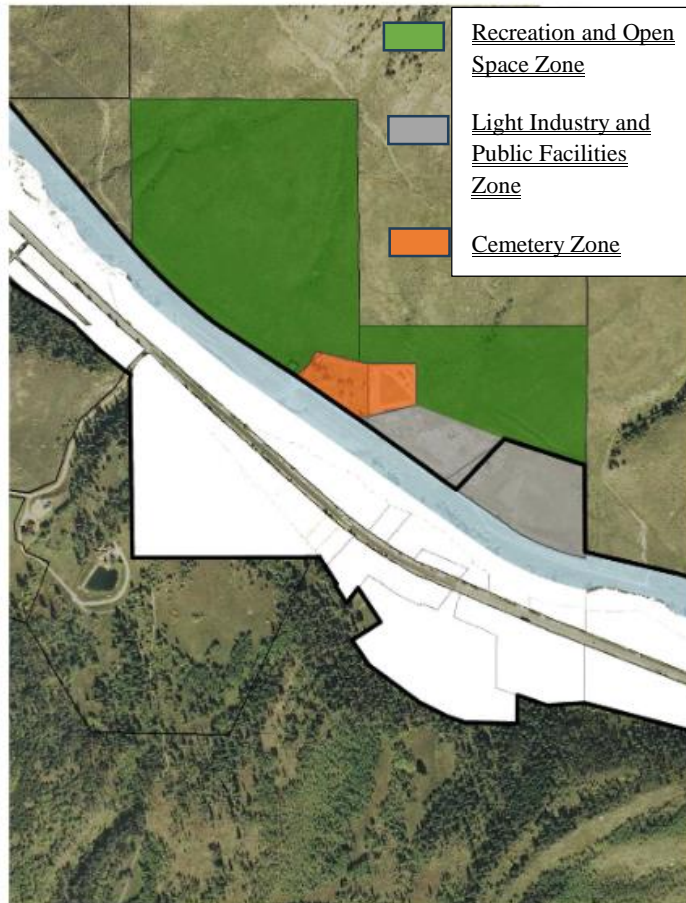
\* \* \*

**Sec. 16-11-40. – Lionshead Character Area map.**

The Lionshead Character Area map is set forth in Illustration 16-11 below.

**Illustration 16-11**

**Lionshead Character Area Map**



\* \* \*

**Sec. 16-11-50. – Lionshead Character Area use table.**

| <i>Use</i>                                                                          | <i>All Cemetery<br/>Zones</i> |
|-------------------------------------------------------------------------------------|-------------------------------|
| R - Use by right      C - Conditional use      L - Limited use      N - Not allowed |                               |
| Accessory apartments                                                                | <u>N</u>                      |
| <u>Accessory buildings</u>                                                          | <u>R</u>                      |
| Accessory dwellings                                                                 | <u>N</u>                      |
| <u>Accessory Use</u>                                                                | <u>R</u>                      |
| Automotive detail shops                                                             | <u>N</u>                      |
| Automotive parts sales                                                              | <u>N</u>                      |
| Bakeries and confectioneries                                                        | <u>N</u>                      |
| Bakeries and delicatessens with food service                                        | <u>N</u>                      |
| Banks and financial institutions                                                    | <u>N</u>                      |
| Barbershops                                                                         | <u>N</u>                      |
| Beauty shops                                                                        | <u>N</u>                      |
| Business and office services                                                        | <u>N</u>                      |
| Car washes                                                                          | <u>N</u>                      |
| <u>Cemetery</u>                                                                     | <u>R</u>                      |
| Cocktail lounges, taverns                                                           | <u>N</u>                      |
| Commercial accommodations                                                           | <u>N</u>                      |
| Convenience stores                                                                  | <u>N</u>                      |
| Delicatessens and specialty food stores                                             | <u>N</u>                      |
| Drive-thru/up establishments                                                        | <u>N</u>                      |
| Drugstores and pharmacies                                                           | <u>N</u>                      |
| Dry cleaners                                                                        | <u>N</u>                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                |          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Duplexes                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>N</u> |
| Garden landscaping supply and seed stores                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>N</u> |
| Gas stations                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>N</u> |
| Grocery stores                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>N</u> |
| Health/medical offices                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>N</u> |
| Laundries                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>N</u> |
| Laundromats                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>N</u> |
| Liquor stores                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>N</u> |
| Manufacturing, light                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>N</u> |
| Multi-family dwellings                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>N</u> |
| Office uses                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>R</u> |
| Pawn shops                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>N</u> |
| Photographic studios                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>N</u> |
| Professional activities                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>N</u> |
| Professional offices, business offices and studios                                                                                                                                                                                                                                                                                                                                                                                                             | <u>N</u> |
| Radio and television stores and repair shops                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>N</u> |
| Restaurant                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>N</u> |
| Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores. | <u>N</u> |
| Retail uses greater than 5,000 square feet                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>N</u> |
| Service businesses                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>N</u> |
| Single-family residential dwellings                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>N</u> |

|                                                          |          |
|----------------------------------------------------------|----------|
| Small appliance repair shops, excluding furniture repair | <u>N</u> |
| Tailors and dressmakers                                  | <u>N</u> |
| Theaters                                                 | <u>N</u> |
| Theaters, meeting rooms and convention centers           | <u>N</u> |
| Travel and ticket agencies                               | <u>N</u> |

