



Agenda

Town Council Regular Meeting | 5:30 PM

Wednesday, September 3, 2025

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/85430457242>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 854 3045 7242

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 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. 08-20-2025 Minutes

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 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 and 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. ERWSD:

1. The Excessive Water User Campaign, and
2. Mandatory regulatory-driven upgrades to the regional wastewater treatment facility, including funding options and general obligation bond question that will appear on the November coordinated election ballot.

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 36 - Series 2025 A Resolution Approving Variance 2024-01 (161 Main Street) Extension
- B. Ordinance 08 - Series 2025 (Second Reading) An Ordinance Amending Chapter 16 of the MMC to Add Article 27, Natural Medicine Businesses and to Make Changes to the Use Tables in Sections 16-5-40, 16-6-70, and 16-7-60
- C. Ordinance 09 - Series 2025 (First Reading) An Ordinance Amending Chapter 7, Article 8 of the MMC to Allow for the Installation of Phase III Certified Wood Burning Devices
- D. Ordinance 10 - Series 2025 (First Reading) Amending Chapter 19, Article 5 to Add the Secretary of Interior's Design Guidelines as a Review Standard
- E. Resolution 37 - Series 2025, A Resolution to enter Into an Agreement with a Municipal Advisor

11. Discussion / Direction Items

- A. Stop Signs at Taylor and Minturn Road - new stop signs, and crosswalk art
- B. WTP Design and Cost Estimates Walkthrough (HDR, Jarod Limke)

12. Future Agenda Items

A. Future Meeting Topics

13. Executive Session

- A. An Executive Session for the purposes of conferencing with the Town Attorney to receive legal advice on the topic of nuisance prosecution of Minturn Cemetery District pursuant to C.R.S 24-6-402(4)(b)

14. Adjourn

Information Only Items

Upcoming Council Meetings: 9/17, 10/1, 10/15. DDA Plan of Development Workshop with Ayres Associates: 10/20 - 10/22 (Details to Follow). Upcoming Social Events: September First Friday, 9/5 at Minturn Saloon. Minturn SeptemberFest Saturday 9/27 (in conjunction with the VRD Cougar Ridge Classic).



OFFICIAL MINUTES

Town Council Regular Meeting | 5:30 PM

Wednesday, August 20, 2025

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

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Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 837 7418 8943

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

1. Call to Order

Mayor Earle Bidez called the meeting to order at 5:30pm.

2. Roll Call and Pledge of Allegiance

Council present: Mayor Earle Bidez, Mayor Pro Tem Eric Gotthelf, Town Council members Lynn Feiger, and Gusty Kanakis Tom Priest, Kate Schifani, and Brian Rodine.

Staff present: Town Attorney Michael Sawyer (zoom beginning at 6:04pm), Town Manager Rob Gutierrez, Town Clerk Jay Brunvand (zoom), and Town Planner Madison Harris.

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. 08-06-2025 Minutes

Motion by Gusty K., second by Tom P., to approve the Consent Agenda of 08/20/2025 as presented, motion passed 7-0.

4. Approval of Regular Agenda

Opportunity for amendment or deletions to the agenda.

Remove 9a Wild Fire Resiliency code, parties unable to attend due to fires in the area.

Motion by Eric G., second by gusty K., to approve the Agenda of 08/20/2025 as presented, motion passed 7-0.

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 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. Christopher Rieder, 332 Taylor, discussed the paving of Taylor St. expressed disappointment in the project and noted the increased traffic on Taylor St. highlighting safety concerns.

7. Council and Committee Reports

Brian R. reminded everyone to adhere to the posted speed throughout the town. Recommended staff to take action on their own. Looking at bike playground for the little kids.

Lynn F. agreed with the traffic concerns. Reminded all of the fire danger. Pancake breakfast at Minturn fire station this Saturday

Gusty K. reiterated the fire concerns

Earle B. discussed the closed shooting range. Encouraged All to take extra precautions.

8. Staff Reports

A. Manager's Update

Top Updates

- 1. Highlands Property** – Broker interviews scheduled; recommendation expected **Aug 20**.
- 2. Municipal Advisor** – Interviews scheduled; recommendation expected **Aug 20**.

3. **Water Treatment Plant** - 60% design complete; updated cost estimate **\$11M**.
4. **Bellm Bridge** - CDOT RFQ approved; repurposed bridge option deemed infeasible.
5. **Taylor Street Repaving** - Public meeting set for **Aug 21, 4:30–6:30 p.m.**

Active Initiatives

Highlands Property

- Council formed a committee (July 8) to engage brokers for valuation/marketability.
- **Next step:** Committee interviews and recommendation for **Aug 20 meeting**.

Municipal Advisor

- Council formed a committee (July 8) to engage an advisor for water plant financing.
- Interviews delayed for scheduling; **recommendation to Council Aug 20**.

Minturn Forward

- Four modules total; current focus on Modules 1 & 2.
- **Module 1 (Completed – March 2025):**
 - Article 5: Land Use Application Requirements & Procedures
 - Article 8: Subdivision Application Requirements & Procedures
 - Articles 10 & 11: Annexation and Disconnection of Land
 - Article 12: Environmental/Development Impact Report
- **Module 2 (In Progress)**
 - Article 2: Zone Districts
 - Article 3: Use Regulations & Standards
 - Article 4: Dimensional Requirements
 - Article 9: Community Housing Standards & Guidelines
- **Next Steps**
 - Incorporate direction from the last two Planning Commission meetings and the upcoming Joint Work Session.
 - Aim to **wrap up Module 2 in August** and begin **Modules 3 & 4**.

Emerging Initiatives

Housing

- Staff are exploring **town-led strategies** to increase local housing supply and maintain/increase the share of full-time resident households.
- Expect a Council presentation from Scot Hunn on a Town Housing Action Plan by **September**.
- Avon-Eagle County led Multijurisdictional Housing Authority exploratory project will begin this fall, expect a presentation and discussion with Town Council.

Community Activation

- Conducting meetings with staff and residents about exploring expanded community events.
- Evaluating options for downtown streetlight replacements that would facilitate placemaking and community event promotion.

Parks and Recreation

- Evaluating the potential for conducting a Parks and Recreation Master Plan in FY 2026

Economic Development

- Staff are exploring potential town-led strategies to develop and grow small business.
- Examining regulatory reform of mobile business/mobile vendor regulations to allow increased flexibility for pop-up business.
- Working to identify barriers to entry for small businesses and how the town could facilitate increased commercial space for startup businesses.

Capital Projects

Minturn Water Treatment Plant

- **Status:** 60% design reviewed with HDR on July 10.
- **Cost Estimate:** ~\$11M, including Memcor membranes selected by Council in July.
- **Next Step:** Full plan walkthrough by HDR's Jarod Limke at a September Council meeting.

Little Beach Park & Historic Meyer's Barn

- **Engineering:** Access road & retaining wall in design; additional southern survey by Aug 1.
- **Funding:** GOCO submission postponed to early 2026 to allow shovel-ready plan. DOLA EIAF grant reimbursement is active.
- **Next Step:** Complete access road & retaining wall this year.

US 24 Pedestrian Improvement

- Contract with Phoenix Industries executed; work to begin in the **coming weeks**.

North Main Street Pedestrian Improvement & Cemetery Road Crossing

- Notice of award issued to 360 Civil Inc.
- **Next Step:** Contract execution pending; construction to follow.

Bellm Bridge Design RFQ

- CDOT approved RFQ to hire design firm.
- Repurposed CDOT truss bridge not feasible; will explore premanufactured truss option.

Taylor Street Repaving

- Design complete.
- **Next Step:** Public meeting at Town Hall on **Aug 21, 4:30–6:30 p.m.**

Discussion ensued on the Saloon dumpsters being placed so far from the building and in the roadway.

Brian R. discussed concepts to encourage economic development efforts.

9. Special Presentations

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

A. Colorado Wildfire Resiliency Code

This item was pulled from the agenda as all available were fighting fires in the county.

B. TreeTop Child Advocacy Center (Presented by ECSO Detective Thomas Wright and Cailin Ellis from TreeTop)

ECSO Det. Thomas Wright and Ms. Cailin Ellis reviewed a prepared presentation and fielded questions.

C. ECSO National Night Out - 2025 Recap and 2026 Funding Request

Council reviewed a prepared presentation and fielded questions.

10. Business Items

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

A. Ordinance 08 - Series 2025 (First Reading) An Ordinance Amending Chapter 16 of the MMC to Add Article 27, Natural Medicine Businesses and to Make Changes to the Use Tables in Sections 16-5-40, 16-6-70, and 16-7-60

In 2022, Colorado voters approved Proposition 122: “Access to Natural Psychedelic Substances” (the “Natural Medicine Health Act” or the “Act”), which legalizes the supervised use of psychedelic mushrooms at licensed facilities by individuals 21 years and older. The Act authorizes the State to promulgate rules and regulations for the operation of licensed natural medicine businesses. Local governments may not prohibit licensed natural medicine facilities but may regulate the time, place, and manner of operation of such facilities.

In 2023, the State published the Colorado Natural Medicine Code, establishing the regulatory structure for the operation of natural medicine businesses, including licensing and registration and requirements for the use, cultivation, manufacture, and testing of natural medicine substances.

The purpose of the Ordinance, attached as **Exhibit A**, is to regulate the time, place, and manner of operation of licenses issued pursuant to the Colorado Natural Medicine Code. Staff has determined that the most appropriate zoning districts for operation of natural medicine healing centers—where natural medicine services are provided under supervision—are in the Grouse Creek Character Area Commercial Zone, the 100-Block Commercial Zones, the Old Town Commercial Zone, the Old Town Mixed Use Zone, and the South Town Character Area Commercial Zone. Planning Commission recommended natural medicine healing centers be permitted on the second floor or above, not on the first floor, in the 100-Block Commercial Zones. Other natural medicine businesses, including cultivation facilities, products manufacturers, testing facilities, and other licensed natural medicine businesses would be permitted in the Grouse Creek Area Commercial Zone. The Ordinance also limits any natural medicine business to be at least 1,000 feet from any day care center, preschool, school, or family child care home. The hours of operation of natural medicine businesses are restricted from 7:00 a.m. to 9:00 p.m. All other operations of natural medicine businesses must conform to

state regulations.

On August 13, 2025, Planning Commission recommended Town Council approve the Ordinance. Staff advises Town Council adopt the Ordinance.

Tom P. clarified some of the text of the ordinance.

In response to questions, Mike S. detailed the state law requirements. It was noted that the town could not ban this but could regulate where. There was lengthy discussions on where this use might fit in the code, how this impacts contemplated code changes and zone districts,

Potential second reading conditions were considered and discussed.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Eric G., Second by Brian R., to approve Ordinance 08 - Series 2025 (First Reading) An Ordinance Amending Chapter 16 of the MMC to Add Article 27, Natural Medicine Businesses and to Make Changes to the Use Tables in Sections 16-5-40, 16-6-70, and 16-7-60 as amended. Motion passed 6-1 (Tom P. voted nay).

Requested amendment: Make changes to commercial and mixed-use zones to allow healing centers as a use by right.

A. Resolution 35, Series 2025, A Resolution Approving the Selection of a Municipal Advisor

The Town Council recently authorized the formation of a committee consisting of Council Member Gusty Kanakis, Mayor Earle Bidez, and Town Manager Rob Gutierrez to interview prospective firms to serve as the Town's Municipal Advisor. The purpose of this engagement is to assist the Town in exploring potential bond financing strategies for the construction of Minturn's new water treatment plant. The committee conducted interviews with four qualified candidates:

- Melissa Buck – UMB
- Troy Bernberg – Northland Securities
- Mattie Prodanovic – Hilltop Securities
- Matthew O'Meara – Choice Advisors

Following the interviews and evaluation of each candidate's qualifications, experience, and approach, the committee and Town Manager are unanimously recommending that the Town Council select Mr. Troy Bernberg of Northland Securities to serve as the Town's Municipal Advisor for this project. Mr. Bernberg demonstrated:

- Extensive experience in structuring and executing municipal bond financing for infrastructure projects of similar scale and complexity.
- A strong understanding of Colorado municipal finance law and regulatory

requirements.

- A collaborative approach that aligns with Minturn's goals of fiscal responsibility and long-term sustainability. Next Steps Should the Council approve this recommendation at the August 20, 2025, meeting, staff will proceed with the following actions:

1. Draft terms of engagement with Northland Securities.
2. Submit the draft agreement to the Town Attorney for legal review.
3. Present the finalized agreement for Council approval via resolution at the September 3, 2025, regular meeting.

Mr. Troy Bernberg outlined his qualifications for the council.

Council and staff asked questions to include processes, fees, etc.

Motion by Gusty K., second by Tom P., to approve Resolution 35 Series 2025 for the approval of the selection have Troy Bernberg, Northland Securities, as the town will introduce municipal advisor for the water treatment plant and bond financing project and to direct staff to proceed with preparation of the engagement agreement as presented. Motion passed 7-0. Fix thi

11. Discussion / Direction Items

A. Possible Use of a Broker for an Opinion of Value on the Highlands Parcels

Rob G. updated on the current status. He expressed concern that this is difficult process, not the financial panacea hoped for by council, and needs more investigation of options.

Direction given:

Earle B. requested a possible special meeting to discuss the fire concerns and the gun range. The thought could be to find alternative land to move the range to. Tom P. noted we need to understand how the range is closed as fire

12. Future Agenda Items

A. Future Meeting Topics

13. Adjourn Information Only Items

Motion by kate ___, second by lynn ___, to adjourn at _7:52_pm. Motion passed 7-0.

Upcoming Council Meetings:

- September 3, September 17,
- October 1, October 15.

Upcoming Special Events:

- September First Friday (9/5) at Minturn Saloon,
- Fall Festival (Details to follow) 9/27.

SEPTEMBER 2025 TOWN MANAGER'S REPORT



MANAGER'S REPORT

SEPTEMBER 2025



Top Updates

1. **Highlands Property** – Broker interviews scheduled; recommendation expected **Aug 20**.
2. **Municipal Advisor** – Town Council selected Troy Bernberg of Northland Securities.
3. **Water Treatment Plant** - 90% design nearing completion; updated cost estimates pending.
4. **Bellm Bridge** - CDOT RFQ posted. Town Council Selection October 1st.
5. **Taylor Street Repaving** – Public bid posting is pending for fall or spring 26' construction.

Active Initiatives

Highlands Property

- Council formed a committee (July 8) to engage brokers for valuation/marketability.
- **Next step:** Committee interviews and recommendation for **Aug 20 meeting**.

Minturn Forward

- Four modules total; current focus on Modules 1 & 2.
- **Module 1 (Completed – March 2025):**
 - Article 5: Land Use Application Requirements & Procedures
 - Article 8: Subdivision Application Requirements & Procedures
 - Articles 10 & 11: Annexation and Disconnection of Land
 - Article 12: Environmental/Development Impact Report
- **Module 2 (In-progress)**
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- **Next Steps**
 - Incorporate direction from the last two Planning Commission meetings and the upcoming Joint Work Session.
 - Aim to **wrap up Module 2 in September** and begin **Modules 3 & 4**.

Emerging Initiatives

Housing

- Staff are exploring **town-led strategies** to increase local housing supply and maintain/increase the share of full-time resident households.
- Avon-Eagle County led Multijurisdictional Housing Authority exploration project will begin this fall, expect a presentation and discussion with Town Council.
- Avon leading work to ensure the Regional Housing Needs Assessments is compliant with DOLA requirements.

Community Activation

- Held 1st Town Manager's Advisory Committee meeting on August 19th. Monthly meetings will continue every 3rd Tuesday at 4pm at Town Hall or other locations as notified.

MANAGER'S REPORT

SEPTEMBER 2025



Parks and Recreation

- Submitted a Letter of Interest for Colorado Parks & Wildlife's Non-Motorized Trail Planning Grant for Little Beach Park on August 28th.

Economic Development

- Staff are exploring potential town-led strategies to develop and grow small business.
- Examining regulatory reform of mobile business/mobile vendor regulations to allow increased flexibility for pop-up business.
- Working to identify barriers to entry for small businesses and how the town could facilitate increased commercial space for startup businesses.

Capital Projects

Minturn Water Treatment Plant

Status: 90% design nearing completion. Q&A with Town Council scheduled for September 3.

Cost Estimate: ~\$11M at 60% design; updated estimate pending.

Next Steps: Discussion and financial modeling with Municipal Advisor.

Little Beach Park & Historic Meyer's Barn

Status: Access road and retaining wall out to public bid.

Next Steps: Council award and approval targeted for September 17.

Pre-Bid Meeting: Scheduled for Tuesday, September 2.

US 24 Pedestrian Improvement

Status: Sidewalk extension project underway. Formal schedule of work is pending.

Next Steps: Construction.

North Main Street Pedestrian Improvement & Cemetery Road Crossing

Status: Asphalt removal and widening in progress near Minturn Townhomes.

Community Coordination: On-site meetings held in late August with the Town Engineer, Eagle River Inn, and Minturn Saloon.

Next Steps: Awaiting utility relocations from Xcel and Comcast.

Bellm Bridge Design RFQ

Status: RFQ posted; inquiries accepted until September 15.

Next Steps: Selection and initial review scheduled for October 1st.

Taylor Street Repaving

Status: Design complete. Public bid posting is pending.

Next Steps: Town Council bid approval and selection October meeting TBD.



TO: Minturn Town Council

FROM: Siri Roman, General Manager
David Norris, Director of Business Operations

DATE: August 27, 2025

RE: Current Priorities and Funding Options

Water and wastewater utilities continue to face challenges resulting from growing regulatory pressures, aging infrastructure, risks from climate impacts such as droughts, fires, and mudslides, and the rising costs driven by these combined challenges.

Siri Roman and David Norris will present two key priorities currently being undertaken by the Eagle River Water & Sanitation District:

Water Conservation Update - Excessive Water User Campaign:

The 2025 Excessive Water User campaign aims to significantly reduce water consumption among the highest residential water users within the District and Authority service areas to help reach the goal of a 400 acre-feet water savings by 2026. The campaign is utilizing targeted outreach, communication, education, and support to drive conservation behavior among homeowners who were in Tier 5 (30,000 gallons or more) water use for three or more months in 2024.

Funding Options for the Regional Wastewater Treatment Facility in Edwards:

The District owns and operates three interconnected wastewater treatment facilities; all of which are subject to Regulation 85 (a state control regulation focused on reducing nutrients (nitrogen and phosphorus) in Colorado's lakes, rivers, and streams).

In 2023, the District completed a \$64 million nutrient upgrade project at the Avon Wastewater Treatment Facility. The District's wastewater discharge permits require that similar upgrades be completed at the Regional Wastewater Treatment Facility in Edwards by 2029. The Edwards facility treats District-wide (Vail to Edwards, including Minturn) wastewater solids and produces Class A biosolids. This project is primarily driven by regulatory requirements from the Colorado Department of Public Health and Environment (CDPHE) and addresses critical needs to the District's aging infrastructure.

The project is currently 60% designed using integrated project delivery, and it is estimated to cost approximately \$90 million. The District will ask voters in the November general election to fund the project through a mill levy increase (general obligation bond). The alternative is to fund the project through a rate increase (revenue bond).

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Eric Rippeth
Darell Wegert

To: Town Council
From: Madison Harris, Planner II
Date: August 28, 2025
Re: Resolution 36 - Series 2025 Approving an Extension to VAR 2024-01 at 161 Main Street

Request

Council is asked to approve Resolution 36 - Series 2025 granting an extension to Variance 2024-01 at 161 Main Street.

Introduction

Stefanie and Spence Neubauer were granted relief from the rear setback in the 100 Block: A Zone District on September 3, 2024. While they have been working diligently to get to the point where they are ready to apply for a building permit, there have been unforeseen stumbling blocks that have slowed them down. Sec. 16-21-650 states that a variance is valid for one year unless an extension is granted by Council.

Analysis

Upon written request, an extension of the variance permit may be granted by the Town Council, not to exceed one (1) year, if the applicant demonstrates that:

- (1) Failure to proceed with development was beyond the applicant's control.
- (2) The approved development is not speculative in nature.
- (3) The approved development still complies with this Chapter and the Community Plan.
- (4) There is reasonable likelihood that the approved development will be developed in the next year.

According to the attached letter from one of the applicants, staff believes that all of these findings can be met.

Budget/Staff Impact:

N/A

Strategic Plan Alignment

The Town Council's review and approval of the resolution aligns with the following key strategies:

- Integrity
- Transparency
- Collaboration

Recommended Action or Proposed Motion

“I make a motion to approve Resolution 36 - Series 2025 approving a one year extension to Variance 2024-01 for 161 Main Street.”

Attachments

- Resolution 36 - Series 2025
- Applicant Extension Request

MINTURN WHISKY CO.

August 5, 2025

Minturn Planning Department

Town of Minturn

302 Pine St

Minturn, CO 81645

Re: 161 Main Street Variance

Dear Minturn Planning Department and Town Council,

We are requesting an extension to our approved variance for the Minturn Whisky Co. project at 161 Main Street, currently set to expire on September 3, 2025.

We remain fully committed to the vision and values outlined in our original application and are continuing to move forward with all steps necessary to obtain our building permit. However, due to the complexity of our design and infrastructure, additional time is needed to complete the process.

We have complied with all required conditions of our original approval:

1. We have applied for and received formal Design Review Board approval.
2. We have applied for and received a Conditional Use Permit.
3. We have successfully completed the administrative subdivision process to eliminate the interior lot line and combine the two lots into one.

In addition to those completed steps, the build itself is unusually complex. We are working through mechanical design challenges due to the advanced sustainability systems we are integrating. Our goal is to create one of the most sustainable distilleries in the state, an undertaking that requires careful engineering and compliance coordination.

Another major challenge has been working with Xcel Energy to coordinate utility upgrades and connections. Despite our persistence and continued communication, the process has proven more time-consuming than anticipated, contributing to the delay in our construction timeline.

At this time, we are actively preparing for our building permit submittal, which we anticipate completing by the end of this year. We then expect permit approval by early spring 2026 and plan to begin construction in late spring or early summer. We hope this demonstrates that there is a reasonable likelihood the project will be developed promptly.

Given the realities of the situation and the good faith progress we have made, we request a one year extension of our variance approval. This will allow us the necessary time to bring the project to completion without disruption, while remaining fully aligned with the Town of Minturn's goals for thoughtful and sustainable development.

Thank you for your time and continued support. We are happy to provide any additional information if needed.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Spence Neubauer', with a long horizontal flourish extending to the right.