\* \* \*

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1<sup>st</sup> DAY OF MAY 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15<sup>th</sup> DAY OF MAY 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 15<sup>th</sup> DAY OF MAY 2024.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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



To: Mayor and Town Council  
From: Cindy Krieg, Court Clerk  
Date: 05/10/2024  
Agenda Item: Resolution 22-2024, A Resolution Appointing a Deputy Municipal Judge

---

**REQUEST:**

Town Council is asked to appoint a Deputy Municipal Judge for a two-year term.

**INTRODUCTION:**

Town Council appoints the Municipal Judge by resolution in accordance with state law and Minturn Municipal Code. The previous Deputy Judge is now a County Judge, and is no longer available to serve as the Deputy Judge. In accordance with the Town’s procurement policies, an RFP was sent out and staff received one submission. The single submission was from experienced local attorney (and existing Municipal Judge for Gypsum) Courtney Holm.

**ANALYSIS:**

Ms. Holm was interviewed by a committee consisting of the Court Clerk, the Town Manager, and Council Member Lynn Feiger. It is staff’s opinion that Ms. Holm is well qualified to serve this role, and will meet the needs of the Minturn Municipal Court.

**COMMUNITY INPUT:** Applications have been solicited from the public through the RFP process.

**BUDGET / STAFF IMPACT:** The position of Municipal Judge is included in the annual budget.

**STRATEGIC PLAN ALIGNMENT:**

- PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

**RECOMMENDED ACTION OR PROPOSED MOTION:**

The Council is asked to appoint the Deputy Municipal Judge for an initial two-year term commencing on May 15, 2024.

**ATTACHMENTS:**

- Resolution
- RFP Submission Cover Letter

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 22 – SERIES 2024**

**A RESOLUTION APPOINTING A DEPUTY MUNICIPAL JUDGE**

**WHEREAS**, the Minturn Municipal Court holds court proceedings on a monthly basis;  
and

**WHEREAS**, scheduling conflicts have occasionally arisen with the Presiding Minturn  
Municipal Court Judge; and

**WHEREAS**, the Town Council wishes to appoint a Deputy Municipal Court Judge to  
cover when the Presiding Municipal Court Judge is unavailable and/or to assist with other legal  
matters as necessary; and

**WHEREAS**, pursuant to Section 2-5-40 of the Minturn Municipal Code the Minturn Town  
Council shall appoint the Municipal Judge every two years.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUALS ARE HEREBY  
APPOINTED AS INDICATED:**

| <b>NAME</b>   | <b>TERM</b>                 |
|---------------|-----------------------------|
| Courtney Holm | May 15, 2024 – May 14, 2026 |

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 15<sup>th</sup> day of May,  
2024.**

TOWN OF MINTURN

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

ATTEST:

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

# ***H Courtney Holm & Associates Attorneys at Law, P.C.***

---

Mailing Address: P.O. Box 4460, Edwards, Colorado 81632 Telephone (970) 748-8800 Fax (970)748-8600  
Physical Address: 48 E. Beaver Creek Blvd, Suite

Courtney Autumn Holm, Attorney and Mediator

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

April 24, 2024

Town of Minturn Deputy Municipal Judge Hiring Committee and Town Council

RE: RFP for Part time Deputy Municipal Judge Position

Dear Hiring Committee:

Thank you for taking the time to review and consider my proposal for the Town of Minturn for the position of Deputy Judge of the Minturn Municipal Court. I am a currently licensed attorney in the state of Colorado.

It would be my honor to serve the town of Minturn as the Deputy Municipal Judge and to provide input on legal services as requested. I am currently the Presiding Municipal Judge for the Town of Gypsum and I enjoy that role very much. I am currently working to update that code, working with a team to update our plea forms and processes to provide additional service to those before the Municipal Court. I also have a flexible private practice that focuses on civil litigation, family law, criminal and appellate matters, and mediation. The flexibility of having my own law practice allows me to set my own schedule and priorities. My current hourly rate is \$400 per hour, however, I am open to a reduced negotiated rate for this position.

My well-rounded trial practice has educated me in the nuances and interrelation of the cases that have been traditionally before the Municipal Judge. My legal experience combined with my people skills in mediating and arbitrating allows me to hit the ground running if selected for this position. This part-time position would work symbiotically with my flexible mediation and private practice and judicial role with a very low probability of conflicts. I truly understand the needs of those appearing in the municipal court and that the court may be the only interaction an individual may have with local government, so respect, dignity and communication are paramount.