Spence Neubauer

Minturn Whisky Co.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 36 – SERIES 2025**

**A RESOLUTION APPROVING AN EXTENSION TO
VARIANCE 2024-01 FOR 161 MAIN STREET**

WHEREAS, on or about July 11, 2024 Stefanie and Spence Neubauer (hereinafter, the “Applicants”) properly applied for the review of a variance from the rear setback standards pursuant to the Minturn Municipal Code (hereinafter, the “Code”), Section 16-21-690, Variances; and,

WHEREAS, the Applicants requested relief from the strict interpretation of Section 16-2-40 of the Code to allow the reduction of the rear setback from thirty feet (30’) to ten feet (10’) for the first floor of the building measured to a fourteen foot (14’) eave height and a reduction of the setback from thirty feet (30’) to twenty feet (20’) for the second floor of the building measured to a twenty foot (20’) eave height on two lots located within the Old Town Character Area 100 Block A Zone District; and,

WHEREAS, at the regular meeting on September 3, 2024, the Council, acting as the Zoning Board of Appeals, voted to confirm the recommendation of approval with conditions forwarded by the Commission; and,

WHEREAS, pursuant to Code Section 16-1-20, the most appropriate use of the subject property was allowed via the granting of a variance; and,

WHEREAS, pursuant to Code Section 16-21-690(d), Findings Required, the Council made the following findings:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- (2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
- (4) There is no substantial impairment to the public that would result from the granting of the variance.

WHEREAS, pursuant to Code Section 16-21-650 a variance permit shall be valid for one (1) year from the date of approval; and,

WHEREAS, upon written request, an extension is granted by the Council, not to exceed one (1) year, as the Applicants have demonstrated:

- (1) Failure to proceed with development was beyond the applicant's control.
- (2) The approved development is not speculative in nature.
- (3) The approved development still complies with this Chapter and the Community Plan.
- (4) There is reasonable likelihood that the approved development will be developed in the next year.

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

THAT, the variance for 161 Main Street, MACKEDON & RATHBURNS Subdivision, Block C, Lot 1R, File No. VAR 2024-01, for relief from the rear setback from thirty feet (30') to ten feet (10') for the first floor of the building measured to a fourteen foot (14') eave height and relief from the rear setback from thirty feet (30') to twenty feet (20') for the second floor of the building measured to a twenty foot (20') eave height, be granted an extension of approval until September 3, 2026.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 3rd DAY OF SEPTEMBER, 2025.

TOWN OF MINTURN, COLORADO:

By: _____
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

MEMORANDUM

DATE: August 14, 2025
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Natural Medicine Businesses

In 2022, Colorado voters approved Proposition 122: “Access to Natural Psychedelic Substances” (the “Natural Medicine Health Act” or the “Act”), which legalizes the supervised use of psychedelic mushrooms at licensed facilities by individuals 21 years and older. The Act authorizes the State to promulgate rules and regulations for the operation of licensed natural medicine businesses. Local governments may not prohibit licensed natural medicine facilities but may regulate the time, place, and manner of operation of such facilities.

In 2023, the State published the Colorado Natural Medicine Code, establishing the regulatory structure for the operation of natural medicine businesses, including licensing and registration and requirements for the use, cultivation, manufacture, and testing of natural medicine substances.

The purpose of the Ordinance, attached as **Exhibit A**, is to regulate the time, place, and manner of operation of licenses issued pursuant to the Colorado Natural Medicine Code. Staff has determined that the most appropriate zoning districts for operation of natural medicine healing centers—where natural medicine services are provided under supervision—are in the Grouse Creek Character Area Commercial Zone, the 100-Block Commercial Zones, the Old Town Commercial Zone, the Old Town Mixed Use Zone, and the South Town Character Area Commercial Zone. Planning Commission recommended natural medicine healing centers be permitted on the second floor or above, not on the first floor, in the 100-Block Commercial Zones. Other natural medicine businesses, including cultivation facilities, products manufacturers, testing facilities, and other licensed natural medicine businesses would be permitted in the Grouse Creek Area Commercial Zone. The Ordinance also limits any natural medicine business to be at least 1,000 feet from any day care center, preschool, school, or family child care home. The hours of operation of natural medicine businesses are restricted from 7:00 a.m. to 9:00 p.m. All other operations of natural medicine businesses must conform to state regulations.

On August 13, 2025, Planning Commission recommended Town Council approve the Ordinance. Staff advises Town Council adopt the Ordinance.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 08 – SERIES 2025**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING THE MINTURN MUNICIPAL
CODE TO ADD ARTICLE 27, *NATURAL MEDICINE
BUSINESSES*, IN CHAPTER 16 AND TO MAKE CHANGES
TO THE USE TABLES IN SECTIONS 16-5-40, 16-6-70, AND
16-7-60**

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 State of Colorado passed Proposition 122: “Access to Natural Psychedelic Substances,” which is now codified in C.R.S. §§ 12-170-101 through 115 (the “Natural Medicine Health Act”); and

WHEREAS, the Natural Medicine Health Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of these licensed facilities; and

WHEREAS, the Natural Medicine Health Act prohibits local governments from banning licensed facilities, services, and use of natural medicines permitted by the Natural Medicine Health Act, while allowing local governments to regulate the time, place, and manner of operation of these facilities; and

WHEREAS, the State legislature enacted Senate Bill 23-290, which is codified in C.R.S. §§ 44-50-101 through 904 (the “Colorado Natural Medicine Code”), to create the regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide the use, cultivation, manufacture, and testing of these substances; and

WHEREAS, the Town Council desires to enact this ordinance to regulate the time, place, and manner of the operation of licenses issued pursuant to the Colorado Natural Medicine Code; to establish the appropriate zoning districts for the operation of licenses issued pursuant to the Colorado Natural Medicine Code; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a day care center; preschool; elementary, middle, junior or high school; or a family child care home pursuant to the Colorado Natural Medicine Code; and

WHEREAS, the Town Council wishes to allow natural medicine healing centers in the Grouse Creek Character Area Commercial Zone, the Old Town Character Area 100-Block A and B Zones, and the South Town Character Area Commercial Zone, as amended from time to time; and wishes to allow natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and any other state-licensed natural medicine businesses in the Grouse Creek Area Commercial Zone; and

WHEREAS, at a public hearing held on August 13, 2025, the Planning Commission considered the proposed amendments and heard evidence and testimony from the Town Staff, and members of the public. The Planning Commission recommended that the Town Council approve the proposed amendments; and

WHEREAS, at their regular meeting of August 20, 2025, the Town Council considered the amendments to the Minturn Municipal Code (the “Town Code”) to regulate the sale, manufacturing, and use of Natural Medicine, as shown in **Exhibit A** on first reading and scheduled a public hearing and second reading for the ordinance for September 3, 2025, for a meeting beginning no earlier than 5:30 PM at the Minturn Town Hall, 302 Pine Street, Minturn, Colorado; and

WHEREAS, at a public hearing and second reading on September 3, 2025, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public; and

WHEREAS, the Town Council finds and determines that the proposed amendments to the Town Code outlined herein are reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

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. The Town Code is hereby amended as set forth in **Exhibit A**.

SECTION 3. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

SECTION 4. Upon passage of this Ordinance, the provisions hereof shall become effective on September 10, 2025.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20TH DAY OF AUGUST 2025. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 3rd DAY OF SEPTEMBER 2025 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 3RD DAY OF SEPTEMBER 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

Exhibit A

The Town Code is hereby amended as follows. Additions are shown in **bold, double underlined** text.

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

The following Table 16-1 sets forth the uses for the Grouse Creek Character Area:

TABLE 16-1
Grouse Creek Character Area Use Table

<i>Use</i>	<i>All Residential Zones</i>	<i>All Commercial Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation & Open Space Zones</i>	<i>All Federally Regulated Zones</i>	<i>Light Industry and Public Facilities Zone</i>	<i>PUD Holding Zone</i>	<i>Railroad Right-of-Way/ Transportation Zone</i>
R - Use by right	C - Conditional use		L - Limited use		N - Not allowed			
Accessory apartments	—	N	—	—	—	—	—	—
Accessory dwellings	—	N	—	—	—	—	—	—
Automotive detail shops	—	R	—	—	—	—	—	—
Automotive parts sales	—	R	—	—	—	—	—	—
Bakeries and confectioneries	—	R	—	—	—	—	—	—
Bakeries and delicatessens with food service	—	R	—	—	—	—	—	—
Banks and financial institutions	—	R	—	—	—	—	—	—
Barbershops	—	R	—	—	—	—	—	—
Beauty shops	—	R	—	—	—	—	—	—
Business and office services	—	R	—	—	—	—	—	—
Car washes	—	C	—	—	—	—	—	—
Cocktail lounges, taverns	—	R	—	—	—	—	—	—
Commercial accommodations	—	R	—	—	—	—	—	—
Convenience stores	—	R	—	—	—	—	—	—
Delicatessens and specialty food stores	—	R	—	—	—	—	—	—
Drive-thru/up establishments	—	C	—	—	—	—	—	—

Drugstores and pharmacies	—	R	—	—	—	—	—	—
Dry cleaners	—	R	—	—	—	—	—	—
Duplexes	—	N	—	—	—	—	—	—
Garden landscaping supply and seed stores	—	R	—	—	—	—	—	—
Gas stations	—	C	—	—	—	—	—	—
Grocery stores	—	R	—	—	—	—	—	—
Health/medical offices	—	R	—	—	—	—	—	—
Institutional uses	—	R	—	—	—	—	—	—
Laundries	—	C	—	—	—	—	—	—
Laundromats	—	R	—	—	—	—	—	—
Liquor stores	—	R	—	—	—	—	—	—
Manufacturing, light	—	C	—	—	—	—	—	—
Multi-family dwellings	—	N	—	—	—	—	—	—
<u>Natural medicine healing center</u>	==	<u>R</u>	==	==	==	==	==	==
<u>Natural medicine cultivation facility</u>	==	<u>C</u>	==	==	==	==	==	==
<u>Natural medicine products manufacturer</u>	==	<u>C</u>	==	==	==	==	==	==
<u>Natural medicine testing facility</u>	==	<u>C</u>	==	==	==	==	==	==
<u>Natural medicine business, other</u>	==	<u>C</u>	==	==	==	==	==	==
Office uses	—	R	—	—	—	—	—	—
Pawn shops	—	R	—	—	—	—	—	—
Photographic studios	—	R	—	—	—	—	—	—
Professional activities	—	R	—	—	—	—	—	—
Professional offices, business offices and studios	—	R	—	—	—	—	—	—
Radio and television stores and repair shops	—	R	—	—	—	—	—	—

Restaurant	—	R	—	—	—	—	—	—
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and retail 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.	—	R	—	—	—	—	—	—
Retail uses greater than 5,000 square feet	—	C	—	—	—	—	—	—
Service businesses	—	R	—	—	—	—	—	—
Single-family residential dwellings	—	N	—	—	—	—	—	—

Small appliance repair shops, excluding furniture repair	—	R	—	—	—	—	—	—
Tailors and dressmakers	—	R	—	—	—	—	—	—
Theaters	—	R	—	—	—	—	—	—
Theaters, meeting rooms and convention centers	—	R	—	—	—	—	—	—
Travel and ticket agencies	—	R	—	—	—	—	—	—

* * * *

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

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

TABLE 16-2
Old Town Character Area Use Table

<i>Use</i>	<i>All Residential Zones</i>	<i>Commercial Zones</i>	<i>100 Block: A</i>	<i>100 Block: B</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation & Open Space Zones</i>	<i>All Federally Regulated Zones</i>	<i>Light Industry and Public Facilities Zone</i>	<i>PUD Holding Zone</i>	<i>Railroad Right-of-Way/Transportation Zone</i>
	R - Use by right		C - Conditional use		L - Limited use		N - Not allowed			
Accessory apartments (street level)	L	C	N***	N***	L	N	—	—	—	—
Accessory apartments (second floor or above)	L	C	R	R	L	N	—	—	—	—
Accessory dwellings (street level)	L	C	N***	N***	L	N	—	—	—	—
Accessory dwellings (second floor or above)	L	C	R	R	L	N	—	—	—	—

Automotive detail shops	N	C	N	N	C	N	—	—	—	—
Automotive parts sales	N	C	N	N	C	N	—	—	—	—
Bakeries and confectioneries	N	R	R	R	R	N	—	—	—	—
Banks and financial institutions	N	R	N	N	R	N	—	—	—	—
Barbershops	N	R	R	R	R	N	—	—	—	—
Beauty Shops	N	R	R	R	R	N	—	—	—	—
Business and office services	N	R	C	C	R	N	—	—	—	—
Car washes	N	N	N	N	C	N	—	—	—	—
Cocktail lounges, taverns	N	R	R	R	C	N	—	—	—	—
Club (street level)	N	N	N	N	N	N	—	—	—	—
Club (second floor or above)	N	C	N	N	C	N	—	—	—	—
Commercial accommodations	N	R	R	R	C	N	—	—	—	—
Convenience stores	N	C	N	N	C	N	—	—	—	—
Delicatessens and specialty food stores	N	R	R	R	C	N	—	—	—	—
Drive-thru/up establishments	N	C	N	N	N	N	—	—	—	—
Drugstores and pharmacies	N	R	R	R	R	N	—	—	—	—
Dry cleaners	N	R	N	N	N	N	—	—	—	—
Duplexes (street level)	N	C	N***	N***	C	N	—	—	—	—
Duplexes (second floor or above)	N	C	R	R	C	N	—	—	—	—

Garden landscaping supply and seed stores	N	R	N	N	R	N	—	—	—	—
Gas stations	N	N	N	N	C	N	—	—	—	—
Grocery stores	N	R	C	C	C	N	—	—	—	—
Health/medical offices (street level)	N	C	N	N	C	N	—	—	—	—
Health/medical offices (second floor or above)	N	R	R	R	C	N	—	—	—	—
Institutional uses (street level)	N	N	N	N	N	N	—	—	—	—
Institutional uses (second floor or above)	N	C	N	N	C	N	—	—	—	—
Laundries	N	C	N	N	C	N	—	—	—	—
Laundromats	N	R	N	N	C	N	—	—	—	—
Liquor stores	N	R	R	R	C	N	—	—	—	—
Manufacturing, light	N	C	C	C	N	N	—	—	—	—
Multi-family dwellings (street level)	N	C	N***	N***	C	N	—	—	—	—
Multi-family dwellings (second floor or above)	N	C	R	R	C	N	—	—	—	—
<u>Natural medicine healing center (street level)</u>	<u>N</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>N</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>Natural medicine healing center (second floor or above)</u>	<u>N</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>N</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
Pawn shops	N	R	C	C	C	N	—	—	—	—

Photographic studios	N	R	C	C	R	N	—	—	—	—
*Professional activities (street level)	N	R	C	C	C	N	—	—	—	—
Professional activities (second floor or above)	N	R	R	R	R	N	—	—	—	—
*Professional offices, business offices and studios (street level)	N	C	C	C	R	N	—	—	—	—
Professional offices, business offices and studios (second floor or above)	N	R	R	R	R	N	—	—	—	—
Radio and television stores and repair shops	N	R	R	R	R	N	—	—	—	—
Restaurant	N	R	R	R	C	N	—	—	—	—
Short-term rental**	R	R	R	R	R	N	—	—	—	—
Single-family residential dwellings	R	C	N	N	R	N	—	—	—	—
Retail stores including: Apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores;	N	R	R	R	R	N	—	—	—	—

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										
Small appliance repair shops, excluding furniture repair	N	R	C	C	R	N	—	—	—	—
Tailors and dressmakers (street level)	N	R	N	N	R	N	—	—	—	—
Tailors and dressmakers (second floor or above)	N	R	R	R	R	N	—	—	—	—
Theaters	N	R	N	N	C	N	—	—	—	—
Theaters, meeting rooms and convention centers (street level)	N	N	N	N	N	N	—	—	—	—
Theaters, meeting rooms and convention centers (second floor or above)	N	C	N	N	C	N	—	—	—	—
Travel and ticket agencies	N	R	N	N	R	N	—	—	—	—

Refer to BD.2 in Appendix B for Active Use requirements on ground floor.

* Professional activities and offices may be allowed on the street level fronting Williams Street and Eagle River Street in the 100 Block, with conditional approval from Town Council depending on the use and parking demand.

** Historic property is exempt from the two-year ownership requirement. Historic properties within the 100 Block Zones are allowed to function as short-term rentals on all floors.

*** Residential is allowed on the back fifty percent (50%) of the proposed ground floor area of historic properties within the 100 Block Zones while meeting all residential parking requirements.

* * * *

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

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

TABLE 16-3
South Town Character Area Use Table

<i>Use</i>	<i>All Residential Zones</i>	<i>All Commercial Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation & Open Space Zones</i>	<i>All Federally Regulated Zones</i>	<i>Light Industry and Public Facilities Zone</i>	<i>PUD Holding Zone</i>	<i>Railroad Right-of-Way/ Transportation Zone</i>
R - Use by right	C - Conditional use		L - Limited use		N - Not allowed			
Accessory apartments	L	L	—	—	N	—	—	—
Accessory dwellings	L	L	—	—	N	—	—	—
Automotive detail shops	N	R	—	—	N	—	—	—
Automotive parts sales	N	R	—	—	N	—	—	—
Bakeries and confectioneries	N	R	—	—	N	—	—	—
Bakeries and delicatessens with food service	N	R	—	—	N	—	—	—
Banks and financial institutions	N	R	—	—	N	—	—	—
Barbershops	N	R	—	—	N	—	—	—
Beauty shops	N	R	—	—	N	—	—	—
Business and office services	N	R	—	—	N	—	—	—
Car washes	N	C	—	—	N	—	—	—
Cocktail lounges, taverns	N	R	—	—	N	—	—	—
Commercial accommodations	N	R	—	—	N	—	—	—
Convenience stores	N	R	—	—	N	—	—	—
Delicatessens and specialty food stores	N	R	—	—	N	—	—	—
Drive-thru/up establishments	N	C	—	—	N	—	—	—

Drugstores and pharmacies	N	R	—	—	N	—	—	—
Dry cleaners	N	R	—	—	N	—	—	—
Duplexes	R	R	—	—	N	—	—	—
Garden landscaping supply and seed stores	N	R	—	—	N	—	—	—
Gas stations	N	C	—	—	N	—	—	—
Grocery stores	N	R	—	—	N	—	—	—
Health/medical offices	N	R	—	—	N	—	—	—
Institutional uses	N	R	—	—	N	—	—	—
Laundries	N	C	—	—	N	—	—	—
Laundromats	N	R	—	—	N	—	—	—
Liquor stores	N	R	—	—	N	—	—	—
Manufacturing, light	N	C	—	—	N	—	—	—
Multi-family dwellings	C	C	—	—	N	—	—	—
<u>Natural medicine healing center</u>	<u>N</u>	<u>R</u>	<u>—</u>	<u>—</u>	<u>N</u>	<u>—</u>	<u>—</u>	<u>—</u>
Office uses	N	R	—	—	N	—	—	—
Pawn shops	N	R	—	—	N	—	—	—
Photographic studios	N	R	—	—	N	—	—	—
Professional activities	N	R	—	—	N	—	—	—
Professional offices, business offices and studios	N	R	—	—	N	—	—	—
Radio and television stores and repair shops	N	R	—	—	N	—	—	—
Restaurant	N	R	—	—	N	—	—	—
Retail uses greater than 5,000 square feet	N	C	—	—	N	—	—	—
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy	N	R		N	—	—	—	—

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.								
Service businesses	N	R	—	—	N	—	—	—
Short-term rental*	R	R	—	—	N	—	—	—
Single-family residential dwellings	R	R	—	—	N	—	—	—
Small appliance repair shops, excluding furniture repair	N	R	—	—	N	—	—	—
Tailors and dressmakers	N	R	—	—	N	—	—	—
Theaters	N	R	—	—	N	—	—	—
Theaters, meeting rooms and convention centers	N	R	—	—	N	—	—	—
Travel and ticket agencies	N	R	—	—	N	—	—	—

** Historic property is exempt from the two-year ownership requirement.

* * * *

CHAPTER 16 - Zoning

ARTICLE 27 - Natural Medicine Businesses

The premises for a natural medicine healing center is permitted in the Town subject to the requirements included in this Code, including but not limited to Chapter 6 and this Chapter.

Sec. 16-27-10. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the following meanings unless the context clearly indicates otherwise:

Natural medicine means psilocybin or psilocyn and other substances described as “natural medicine” in C.R.S. §§ 44-50-101 through 904 (the “Colorado Natural Medicine Code”).

Natural medicine business shall have the meaning provided in the Colorado Natural Medicine Code, as may be amended from time to time, and shall include the following:

- (a) Natural medicine healing centers;
- (b) Natural medicine cultivation facilities;
- (c) Natural medicine products manufacturers;
- (d) Natural medicine testing facilities; and
- (e) Any other business entity licensed to perform operations related to natural medicine by the state licensing authority.

Natural medicine cultivation facility shall have the meaning provided in the Code of Colorado Regulations, Natural Medicine Division, 1 CCR § 213-1, as may be amended from time to time.

Natural medicine healing center shall have the same meaning as “healing center” as provided in the Colorado Natural Medicine Code, as may be amended from time to time.

Natural medicine product shall have the meaning provided in the Colorado Natural Medicine Code, as may be amended from time to time.

Natural medicine products manufacturer shall have the meaning provided in the Code of Colorado Regulations, Natural Medicine Division, 1 CCR § 213-1, as may be amended from time to time.

Natural medicine services shall have the meaning provided in the Colorado Natural Medicine Code, as may be amended from time to time.

Natural medicine testing facility shall have the meaning provided in the Code of Colorado Regulations, Natural Medicine Division, 1 CCR § 213-1, as may be amended from time to time.

Participant shall have the meaning provided in the Colorado Natural Medicine Code, as may be amended from time to time.

Regulated natural medicine shall have the meaning provided in the Colorado Natural Medicine Code, as may be amended from time to time.

State licensing authority shall have the meaning provided in the Colorado Natural Medicine Code, as may be amended from time to time.

Sec. 16-27-20. - Zoning.

Natural medicine businesses may be allowed in the zone districts as set forth in the Schedule of Use Tables in Sections 16-5-40, 16-6-70, and 16-7-60 and if in compliance with the requirements of this Article 27. A natural medicine business is prohibited unless specifically permitted by this article and by the zoning district regulations applicable to the subject property.

Sec. 16-27-30. - Location limits for natural medicine businesses.

The premises for a natural medicine business permitted under State Law may be approved provided they satisfy:

- (a) The Town business licensing requirements outlined in [Chapter 6](#); and,
- (b) The State Licensing requirements under C.R.S. § 44-50-101, et seq; and,
- (c) The character area use requirements outlined in Sections 16-5-40, 16-6-70, and 16-7-60 and are located within areas zoned for that use as outlined below:
 - (1) Natural medicine healing centers must be located within the Grouse Creek Commercial Zone, the 100 Block Commercial Zones (second floor or above), the Old Town Commercial Zone, the Old Town Mixed Use Zone, or the South Town Commercial Zone.
 - (2) Natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and any other business entity licensed to perform operations related to natural medicine must be located within the Grouse Creek Commercial Zone.

Sec. 16-27-40. - Additional limitations.