I have practiced in the municipal courts for two decades and have handled trials as well as appeals from the municipal court level. I have presided over bench trials in the Municipal court. My experience and community involvement have developed my legal knowledge, interpersonal skills, and temperament to serve the people well as a judge serving the town of Minturn. Within the last two years I was a finalist for County and District Court positions in the 5<sup>th</sup> judicial district three times.

Mediation is a process that has highlighted my temperament and demeanor and my ability to have people feel heard. Mediating tense conflicts means very close interaction for significant periods of time while people actively work through problems, emotions, and frustrations. As a highly active mediator in the 5<sup>th</sup> and 9<sup>th</sup> Judicial Districts for over a decade, I have mediated hundreds of cases with respect and dignity to the parties of diverse backgrounds, socioeconomic levels, hearing impaired, and multiple language backgrounds seeking resolution and connecting with people. The experience has provided insight into where the court orders have had conflict or ambiguity for parties and will always be on my mind when writing an order. The skills of a good mediator also allow for time management and moving cases and parties forward with respectful leadership.

My communication style is welcoming but firm and with terminology focused on efficiency and understanding appropriately suited toward the audience. A problem solver with a passion for the law, I find great fulfillment in serving others, and have stepped up to the challenge of complicated cases that many may shy away from whether high conflict, emotional, or delicate subject matters. Empathy and practicality are tools I use to seek paths toward closure either through resolution or verdict.

I bring a warm and collected demeanor and remain calm in the tensest of circumstances. In my practice as an attorney and a mediator, I find that I establish rapport and credibility quickly allowing parties to feel heard and respected. I also excel at politely and gracefully moving proceedings at an appropriate pace which I do in mediation, on the municipal bench, and in public Metro District Meetings. I have the personality and skillset to keep up with the needs of the court.

My skills as both an active listener and detailed oriented individual lend well to a quick administration of justice and expedient turn-around of orders and documents pertinent to the case at hand. I have also been extremely active in the local bar and the Colorado Bar Association and have managed multiple projects, activities, and committees. I am actively studying and learning Spanish, and although not yet fluent, I continue to progress toward that goal.

I believe my experience above as both a Municipal Judge and attorney speaks to my qualification of the role. My extensive legal experience and positions on boards have many people who would identify me as reliable, efficient, and of good character. None of my Municipal orders have been appealed. I am a member of the Colorado Municipal Judge Association and actively educate myself on updates to the law and attend conference and CLE opportunities. I attend CLE's regularly and if any were to be provided by the town of Minturn I would discuss that in advance of any CLE for which I would request reimbursement.

Respect is a core value of mine and I work well with colleagues, staff, and always maintain a professional positive working relationship, I would very much enjoy working with town staff for the community. If selected, I would communicate with the court staff so that we could work as a team and I would adapt to the best working situation for staff. I would typically never schedule appointments on possible court days to be available, if needed at the last moment, I can balance my workload to meet the needs of the court, and when I have trials as an attorney I schedule around the commitments. On most boards that I have served, I have never missed a meeting and it would be the same for court or necessary deadlines. I enjoy reading, researching, and writing, and have availability and adaptability to meet the needs of the town as a judge on the bench, as a drafter of documents, collaborator and have an ability to update the code in a streamlined manner. I have a positive relationship with the Sheriff's department and work frequently with them in my current judicial role. We are working to create a traffic class to assist local individuals to obtain driver's license

requirements which will reduce recidivism of Driving without a License charges. I am not aware of ANY conflicts of interest with the town of Minturn. I am active in bar activities and will continue to do so. I am available for warrants or affidavits as needed, currently I received texts or emails to immediately respond to, and I have even done a few while traveling in Mexico, so I can always find a way to make something work.

My general understanding of the legal arena, my demeanor, mediation skills, and consequential analysis combine to allow me to uniquely address the needs before the court. Many years of practicing both in trial courts gives me significant insight into what the demands of the job and skillset are and that I have the proper training and temperament. Serving as chair to the 5<sup>th</sup> JD Judicial Performance Commission has given me the perspectives of litigants, attorneys, and judges in the best practices in the courtroom. As a person who gets things done, others often see me in a leadership role accentuated by my straightforward and genuine personality. I am grateful for your consideration. Please let me know if I can answer any additional questions.

Sincerely,



Courtney A. Holm, Esq.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 23 – SERIES 2024**

**A RESOLUTION IN SUPPORT OF AND AUTHORIZING THE MAYOR TO SIGN A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO AND THE TOWNS OF MINTURN, GYPSUM, EAGLE, RED CLIFF, AVON AND VAIL, PROCLAIMING MAY 2024 AS WILDFIRE PREPAREDNESS MONTH**

**WHEREAS,** The Town of Minturn supports Wildfire Preparedness Month which is focused on encouraging residents to learn about wildfire safety and take steps to reduce wildfire risk in and around their homes, and

**WHEREAS,** The Town of Minturn supports the combined efforts of the County and municipalities as presented herein.

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

- 1. The Minturn Town Council hereby approves and adopts the proposed County-wide joint Resolution proclaiming May 2024 as Wildfire Preparedness Month.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 15<sup>th</sup> day of May, 2024.**

TOWN OF MINTURN

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

ATTEST:

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

Commissioner \_\_\_\_\_ moved adoption  
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO**

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF EAGLE, STATE OF COLORADO AND THE TOWNS OF GYPSUM,  
MINTURN, EAGLE, REDCLIFF, AVON AND VAIL, PROCLAIMING MAY 2024 AS  
WILDFIRE PREPAREDNESS MONTH**

**WHEREAS**, twenty of Colorado’s largest wildfires have occurred within the last twenty years. Four out of the five largest fires in state history have occurred within the last four years, including the most destructive fire in state history just a year and a half ago; and

**WHEREAS**, warmer temperatures, drought, and continued development in the wildland-urban interface have made wildfire mitigation a top priority for Eagle County and surrounding jurisdictions; and

**WHEREAS**, Eagle County (the “County”), the Towns of Gypsum, Minturn, Eagle, Redcliff, Avon, and Vail (the “Towns”), and the Fire Districts of Gypsum, Eagle River, Greater Eagle, Rock Creek, and Vail (the "Fire Districts") have determined that they share the common goals of wildfire risk reduction, wildfire preparedness, and public education; and that collaboration in these areas will lead to unified and fire-adapted communities throughout Eagle County and surrounding areas; and

**WHEREAS**, Wildfire Preparedness Month is focused on encouraging residents to learn about wildfire safety and take steps to reduce wildfire risk in and around their homes; and

**WHEREAS**, the undersigned desire to join in support of Wildfire Preparedness Month and to designate May 2024 as Wildfire Preparedness Month in Eagle County, the participating Towns, and the participating Fire Districts.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO AND THE TOWN OF GYPSUM, MINTURN, EAGLE, REDCLIFF, AVON AND VAIL, by and through their governing bodies:**

**THAT**, May 2024 is hereby designated as Wildfire Preparedness Month in the County and in the Towns.

**THAT**, the County and the Towns hereby find, determine, and declare that this Resolution is necessary for the safety, welfare, and resilience for their respective residents.



**MOVED, READ AND ADOPTED** by the undersigned on the dates set forth hereunder.

COUNTY OF EAGLE, STATE OF  
COLORADO, By and Through Its  
BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
Clerk to the Board of  
County Commissioners

By: \_\_\_\_\_  
Matt Scherr  
Chair

\_\_\_\_\_  
Kathy Chandler-Henry  
Commissioner

\_\_\_\_\_  
Jeanne McQueeney  
Commissioner

Commissioner \_\_\_\_\_ seconded adoption of the foregoing resolution. The roll  
having been called, the vote was as follows:

Commissioner McQueeney \_\_\_\_\_  
Commissioner Chandler-Henry \_\_\_\_\_  
Commissioner Scherr \_\_\_\_\_

This resolution passed by \_\_\_\_\_ vote of the Board of County Commissioners of  
the County of Eagle, State of Colorado

ATTEST:

**TOWN OF GYPSUM, COLORADO**

\_\_\_\_\_  
Becky Close, Town Clerk

By: \_\_\_\_\_  
Steve Carver, Mayor

ATTEST:

**TOWN OF MINTURN, COLORADO**

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

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

ATTEST:

**TOWN OF EAGLE, COLORADO**

\_\_\_\_\_  
Jenny Rakow, Town Clerk

By: \_\_\_\_\_  
Scott Turnipseed, Mayor

ATTEST:

**TOWN OF REDCLIFF, COLORADO**

\_\_\_\_\_  
Melissa Mathews, Town Clerk

By: \_\_\_\_\_  
Duke Gerber, Mayor

ATTEST:

**TOWN OF AVON, COLORADO**

\_\_\_\_\_  
Brenda Torres, Town Clerk

By: \_\_\_\_\_  
Sarah Smith Hymes, Mayor

ATTEST:

**TOWN OF VAIL, COLORADO**

\_\_\_\_\_  
Stephanie Bibbens, Town Clerk

By: \_\_\_\_\_  
Kim Langmaid, Mayor

**Eagle River Fire Protection District**

By: \_\_\_\_\_  
Name:

**Greater Eagle Fire Protection District**

By: \_\_\_\_\_  
Name:

**Rock Creek Volunteer Fire District**

By: \_\_\_\_\_  
Name:

**Gypsum Fire Protection District**

By: \_\_\_\_\_  
Name:

**Vail Fire and Emergency Services**

By: \_\_\_\_\_  
Name:



To: Mayor and Council  
From: Scot Hunn, Consulting Planning Director  
Date: May 9, 2024  
Agenda Item: Ordinance No. 10, Series 2024

---

**REQUEST:**

Review and approve Ordinance No. 10, Series 2024 on first reading.