- (a) As determined by the Colorado Natural Medicine Code, no natural medicine business shall be within one thousand (1,000) feet as measured by means of direct pedestrian route of any:
 - (1) Day care center;
 - (2) Preschool;
 - (3) Elementary, middle, junior, or high school; or
 - (4) Family child care home.
- (b) The hours of operation of any natural medicine business are restricted to 7:00 a.m. to 9:00 p.m.

- (c) All natural medicine businesses shall have a security plan for the secure storage of natural medicine and natural medicine products approved by the State of Colorado Natural Medicine Division and shall provide the plan to the Town prior to beginning operation, and shall provide any updated plans to the Town within ten (10) business days.
- (d) All doorways, windows and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. All activities of natural medicine businesses shall occur indoors.
- (e) Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees.
- (f) All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle. All storage of regulated natural medicine and regulated natural medicine products shall be in a secured and locked container.
- (g) Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container, nor discharged into any street, alley, or public place, or into any municipal storm sewer and/or system in the Town.
- (h) The processing of natural medicine or natural medicine product that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
- (i) Licenses. All natural medicine businesses must obtain:
 - (1) A business license from the Town under Chapter 6; and,
 - (2) A license from the state licensing authority pursuant to the conditions set forth in the Colorado Natural Medicine Code.
- (j) Indemnification of the Town. By accepting a license issued pursuant to this article, a licensee, jointly and severally if more than one, agrees to indemnify and defend the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the natural medicine business that is the subject of the license. The licensee further agrees to investigate, handle, respond to and provide defense for and defend against any such liability, claims or demands at its expense and to bear all other costs and expenses related thereto, including court costs and attorney fees. The Town Manager

may require a licensee to execute a written instrument confirming the provisions of this section.

- (k) *Existing Uses.* Any natural medicine healing center that has applied for or received a license from the State licensing authority prior to the effective date of the ordinance establishing this Article 27 shall be treated as a legal nonconforming use under the Town Code.



Town of Minturn
302 Pine St.
PO Box 309
Minturn, CO 81645
<https://www.minturn.org>

To: Mayor and Council
From: Scot Hunn, Consulting Planning Director
Date: August 28, 2025
Agenda Item: Ordinance No. 9, Series 2025

Request:

Review and approve Ordinance No. 9, Series 2025 on first reading.

Introduction:

This ordinance is being presented to the Town Council as a minor amendment to the Town's air quality regulations to allow for new technology, Phase III rated solid fuel-burning devices in new construction and in renovations/remodels as an alternative heat source.

Background and Analysis:

Chapter 7, Article 8 – *Air quality control*, of the Minturn Municipal Code (MMC) sets forth the purpose and regulations applicable to air quality control, specifically the requirements for the installation, maintenance, replacement and use of "Solid fuel burning devices" such as wood burning fireplaces and wood stoves within the Town. Section 7-8-10 – Purpose and applicability, MMC states:

(a) These regulations are enacted for the purpose of promoting the health, safety and general welfare of the residents and visitors in the Town. These regulations are intended to achieve the following more specific purposes:

- (1) To protect the air quality in the Town;*
- (2) To reverse the trend towards increased air degradation in the Town;*
- (3) To **provide heat sources which are efficient but have a reduced polluting effect;***
and
- (4) To generally protect the air for the purpose of the public's health, safety and welfare.*

(b) The provisions of this Article shall apply to all areas of the Town.



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Article 8 provides this definition of Solid fuel-burning device:

“Solid fuel-burning device means any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other nonliquid or nongaseous fuel. This definition specifically excludes non-commercial barbecue devices used to cook food outdoors.”

At least since 2008, the Town has restricted home heating devices and appliances in new construction to electric, pellet stoves, or gas appliances. Staff’s understanding is that the Town’s restrictions on the installation of solid fuel-burning devices in new construction were adopted to address poor air quality resulting from the use of wood-burning fireplaces and stoves within the Town.

However, the Town has allowed the *replacement* of solid fuel-burning devices in older homes with “Phase II” appliances meeting the requirements of the State of Colorado Air Quality Control Commission Regulation No. 4. These types of appliances or devices typically are designed to burn solid fuel (wood) at a certain temperature and/or are designed to ensure that smoke is effectively re-burned or incinerated prior to being exhausted. Pellet stoves operate in a similar manner.

Section 7-8-30 - *Solid fuel-burning devices*, MMC provides the following direction:

No solid fuel-burning device shall be approved for construction or installation of, and no building permit shall be issued for, or include the installation of, any solid fuel-burning device or components thereof in the Town. No mobile or modular home shall be moved into place in the Town and hooked up to utility service which has installed within such mobile or modular home a solid fuel-burning device. The following exceptions apply:

- (1) The installation of a pellet burning stove is permitted.*
- (2) The replacement of an existing and functioning solid fuel-burning device is permitted when the replacement unit meets or exceeds the emissions standards described by current Colorado Air Quality Control Commission Regulation No. 4 as amended or is listed as an Environmental Protection Agency Phase II Appliance.***

Town staff were approached recently by a property owner constructing a new residential structure that will utilize natural gas as the primary heat source, but who wanted to investigate installation of a wood-burning appliance that meets or exceeds the air quality and efficiency standards required by the State Air Quality Control Commission Regulation No. 4, last amended in October 2024.

Upon research and investigation, staff were able to confirm that there are numerous wood burning appliances on the market today that are rated by the United States Environmental



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Protection Agency (EPA) as meeting the highest standards (“Phase II”) for air quality and efficiency. Phase II EPA rated appliances or devices **are now the equivalent of a “Phase III” appliance** as defined by the amended and updated State of Colorado Air Quality Control Commission Regulation No. 4.

Essentially, today’s technology for wood-burning stoves and fireplaces, as well as “fireboxes” or “masonry heaters,” has continued to improve to the point where wood or “solid fuel-burning” devices are in many cases more efficient and clean burning than pellet stoves.

Therefore, in consultation with the Town Attorney, staff is presenting Ordinance No. 9 to amend Section 7-8-30 - *Solid fuel-burning devices*, MMC to allow the installation of appliances meeting the State of Colorado Air Quality Control Commission’s definition and certification of “Phase III” devices (the equivalent of EPA rated Phase II) **in new construction** as well as for remodels and replacements.

Staff do not anticipate that a large or significant number of property owners will pursue the use of such devices in new construction – as a primary heat source or as a backup/secondary heat source – however this proposed change will permit those constructing new homes to propose devices that can be verified by staff as meeting the State’s requirements for emissions and air quality control.

Community Input:

Public notice for the public hearing to consider Ordinance No. 9, Series 2025 was provided in accordance with the requirements of the Minturn Municipal Code.

Budget/Staff Impact:

N/A.

Strategic Alignment:

The Town Council’s review of the Ordinance aligns with the following key strategies:

- Integrity
- Transparency
- Collaboration

Recommended Action or Proposed Motion:

Approve Ordinance No. 9, Series 2025 on first reading and direct staff to make any suggested revisions prior to second reading.

Attachments:

- Ordinance No. 9, Series 2025

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 09 – SERIES 2025**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 7, ARTICLE 8 OF
THE MINTURN MUNICIPAL CODE TO ALLOW FOR
THE INSTALLATION OF PHASE III CERTIFIED WOOD
BURNING DEVICES IN COMPLIANCE WITH
COLORADO DEPARTMENT OF PUBLIC HEALTH AIR
QUALITY CONTROL COMMISSION REGULATION NO. 4**

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

WHEREAS, Chapter 7, Article 8 – Air Quality, of the Minturn Municipal Code (“MMC”) contains certain restrictions and regulations related to the installation, repair, and/or replacement of solid fuel-burning devices; and

WHEREAS, the last time that Chapter 7, Article 8, MMC, was substantively amended was 2008; and

WHEREAS, the State of Colorado, Department of Public Health and Environment, Air Quality Control Commission (“the State”), promulgates rules and regulations under Regulation Number 4, *Sale and Installation of Wood-Burning Appliances and the Use of Certain Wood Burning Appliances During High Pollution Days*, (“the Regulation”); and

WHEREAS, the State last updated the Regulation in 2024; and

WHEREAS, it is in the Town of Minturn’s interest to update Section 7-8-30, *Solid fuel burning devices*, MMC, to ensure that the most recent amendments to the Regulation are reflected within the MMC, and which may provide additional alternatives for Minturn residents to use new technology solid fuel burning devices that meet the intent of Section 7-8-30, MMC, and which meet or exceed the Regulation, as amended, specific to use of a “Phase III Certified wood-burning stove,” or which are listed as an Environmental Protection Agency Phase II Appliance; and

WHEREAS, at their regularly scheduled meeting of September 3, 2025, the Town Council approved Ordinance No. 09, Series 2025, on first reading; and

WHEREAS, the Town Council has determined that the text amendments to Chapter 7 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 7 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 7 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

Sec. 7-8-20. – Definitions

Wood-burning appliance means any stove, fireplace, masonry heater, furnace, fire pit, fixture or device used, or intended for use, to burn only clean, dry, untreated wood.

Sec. 7-8-30. – Solid fuel burning devices.

No solid fuel-burning device shall be approved for construction or installation of, and no building permit shall be issued for, or include the installation of, any solid fuel-burning device or components thereof in the Town. No mobile or modular home shall be moved into place in the Town and hooked up to utility service which has installed within such mobile or modular home a solid fuel-burning device. The following exceptions apply:

- (1) The installation of a pellet burning stove is permitted.
- (2) The installation of a new, or replacement of an existing and functioning solid fuel-burning device is permitted when the new or replacement unit meets or exceeds the emissions standards for a Phase III wood-burning stove as described by current Colorado Air Quality Control Commission Regulation No. 4, as amended, or is listed as an Environmental Protection Agency Phase II Appliance.

* * *

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 3rd DAY OF SEPTEMBER 2025. 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 17th DAY OF SEPTEMBER 2025 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 17th DAY OF SEPTEMBER 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk



To: Town Council
From: Madison Harris
Date: August 28, 2025
Agenda Item: Ordinance 10 - Series 2025 An Ordinance Amending Chapter 19 – Historic Preservation of the MMC to Add the Secretary of Interior’s Guidelines as a Review Standard

REQUEST:

Review and approve Ordinance 10 - Series 2025 An Ordinance Amending Chapter 19 - Historic Preservation of the MMC to Add the Secretary of Interior’s Guidelines as a Review Standard.

INTRODUCTION:

Last year there were amendments to Chapter 19 that staff has since discovered have some unintended consequences, so this ordinance is being presented in efforts to correct the oversight.

ANALYSIS:

At the June 5, 2024 meeting Council discussed balancing historic preservation, economic feasibility, and the utilization of property, particularly in the Town’s downtown, commercial generating area. In response to this a work session was scheduled at the July 17, 2024 meeting.

During the work session staff brought forth nine different ideas for Council to discuss and give direction on. Staff was directed to bring back an ordinance addressing Options 1-7:

1. Option 1: Eliminate the requirement for two sets of design review guidelines
2. Option 2: Eliminating potentially redundant approval requirements
3. Option 3: Allow for historically designated structures in the downtown corridor to have the immediate ability to functions as short term rentals on all floors
4. Option 4: Encourage historic preservation reinvestment as part of the Downtown Development Authority Operations Plan
5. Option 5: Require a minimum of two nominators for a structure to be nominated for historic designation
6. Option 6: Create a process whereby property owners can determine if their structure would be historically designated without necessarily “supporting” such a designation
7. Option 7: Allow residential in the Downtown Character Area on the back 50% ground floor of historically designated commercial buildings to create live/work opportunities

All of this ended up being addressed in Ordinance 20 - Series 2024 which was passed September 2024. Unfortunately, since then staff has discovered that as a Certified Local Government the Town is required to have “Standards, criteria, and procedures for review of alterations, demolitions, or new construction. They must be consistent with the Secretary of the

Interior's Standards and Guidelines for Archaeology and Historic Preservation." - Colorado CLG Handbook pg. 4.