**INTRODUCTION:**

Ordinance No. 10, Series 2024 is being presented to the Town Council in response to long-standing goals and policies adopted by the Town and, specifically, to address Objective No. 4.6 of the 2023 Imagine Minturn Community Plan to adjust the Town’s housing regulations and inclusionary housing mitigation requirements.

**2019 Housing Action Plan**

The Town adopted its first housing action plan in 2019. Three primary goals of that plan were to:

- Secure 20% of our housing our housing inventory as deed restricted for residents who live and work in the Vail Valley by 2030.
- Create and preserve homes for sale or rent to households with incomes from 80-140% AMI.
- Secure at least 25% of all new residential units for year-round residents with incomes up to 140% AMI.

**2020 Community Housing Regulations (Article 26)**

Following the adoption of the housing action plan, the Town undertook the process of drafting and adopting community housing regulations and housing mitigation requirements for any new residential development proposing five or more units. This became a new article – Article 26 - within Chapter 16, the Town’s zoning and development regulations.

While the housing action plan set a goal of deed restricting or preserving 25 percent of new residential units for households earning up to 140 percent Area Median Income (AMI), the Town ultimately adopted Article 26 which currently requires that ten (10%) percent of the total “for sale” residential units produced or constructed within any new qualifying development restrict the “initial sale” price of the unit to no more than 200% AMI.

**2023 Imagine Minturn Community Plan**

The 2023 Imagine Minturn Community Plan includes an entire chapter (Chapter 4) on housing and affordability. A key objective of the Town’s newly adopted community plan – and something had been discussed with the Minturn Planning Commission and Town Council prior to the 2023 community plan – was to revisit the 200% AMI level set in the Town’s housing regulations; specifically, to lower it. The Community Plan does not, however, include any

recommendations to amend the Town’s housing regulations (Article 26) to increase the percentage of units required for mitigation; therefore, staff is not recommending any changes to increase the percentage of deed restricted, price capped units above the current level of ten (10%) percent.

**2024 Proposed Article 26 Amendments**

The following summarizes the proposed amendment package:

- Reduce the Area Median Income (AMI) threshold applicable for the initial sales price for for-sale units from 200% to 140% AMI. This amendment stems directly from previous conversations with the Planning Commission as well as with representatives from the Eagle County Housing and Development Authority since the Town’s Inclusionary Housing (IH) regulations were adopted in 2020, and from recommendations of the Community Plan which state:

*“The current IH program requires housing to be affordable up to 200 percent of AMI, which is a household income of approximately \$180,000 for a three person household. This income level equates to a home purchase price of over \$750,000. The IH will therefore produce housing that is close to the market rate (albeit deed restricted) as the average sale price in 2021 was \$767,000. The Town should consider requiring a lower AMI target such as 120% or a range of AMI levels from below 100 percent to the current 200 percent requirement.”*

While staff investigated a tiered AMI structure (e.g. requiring the provision of deed restricted units with initial sales prices ranging from 100% to 200%) staff presented the draft ordinance to the Planning Commission at their regular meeting of May 8, 2024, with a recommendation to lower the initial sales price for for-sale residential units to a level at or below 140%. The Commission recommended approval of the ordinance with the condition or suggestion that the target/maximum AMI level for initial sales price be lowered further, from 140% to 120%.

Staff supports the Planning Commission’s recommendation. If Council agrees with this recommendation on first reading, staff will amend the ordinance accordingly prior to second reading. Additionally, if the Town is interested in pursuing a tiered or “range” approach to mitigation in the future, staff suggest that such changes could be further studied and additional amendments to Chapter 16, Article 26 can be presented at a later date.

- Provided definitions within Article 2 of Chapter 16 to define “Price Capped For Sale Housing” and “Price Capped Rental Housing.” The Town’s Community Housing Guidelines (Article 26) include requirements for for-sale and for-rent units to be deed restricted (capped) and available for certain affordability levels, but the guidelines do not currently define price caps. Here are the two new definitions:

*Price Capped For Sale Housing* means housing subject to a deed restriction requiring that the Housing meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

*Price Capped Rental Housing* means rental housing subject to a deed restriction requiring that the Housing meet Rental Rate Restrictions, quality, annual compliance and other criteria set forth in the Guidelines and Administrative Procedures.

- Clarified that the Town, when evaluating housing plans for new developments, will consider the entirety of any phased development plans.
- Created a provision/requirement that deed restrictions will not only cap initial sales price but also annual appreciation that may be captured for subsequent re-sales. This (restricting price appreciation on re-sales) is typical in most inclusionary housing regulations and is one way to address affordability throughout the life of a deed restricted unit. Staff will need to update the Community Housing administrative standards (which were approved by resolution, separate from the Housing Guidelines/Article 26 originally) to provide details on eligible improvements that a unit owner can make over time while still capping appreciation.