As such, staff is presenting an ordinance for review to add back in the Secretary of Interior's Standards and Guidelines in Article 5 where it was previously located.

Staff presented this ordinance to the HPC to receive feedback and received a recommendation of approval at their August 19, 2025 meeting.

COMMUNITY INPUT:

Ongoing.

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

The Town Council's review of the Ordinance aligns with the following key strategies:

- Integrity
- Transparency
- Collaboration

ATTACHMENTS:

- Ordinance 10 - Series 2025 An Ordinance Amending Chapter 19 – Historic Preservation of the MMC to Add the Secretary of Interior's Guidelines as a Review Standard.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 10 – SERIES 2025**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 19, ARTICLE 5 OF
THE MINTURN MUNICIPAL CODE ADDING THE
SECRETARY OF INTERIOR’S DESIGN GUIDELINES AS
A REVIEW STANDARD**

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 2025-2027 Strategic Plan (hereinafter the “Strategic Plan”) values “Integrity, Transparency, Collaboration, [and] Resourcefulness” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains five key priorities for implementation; and

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

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

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

WHEREAS, the HPC recognizes that Chapter 19 does not adequately provide direction for existing and new property owners; and

WHEREAS, the HPC believes that adding language to provide more direction will promote the intent of Chapter 19 by creating a reasonable balance between private property rights and the public interest; and

WHEREAS, at their regularly scheduled meeting of August 19, 2025, the HPC considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting on September 3, 2025, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the HPC and Town Council have determined that the text amendments to Chapter 19 of the Minturn Municipal Code as provided herein are necessary and proper.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 19 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 19 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

* * *

CHAPTER 19 – Historic Preservation

* * *

ARTICLE 5 – Alterations to Listed Properties and Historic Districts

* * *

Sec. 19-5-30. – Review criteria.

- (a) Compliance with any Historic Preservation Design Guidelines adopted by the Town Council for historic properties and/or contributing properties within historic districts.
- (b) Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation and with Appendix B – Minturn Design Standards and Guidelines as long as the alterations are keeping with the general character of the historic property. If there is conflict between the two standards, the Secretary of Interior's Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation shall take precedent.

* * *

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 3rd DAY OF SEPTEMBER, 2025. 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 17th DAY OF SEPTEMBER, 2025 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 17th DAY OF SEPTEMBER, 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

MEMORANDUM

DATE: August 29, 2025
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Municipal Advisor

At the last Council meeting, Troy Bernberg of Northland Public Finance made a presentation about his services as a municipal advisor with respect to the Town's financing of the new water treatment plant. Troy presented me with a draft agreement to provide municipal advisor services to the Town. I have reviewed the Northland agreement and compared it to other municipal advisor contracts and the proposal that Troy made to the council. I have added or modified a number of provisions to be consistent with the services that were identified during the Council presentation as well as provisions from other standard municipal advisor agreements.

The scope of services to be provided by Northland is comprehensive to identifying financing strategies, pursuing financing in the bond market, and ultimately issuing the bonds. As identified by Troy during his presentation, his company Northland does act as a bond broker. That said, the Town is under no obligation to use Northland's services for this function. Instead, the scope of services makes clear that Troy will be acting pursuant to various fiduciary duties to identify a range of financing options for the water treatment plant. These services include investigating different finance options, identifying rate and fee structures under financing options, working with Town staff and council to make decisions around the best option for financing the water treatment plant, working with the Town's bond counsel, and facilitating the issuance of the bonds.

In exchange for Troy's work, he will be compensated based upon the total amount of the bond issuance. A formula is included in the agreement. At the end of the day, the total compensation to Northland will not exceed \$45,000. The Town has no obligations under the Agreement to issue any debt and if no debt is issued no compensation is owed to Northland.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 37 – SERIES 2025**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO
SIGN AN AGREEMENT BETWEEN NORTHLAND SECURITIES, INC
AND THE TOWN OF MINTURN TO PERFORM MUNICIPAL
(FINANCIAL) ADVISOR SERVICES**

WHEREAS, the Town desires that Contractor perform municipal Advisory services associated with the proposed water treatment plant funding options, in accordance with the provisions of this Agreement, and more fully described in **Exhibit A**; and

WHEREAS, Contractor desires to perform such duties pursuant to the terms and conditions provided for in this Agreement; and

WHEREAS, the parties hereto desire to set forth certain understandings regarding the services in writing.

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

1. The Minturn Town Council hereby approves the proposed agreement as laid forth in the attached Exhibit A and authorizes the Mayor or his designee to execute said agreement.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7th
day of May, 2025.**

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

**MUNICIPAL ADVISORY SERVICE AGREEMENT
BY AND BETWEEN
THE TOWN OF MINTURN, COLORADO
AND
NORTHLAND SECURITIES, INC.**

This Agreement is made and entered into by and between the Town of Minturn, Colorado acting by and through the Town of Minturn, Water and Sanitation Activities Enterprise (hereinafter "Client") and Northland Securities, Inc., of Minneapolis, Minnesota (hereinafter "Northland").

WITNESSETH

WHEREAS, the Client desires to have Northland provide it with advice on the structure, terms, timing and other matters related to the issuance of the Water Revenue Bonds, Series 2026 (the "Debt") serving in the role of municipal (financial) advisor, and

WHEREAS, Northland is a registered municipal advisor with both the Securities and Exchange Commission ("SEC") and the Municipal Securities Rulemaking Board ("MSRB") (registration # 866-00082-00), and

WHEREAS, Northland will act as municipal advisor in accordance with the duties and responsibilities of Rule G-42 of the MSRB, and

WHEREAS, the MSRB provides a municipal advisory client brochure on its website (www.msrb.org) that describes the protections that may be provided by the MSRB rules, including professional competency, fair dealing, duty of loyalty, remedies for disputes and how to file a complaint with an appropriate regulatory authority (the "Duties"), and

WHEREAS, the Client and Northland are entering into this Agreement to define the municipal advisory relationship at the earliest opportunity related to the inception of the municipal advisory relationship for the Debt, and

WHEREAS, Northland desires to furnish services to the Client as hereinafter described,

NOW, THEREFORE, it is agreed by and between the parties as follows:

SERVICES TO BE PROVIDED BY NORTHLAND

Northland acknowledges and agrees that under this Agreement and in accordance with the rules and regulations adopted by the SEC and MSRB, it owes the Duties to Client and agrees to act in accordance with these Duties, as applicable.

Northland shall provide the Client with services necessary to analyze, structure, offer for sale and close the Debt. The services will be tailored to meet the needs of this engagement and may include:

Planning and Development

1. Assist Client officials to define the scope and the objectives for the Debt.
2. Perform an economic analysis of the financing options available to the Town, the costs involved, the approximate annual debt service and provide a summary of the advantages and disadvantages of each option, including a cost/benefit of a public offering compared to a private placement.
 - 1.a. Analyze the benefit of having the financing credit-rated relative to the upfront cost and annual cost of the rating and make a recommendation to the Town regarding obtaining ratings.
3. Present a plan of finance outlining the bond structure, bondholder security, maturity schedule, call features, credit enhancement (if applicable) and related data. Such plan shall incorporate all elements of the Town's program, including legal fees, contingency allowances, financing costs, credit rating fees,
- 2.4. paying agent fees, Municipal Advisory fees, and other issuance closing costs. Investigate and consider reasonably feasible financing alternatives.
- 3.5. Assist the Client in understanding the material risks, potential benefits, structure and other characteristics of the recommended plan for the Debt, including issue structure, estimated debt service payments, projected revenues, method of issuance, bond rating, sale timing, and call provisions.
6. Prepare a schedule of events related to the issuance process.
7. Prepare rate studies to determine rate structures needed to service the Debt.
- 4.8. Assist the Town in retaining additional professional services required such as paying agent/trustee, credit rating agency, bond insurance, and bond counsel, etc., as necessary.
- 5.9. Coordinate with bond counsel any actions needed to authorize the issuance of the Debt.
- 6.10. Attend meetings of the Client and other project and bond issue related meetings as needed and as requested.

Bond Sale

1. Assist the Client with the preparation, review and approval of the preliminary official statement (POS).
- 1.2. Assist the Town and its bond attorney, in connection with the preparation of any necessary governing documents including authorizing resolution/ordinance, indenture of trust, and preliminary official statement (investor disclosure document).
- 2.3. Assist the Client and bond counsel with preparing and publishing the Official Notice of Sale if required by law.
4. Prepare and submit application(s) for bond rating(s) and assist the Client with furnishing the rating agency(s) with any additional information required to conduct the rating review. Assist the Client with preparing and conducting the rating call or other presentation, including if applicable, coordinate a video meeting that includes a short presentation before addressing rating agency inquiries.
5. Solicit underwriters, if directed, to market the bonds with consideration to a syndicate of multiple underwriters. Provide advice regarding the underwriter's compensation and the appropriateness of the yields, coupons, and other terms proposed by the underwriter(s).
- 3.6. Advise the Town, in conjunction with the underwriters, in selecting an appropriate bond marketing date considering the calendar of offerings, both within Colorado and nationally, upcoming Federal Reserve meetings and Federal holidays, to minimize conflict with competition from offerings of similar (rated) securities.

4.7. Assist the Client in receiving the bids, compute the accuracy of the bids received, and recommend to the Client the most favorable bid for award.

8. Coordinate with bond counsel the preparation of required contracts and resolutions.

5.

Post-Sale Support

1. Assist the Client with the preparation of final official statement, distribution to the underwriter and posting on EMMA.

2. Coordinate the bond issue closing, including making all arrangements for bond printing, registration, and delivery and the transfer of funds.

3. Furnish to the Client a complete transcript of the transaction, if not provided by bond counsel.

3.4. Assist with post-closing compliance issues such as private use and tax-exemption issues, audits by regulators or federal agencies, arbitrage compliance, etc.

There are no specific limitations on the scope of this agreement.

COMPENSATION

For providing these services with respect to the Debt, Northland shall be paid a lump sum fee payable by the Client upon the closing of the Bonds. The amount of the fee will be based on the total principal amount in accordance with the following schedule:

Par Amount	Bond Issuance Fees ⁽¹⁾
\$0.00 to \$3,000,000	\$12,000
\$3,000,001 to \$10,000,000	\$12,000 + \$1.75 /\$1000 Bond
\$10,000,001 to \$20,000,000	\$12,000 + \$1.50 /\$1000 Bond
\$20,000,001 to \$50,000,000	\$12,000 + \$1.25 /\$1000 Bond
\$50,000,001 & Above	\$12,000 + \$1.00 /\$1000 Bond

¹ Fee is based on an incremental increase in par amount (i.e., size of financing).

and The Compensation will be determined after the terms of the Debt are finalized. The Client and Northland will agree to the fee in writing, but the amount of the fee shall not exceed \$45,000.

Commented [MS1]: I think the formula for calculating the fee should be in the contract

Northland agrees to pay the following expenses from its fee:

- Out-of-pocket expenses such as travel, long distance phone, and copy costs.
- Production and distribution of material to rating agencies and/or bond insurance companies.
- Preparation of the bond transcript.

The Client agrees to pay for all other expenses related to the processing of the bond issue(s) including, but not limited to, the following:

- Engineering and/or architectural fees.
- Publication of legal notices.
- Bond counsel and local attorney fees.
- Fees for various debt certificates.
- The cost of printing Official Statements, if any.
- Client staff expenses.