**ANALYSIS:**

**Supporting Policies**

Pursuant to Objective 4.6 of the 2023 Imagine Minturn Community Plan, Ordinance No. 10, Series 2024 is presented for review on first reading by the Council as a means to 1) address the recommended community (affordable) housing-related actions of the 2019 Town of Minturn Housing Action Plan and 2023 Imagine Minturn Community Plan, and 2) to address ongoing, documented housing needs within the Town of Minturn at a time when the Town is experiencing an uptick in the number and type of residential development proposals.

Objective 4.6 of the Community Plan provides: *“Prioritize housing for full-time residents; ensure that residents of all ages and income levels are able to find housing.”*

Action 4.6.1 under Objective 4.6 recommends that the Town *“Amend the 200% AMI requirement for inclusionary housing in Minturn to promote more equitable and inclusive access to housing. Further assessment may be necessary to determine the most appropriate thresholds for the community, and many communities require units at a variety of thresholds. A 120% AMI requirement should be available for at least a portion of units.”*

Action 4.6.2 under Objective 4.6 recommends that the Town *“Use deed restrictions to require full-time residency in the community in homes created through housing regulations or preserved with public funding such as a buy-down program.”*

With these goals and recommended actions in mind, and with the direction of the Town Council and the Planning Commission, staff evaluated the current housing regulations (Article 26), as well as other housing regulations used by other jurisdictions to provide the proposed amendments.

As noted above, the Planning Commission reviewed this ordinance on May 8, 2024, and forwarded a recommendation for approval to the Council with one suggested condition or revision to lower the deed restricted, price capped for sale (initial sales price) maximum AMI – from 140% to 120%.

To better understand or compare the difference between 120% and 140% AMI, the following table breaks down 2021 income and affordability figures at different AMI levels:

**Table 8. Eagle County AMI and Maximum Housing Costs, 2021**

| Eagle County                 | 80% AMI   | 100% AMI  | 120% AMI  | 140% AMI  |
|------------------------------|-----------|-----------|-----------|-----------|
| Household Income (3-persons) | \$72,000  | \$90,000  | \$108,000 | \$126,000 |
| Max Affordable Home Price    | \$259,800 | \$352,900 | \$446,000 | \$539,300 |
| Max Affordable Monthly Rent  | \$1,800   | \$2,250   | \$2,700   | \$3,150   |

---

Source: HUD; Economic & Planning Systems

**COMMUNITY INPUT:**

Public notice for the public hearing to consider Ordinance No. 10, Series 2024 was provided in accordance with the requirements of the Minturn Municipal Code. The ordinance was presented for review by the Minturn Planning Commission at their regular meeting of May 8, 2024. No members of the public testified regarding Ordinance No. 10 during the Commission hearing.

**BUDGET / STAFF IMPACT:**

Upon approval of Ordinance No. 10, Series 2024, staff will continue to work with the Eagle County Housing and Development Department to draft additional amendments to the Town’s community housing administrative standards and guidelines and will bring forth a resolution to amend that document to include administrative requirements and guidelines for price appreciation for deed restricted units. This may include minimal costs (up to 5 hours, billed hourly) for Eagle County staff time.

**STRATEGIC PLAN ALIGNMENT:**

Amendments to Chapter 16, specifically to for the purpose of ensuring that the Town’s zoning and development regulations are monitored for their efficacy as well as their consistency with the Town’s adopted community plan, align with the following key strategies:

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

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

**ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN**

THE ABILITY FOR MINTURN TO APPROACH DEVELOPMENT AS **RESILIENT, SUSTAINABLE, CREATIVE AND DIVERSE** WILL ALLOW THE TOWN TO CONTINUE EMBRACING WHAT HAS “**MADE MINTURN, MINTURN.**” THE TOWN CAN FURTHER LEVERAGE ITS CROSSROADS LOCATION AS A VALLEY-WIDE BENEFIT AND **COMPETITIVE ADVANTAGE.**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance No. 10, Series 2024 on first reading and direct staff to make any suggested revisions prior to second reading.

**ATTACHMENTS:**

- Ordinance No. 10, Series 2024



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 10 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 16, ARTICLE 2 AND 26  
OF THE MINTURN MUNICIPAL CODE

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

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

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

**WHEREAS**, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning; and

**WHEREAS**, in 2023, the Town completed a comprehensive update to the 2009 Community Plan (hereinafter “the 2023 Town of Minturn Community Plan”); and

**WHEREAS**, a key objective of the 2023 Town of Minturn Community Plan is to review and update the Town’s zoning, land use, development and design regulations and standards; and

**WHEREAS**, Chapter 4, Attainable Housing & Historic Character, of the Community Plan sets forth recommendations to amend and update Chapter 16, Article 26, Community Housing Standards and Guidelines, of the Minturn Municipal Code, to address target Area Median Income (AMI) levels within the Town’s inclusionary housing requirements to promote “more equitable and inclusionary housing;” and

**WHEREAS**, Town Council has directed staff to draft text amendments to Chapter 16 of the Minturn Municipal Code, the Town Land Use Regulations, from time to time, in accordance with the Town’s Strategic Plan and Community Plan; and

**WHEREAS**, on May 8, 2024, the Minturn Planning Commission considered this ordinance and recommended approval; and

**WHEREAS**, on May 15, 2024, the Minturn Town Council approved this ordinance on first reading; and

**WHEREAS**, the Minturn Planning Commission and Town Council have determined that the text amendments to Chapter 16 of the Minturn Municipal Code as provided herein are necessary and proper.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**ARTICLE 2 – Definitions**

Price Capped For Sale Housing means housing subject to a deed restriction requiring that the Housing meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

Price Capped Rental Housing means rental housing subject to a deed restriction requiring that the Housing meet Rental Rate Restrictions, quality, annual compliance and other criteria set forth in the Guidelines and Administrative Procedures.

**ARTICLE 26 – Community Housing Standards and Guidelines**

\* \* \*

**Sec. 16-26-100. - Mitigation for residential developments.**

All new residential subdivisions and all new multi-family residential developments shall set aside lots or units for community housing as set forth in this Section.

- (a) Twenty percent (20%) of the total residential units in any new residential or mixed-use development proposing to create five (5) or more residential dwelling units shall be deed-restricted for resident occupied community housing. In determining whether this requirement applies, the Town shall consider all potential phases of development of the property or properties so that an owner cannot avoid the requirements by dividing the development into individual phases.
- (b) Ten percent (10%) of the total residential units in any new residential or mixed-use development proposing to create five (5) or more residential dwelling units shall be deed-restricted to limit the initial sales price (“Price Capped For Sale Housing”) to no greater than that which is affordable to households earning no more than two hundred one-hundred forty percent (~~200~~140%) AMI; and to limit or cap subsequent re-sale appreciation; or to limit the community housing rental unit rental prices (“Price Capped

Rental Housing”) in accordance with guidelines established by the Town and generally set at rates that are affordable to households with incomes no higher than eighty percent (80%) AMI.

- (c) Fractional remainders. The development's mitigation responsibility will be rounded to the nearest whole number: Below 0.5 round down (= 0 unit), and round up from 0.5 and higher (= 1 unit).
- (d) In lieu of the requirements of subsections (a) and (b) of this section, the development may meet mitigation requirements through a donation of land in an amount determined by the Town Council meeting the following requirements:
  - (1) Land shall be free of all liens and encumbrances and shall be conveyed by general warranty deed.
  - (2) Land shall be properly entitled and capable of supporting the applicable number of community housing units.
  - (3) Land shall be buildable, have suitable soils and drainage and available utilities, and should not be within an area that has potential geologic hazards associated with development.

(Ord. 7 2020 §4)

\* \* \*

**Sec. 16-26-120. - Acceptable methods of community housing mitigation.**

The following methods are provided for an applicant to comply with this Article:

- (a) Provision of price capped for sale deed-restricted community housing with a maximum initial sales price (“Price Capped For Sale Housing”) set at or below ~~two hundred one-hundred forty~~ one hundred forty percent (~~200~~140%) AMI affordability level and with re-sale appreciation rates capped in accordance with guidelines established by the Town.
- (b) ~~Provision of resident occupied deed restricted community housing for rental and for sale community housing units.~~ Provision of community housing rental unit rental prices (“Price Capped Rental Housing”) in accordance with guidelines established by the Town and generally set at rates that are affordable to households with incomes no higher than eighty percent (80%) AMI.
- (c) ~~Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.~~ Provision of resident occupied deed-restricted community housing for rental and for sale community housing units.

(d) Conveyance of land to the Town in lieu of community housing in an amount determined by the Town Council.

(Ord. ~~7-2020~~ §4)

\* \* \*

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE \_\_\_ DAY OF \_\_\_\_\_ 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE \_\_\_ DAY OF \_\_\_\_\_ 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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

ATTEST:

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

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

TOWN OF MINTURN, COLORADO

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

ATTEST:

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



To: Mayor and Town Council  
From: Michelle Metteer, Town Manager  
Date: 05/15/2024  
Agenda Item: Taylor St Parking Discussion

---

**REQUEST:**

At the May 1, 2024, Council meeting a Taylor St resident requested Council consider the requirement for only parallel on-street parking along both sides of Taylor St.

**INTRODUCTION:**

Taylor St residents have traditionally parked somewhat haphazardly along both sides of the road, oftentimes with vehicles parked in the wrong direction – in opposition to oncoming traffic. This has caused issues for years with snowplow removal; however, the Town has worked around these complications in the past. With the request from a Taylor St resident to “clean-up” the parking lanes with the goal of ensuring safe two-way access by drivers and emergency vehicles, Council will need to consider the Town’s willingness to implement and enforce this request.