- Airfare and lodging expenses of one Northland official and Client officials when and if traveling for rating agency presentations.
- Rating agency fees, if any.
- Bond insurance fees, if any.
- Accounting and other related fees.

It is expressly understood that there is no obligation on the part of the Client under the terms of this Agreement to issue the Debt. If the Debt is not issued, Northland agrees to pay its own expenses and receive no fee for any municipal advisory services it has rendered pursuant to this Agreement.

CONFLICTS OF INTEREST

Northland, as your Municipal Advisor, mitigates conflicts through its adherence to its fiduciary duty to the Client, which includes a duty of loyalty to the Client in performing all municipal advisory activities for the Client. This duty of loyalty obligates Northland to deal honestly and with the utmost good faith with the Client and to act in the Client's best interests without regard to our own financial or other interests. In addition, because Northland is a broker-dealer with significant capital due to the nature of its overall business, the success and profitability of Northland is not dependent on maximizing short-term revenue generated from individualized recommendations to its clients but instead is dependent on long-term profitability built on a foundation of integrity, quality of service and strict adherence to its fiduciary duty. Furthermore, Northland's municipal advisory supervisory structure leverages our long-standing and comprehensive broker-dealer supervisory processes and practices, and provides strong safeguards against individual representatives of Northland potentially departing from our regulatory duties due to personal interests. The disclosures below describe, as applicable, any additional mitigations that may be relevant with respect to any specific conflict disclosed below.

Northland serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of the Client. For example, Northland serves as Municipal Advisor to other Municipal Advisory clients and, in such cases, owes a regulatory duty to such other clients just as it does to the Client under this Agreement. These other clients may, from time to time and depending on the specific circumstances, have competing interests, such as accessing the new issue market with the most advantageous timing and with limited competition at the time of the offering. In acting in the interests of its various clients, Northland could potentially face a conflict of interest arising from these competing client interests. In other cases, as a broker-dealer that engages in underwritings of new issuances of municipal securities by other municipal entities, the interests of Northland to achieve a successful and profitable underwriting for its municipal entity underwriting clients could potentially constitute a conflict of interest if, as in the example above, the municipal entities that Northland serves as underwriter or municipal advisor have competing interests in seeking to access the new issue market with the most advantageous timing and with limited competition at the time of the offering. However, none of these other engagements or relationships would impair Northland's ability to fulfill its regulatory duties to the Client.

The compensation for services provided in this Agreement is customary in the municipal securities market, however, it may pose a conflict of interest. The fees due under this Agreement are in a fixed

amount established at the outset of the Agreement. The amount is usually based upon an analysis by Client and Northland of, among other things, the expected duration and complexity of the transaction and the Scope of Services to be performed by Northland. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, Northland may suffer a loss. Thus, Northland may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. This conflict of interest is mitigated by supervisory policies and procedures to ensure the scope of services within the transaction align with other comparable engagements. By executing this Agreement, the Client acknowledges and accepts the potential conflicts of interest posed by the compensation to Northland. Northland does not participate in any payments to be retained, nor participate in any fee splitting agreements or arrangements.

Northland is a subsidiary of Northland Capital Holdings, Inc. First National of Nebraska, Inc. ("FNNI"), is the parent company of Northland Capital Holdings, Inc. and First National Bank of Omaha.

Under FNNI, Northland and its affiliates are comprised of a securities firm and a commercial bank. These entities provide investment banking, asset management, financing, financial advisory services and other commercial and investment banking products and services to a wide range of corporations and individuals. In addition, Northland and its affiliates currently have, and may in the future have, investment and commercial banking, trust, and other relationships with parties that may relate to assets of, or be involved in the issuance of securities and/or instruments by, the Client and its affiliates. In the ordinary course of their respective businesses, Northland and its affiliates have engaged, and may in the future engage, in transactions with, and perform services for, the Client and its affiliates for which they received or will receive customary fees and expenses.

Northland is a broker-dealer that engages in a broad range of securities-related activities to service its clients, in addition to serving as a Municipal Advisor or Underwriter. Such securities-related activities, which may include but are not limited to the buying and selling of outstanding securities, including securities of the Client, may be undertaken on behalf of, or as counterparty to, the Client, and current or potential investors in the securities of the Client. These other Northland clients may, from time to time and depending on the specific circumstances, have interests in conflict with those of the Client, such as when their buying or selling of the Client's securities may have an adverse effect on the market for the Client's securities. However, any potential conflict arising from Northland effecting or otherwise assisting such other clients in connection with such transactions is mitigated by means of such activities being engaged in on customary terms through other business units of Northland that operate independently from Northland's Municipal Advisory business, thereby reducing or eliminating the likelihood that the interests of such other clients would have an impact on the services provided by Northland to the Client under this Agreement. Northland has policies and procedures in place to ensure that Northland as a broker-dealer or its affiliates are not participating in bidding or determining market prices for the Client's transaction that is covered under this Agreement.

Municipal Advisory Service Agreement

Northland Bond Services is a division of First National Bank of Omaha. Northland Bond Services provides paying agent services to issuers of municipal bonds. The Client is solely responsible for the decision on the source of paying agent services. Any engagement of Northland Bond Services is outside the scope of this Agreement. No compensation paid to Northland Bond Services is shared with Northland Securities.

Northland is not aware of any additional material conflicts of interest that could reasonably be anticipated to impair Northland's ability to provide advice to or on behalf of the Client in accordance with the standards of conduct for municipal advisors.

LEGAL AND DISCIPLINARY ACTIONS

The Client can find information about legal or disciplinary events reported by the Securities and Exchange Commission contained in Form MA or Form MA-I related to Northland at www.sec.gov/municipal/oms-edgar-links.

SUCCESSORS OR ASSIGNS

The terms and provisions of this Agreement are binding upon and inure to the benefit of the Client and Northland and their successors or assigns.

TERM OF THIS AGREEMENT

This Agreement may be terminated by thirty (30) days written notice by either the Client or Northland and it shall terminate sixty (60) days following the closing date related to the issuance of the Debt.

In the event any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, to the extent permitted by law, such holding shall not invalidate or render unenforceable any other provision hereof.

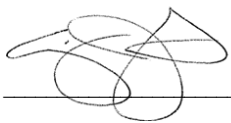
This Agreement shall be interpreted under Colorado law. Venue for any dispute involving this Agreement shall be in the Courts of the State of Colorado, in the County of Eagle. In the event of a dispute involving this Agreement, the substantially prevailing party shall recover its reasonable attorney fees and costs.

Dated this day of , 2025.

Northland Securities, Inc.

By:  _____

Troy Bernberg, Managing Director

By:  _____

Craig Jones, Managing Director

Town of Minturn, Colorado
Acting by and through the
Town of Minturn, Water and
Sanitation Activities Enterprise

By: _____

Its: _____



To: Mayor and Council
From: Jay Brunvand
Date: September 3, 2025
Agenda Item: Taylor St and Minturn Rd signage

REQUEST:

Council Discussion and direction regarding signage on Taylor St and Mentor Road..

INTRODUCTION:

As part of the changes associated with the repaving of Mentor Road and Taylor Street staff is requesting council direction regarding signage, stop signs, and traffic control. During the last meeting and in discussion with residents of the Taylor Street area the town has been asked for further traffic control mechanisms. Following is a summary of emails and pictures to enhance the discussion requested.

Please reference the attached information. To address the safety concerns the intersections being considered our Taylor St and 4th, 4th St and Minturn Rd, and the intersection of Minturn Road and Taylor St. The town has some signs but more will be needed including consideration of solar blink signs. Consideration will be necessary to ensure light signs will not encumber the neighborhood. We should add stop Bars at the new signs at the Taylor intersection and discuss the crosswalks – they are specified to be street art and I am not sure who will do that work. Included in the following information is a map indicating the areas of concern on Taylor Street. It is to be noted that the Taylor Street and 4th intersection adjacent a driveway, which may cause concern if a stop sign is placed in that area due to the fact that it might be in the middle of the driveway or indicate a 3 way stop when only two stop signs are present

ANALYSIS:

N/A

COMMUNITY INPUT:

N/A

BUDGET / STAFF IMPACT:

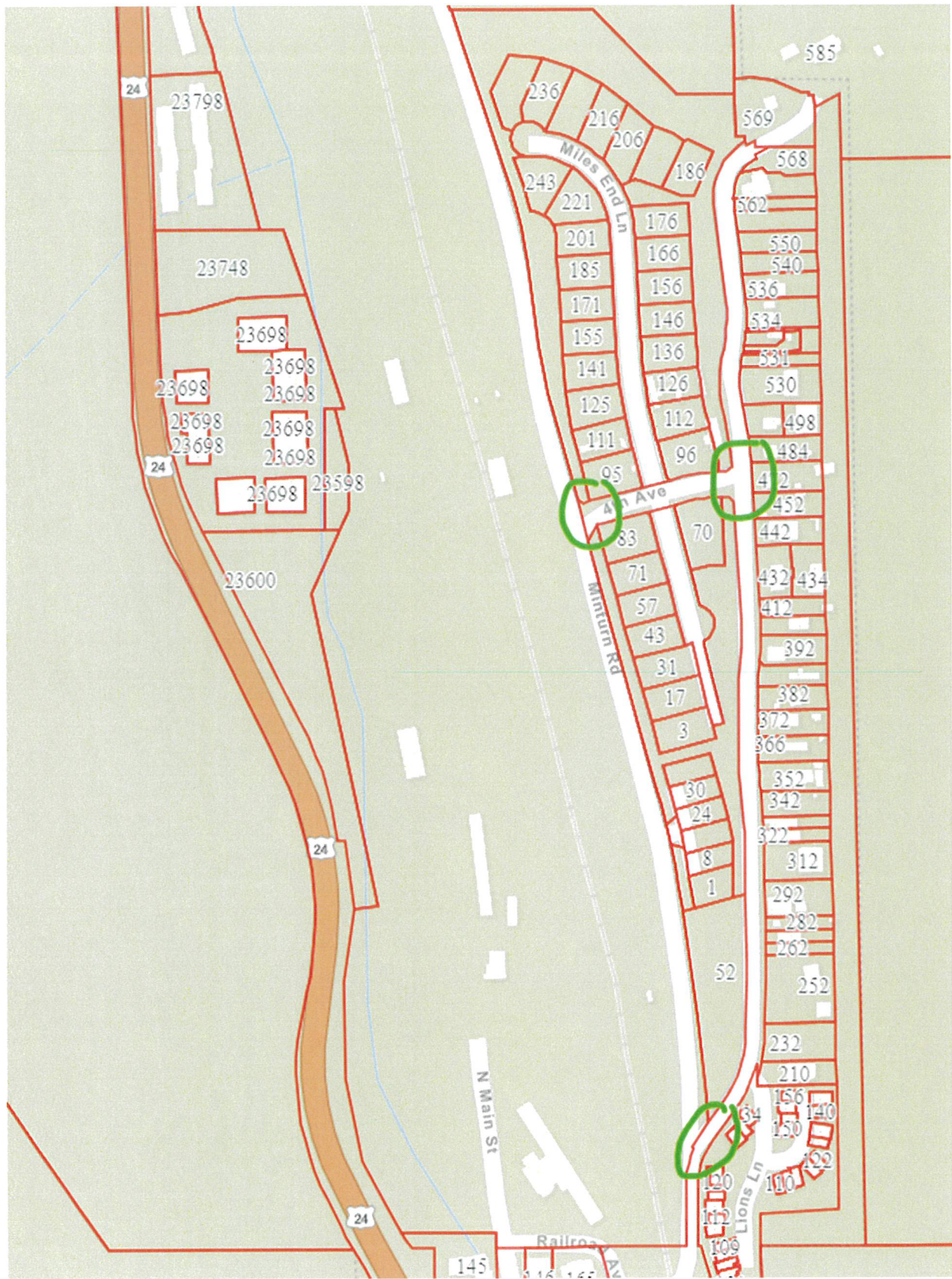
The cost of this will be minimal to include signage and street painting.

STRATEGIC PLAN ALIGNMENT:

RECOMMENDED ACTION OR PROPOSED MOTION:

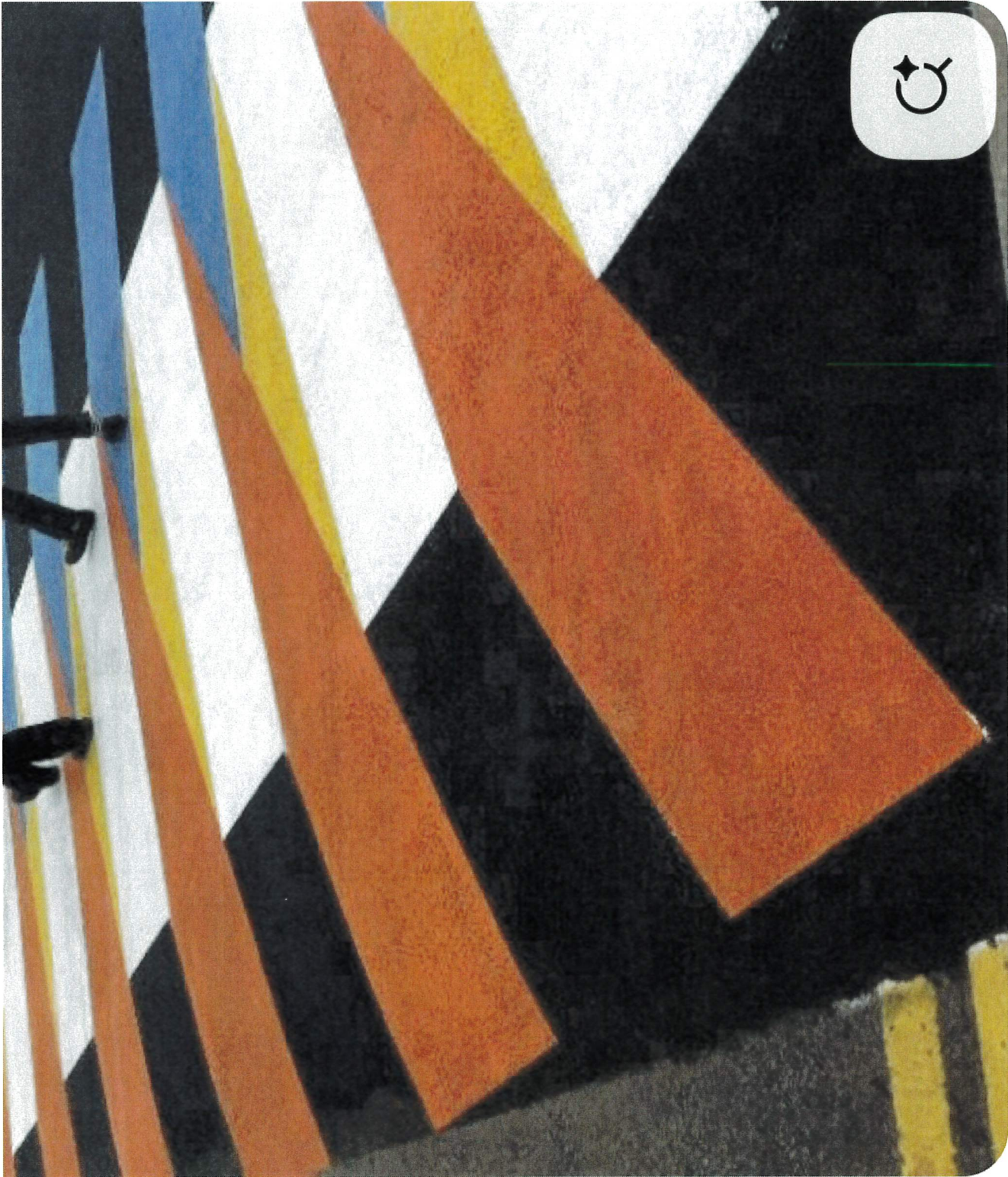
- No motion is requested, this is a discussion item.

ATTACHMENTS: Area map, multiple crosswalk options, and proposed traffic sign locations.



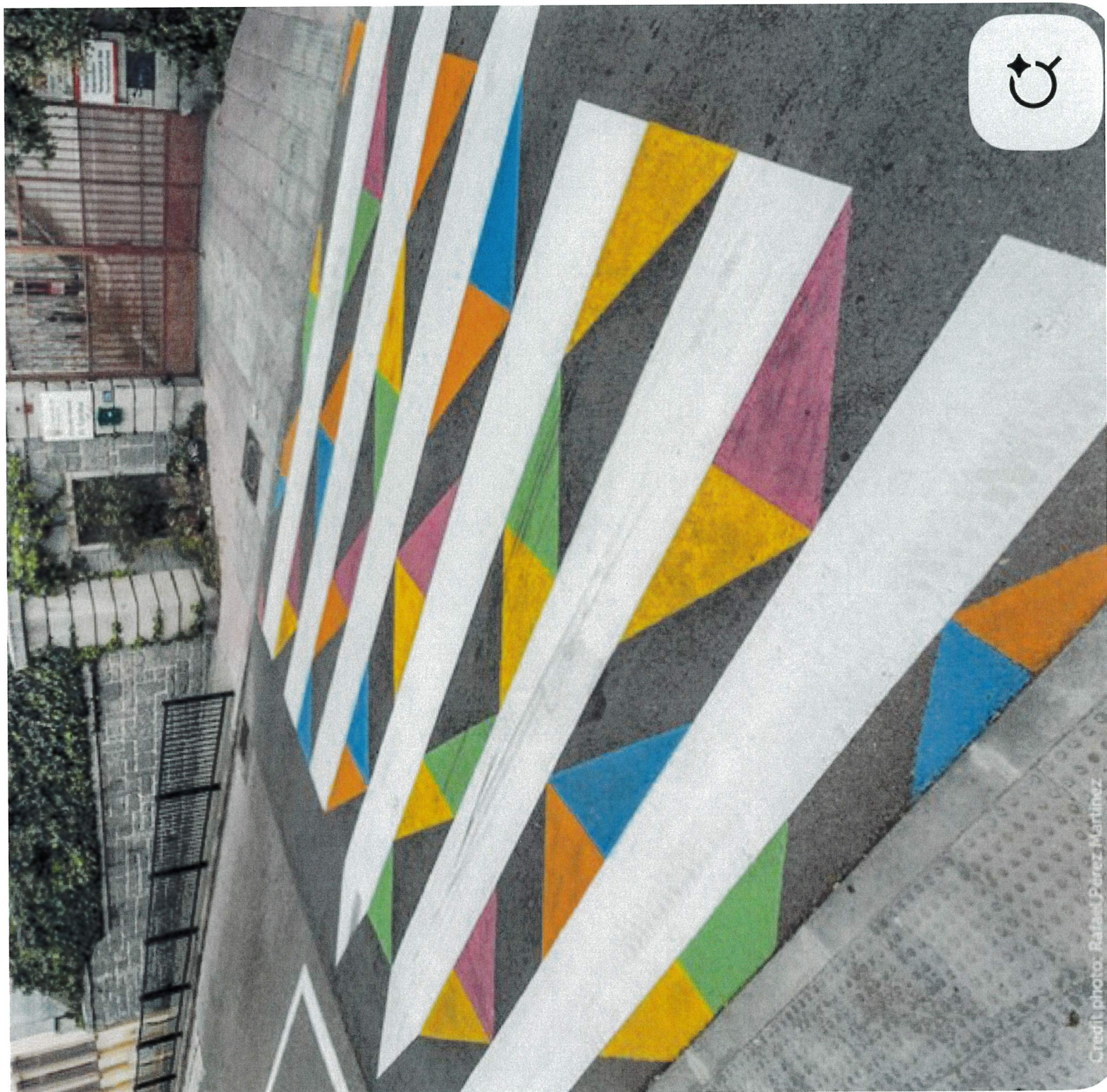


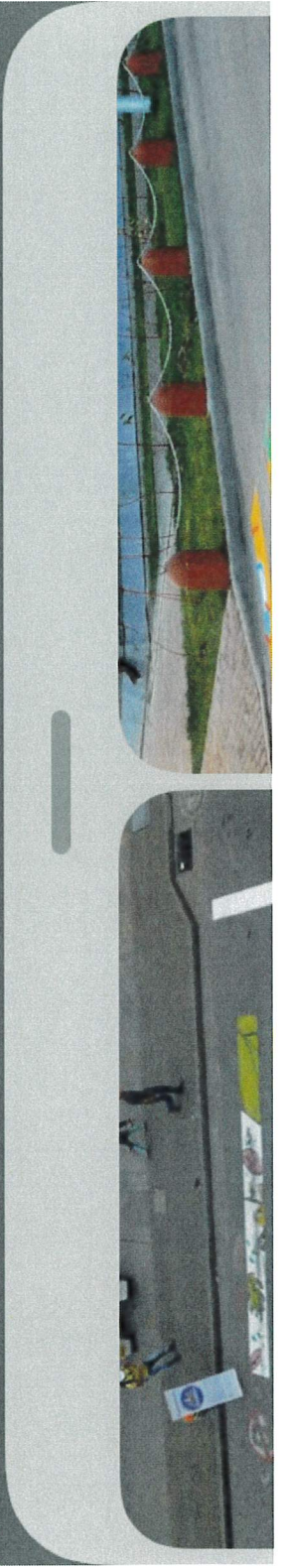




Irre asphalt









Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

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.

September 17, 2025

- Ordinance __ - Series 2025 (Second Reading) An Ordinance Amending Chapter 19, Article 5 to Add the Secretary of Interior's Design Guidelines as a Review Standard
- Ordinance __ - Series 2025 (Second Reading), An Ordinance amending Chapter 7, Article 8 regarding air quality (Section 7-8-30 Solid Fuel Burning Devices) to allow for EPA rated wood burning devices in new construction
- Little Beach Park contract award September 17th
- Shop & Hop Retail Liquor License Renewal and Review - 401 Main St. (Terry Marcum, Owner)
- Festival Permit Liquor License – Minturn Fall Festival (Consent Agenda)

October 1, 2025

- 2025 Colorado Wildfire Resiliency Code Presentation
- FY2026 Budget review and acceptance
- Bellm Bridge RFQ Award October 1st

October 15, 2025:

- Proclamation - High Five Access Media Day
- **Taylor Street Repaving October 15th**

Dates to be Determined / Long Term Scheduling:

- Motion to approve the posting of an RFP for the Highlands Parcel
- Resolution Approving a Contract for Little Beach Park Improvements
- Resolution Approving a Contract for the Repaving of Taylor Street
- Adoption of the updated Regional Housing Authority Action Plan
- Traffic Calming
- Golf Cart Discussion
- Ordinance __ (First Reading) - An Ordinance Adopting the 2024 Model Traffic Code (with Amendments) – Legal/Krieg
- FY 2026 Budget – Public Hearing – Nov 5, 2025
- FY 2026 1st Reading of Budget Ordinances – Nov 19, 2025
- FY 2026 2nd Reading of Budget Ordinances – Dec 3, 2026