**ANALYSIS:**

Oftentimes, the street right of way can be easily depicted by the location of the electrical poles. Taylor St is a 40’ public right of way and is not a straight line, but rather curves in multiple areas. The fence on the west side of the street in the photos is located many feet within private property, so the narrowing of the road, causing difficulty for two-way traffic is being created primarily by parked vehicles encroaching too far into the right of way. Many of the vehicles included in the attached photos can be seen parking well into the driving lane (photos taken 5/10/2024). This issue is further exacerbated by numerous private properties along the east side of the road creating/installing improvements such as berms, retaining walls and other structures within this right of way area.

**COMMUNITY INPUT:** Requested

**BUDGET / STAFF IMPACT:** TBD

**STRATEGIC PLAN ALIGNMENT:**

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Council to provide one of three directions as follows which, as appropriate, shall be actively enforced by town staff and the Eagle County Sheriff’s Department. Staff will soon begin work toward the paving of Taylor St at which point a much more detailed discussion on this matter will be required.

- Do nothing and leave the issue as is
- Reclaim the entirety of the right of way area
- Require all parking to be conducted outside of the paved driving lanes with no parking on the west side of the road from 4<sup>th</sup> Street south (staff recommendation)

**ATTACHMENTS:**

- (7) Taylor St photos
- Taylor St Right of Way







DIP

GA0-379







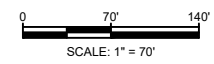








C:\ME\_DROPBOX\CAD\CIVIL\_3D\240001\TAYLOR AVE ROW\MINTURN NORTH C-SITE TO JEFF 5.7.24.DWG 5/10/2024 10:47 AM



| SHEET REVISIONS |      |             |    |
|-----------------|------|-------------|----|
| NO.             | DATE | DESCRIPTION | BY |
|                 |      |             |    |
|                 |      |             |    |
|                 |      |             |    |
|                 |      |             |    |

**Inter-Mountain ENGINEERING**  
Civil Engineers & Surveyors  
30 BENCHMARK RD., STE 216, P.O. BOX 978, AVON, CO 81620  
PH: (970)949-5072 / EMAIL: INFO@INTER-MTN.NET

CLIENT: TOWN OF MINTURN

This document was prepared for the exclusive use of the Client specified herein. The use of this document or the information contained herein by any other person or entity is not authorized. In the event that any other person or entity desires to use this document or the information contained herein for any purpose they must first obtain written authorization from Inter-Mountain Engineering. This document and any information contained herein is intended to be used within one year of the date hereof. Use after that period is not authorized.

**TAYLOR AVE RIGHT OF WAY**

TAYLOR AVE, MINTURN  
COUNTY OF EAGLE  
STATE OF COLORADO

|              |           |
|--------------|-----------|
| DESIGNED BY: | JA        |
| CHECKED BY:  | JS        |
| DATE ISSUED: | 5/10/2024 |
| PROJECT NO.  | 24-0001   |
| SHEET NO.    | 101       |



---

### 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.

#### June 5, 2024

- Resolution \_\_ - Series 2024 A Resolution Amending the Battle North Settlement Agreement (Trestle Parcel Correction)
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plat
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plan
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending Chapter 16, Article 26 Community Housing Standards and Guidelines
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Town’s Historic Register to Add 151 Main Street
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Town’s Historic Register to Add 155 Main Street
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending the Town’s Historic Register to Add 478 Eagle River Street
- Resolution \_\_ - Series 2024 A Resolution Approving a Conditional Use Permit for Minturn North – Temporary Construction Management Office and Storage
- Ordinance \_\_ - Series 2024 (First Reading) An Ordinance Amending Chapter 19, Article 9 Regarding Public Notice for Alterations, Demolitions, or Relocation of Non-Designated Structures Over 75 Years Old
- Resolution \_\_ - Series 2024 A Resolution Setting the Irrigation Sprinkler Tiered Water Rate Accounts
- 145 N Main Street Eagle River Inn Liquor License
- Resolution \_\_ - Series 2024 A Resolution Setting the Water Rates for Residential Units on Individual Meters

#### June 19, 2024

- Ethics Training – Mike Sawyer
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Town’s Historic Register to Add 151 Main Street
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Town’s Historic Register to Add 155 Main Street
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Town’s Historic Register to Add 478 Eagle River Street
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Belden Place

PUD Final Plat

- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plan
- Resolution \_\_ - Series 2024 A Resolution Approving a Subdivision Improvement Agreement for Belden Place
- Ordinance \_\_ - Series 2024 (Second Reading) An Ordinance Amending Chapter 19, Article 9 Regarding Public Notice for Alterations, Demolitions, or Relocation of Non-Designated Structures Over 75 Years Old
- Acceptance of the 2023 Fiscal Year Audit
- Discussion/Direction – Short Term Rental Ordinance Amendments

**July 3, 2024**

- Discussion/Direction - Resolution by the Stakeholders for a Downtown Development Authority Ballot Submitted to the Council (Pending Council’s initial direction)

**July 17, 2024**

- Ord \_\_ - Series 2024 (First Reading) An Ordinance approving ballot language for the November election. (Pending Council’s initial direction)

**Dates to be Determined:**