

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 02 – SERIES 2018**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, AMENDING CHAPTER 13 OF THE
MINTURN MUNICIPAL CODE PERTAINING TO THE
COLLECTION OF WATER UTILITY TAP AND SYSTEM
IMPROVEMENT FEES.**

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, Chapter 13 of the Minturn Municipal Code provides for the administration and regulation of the Town’s water utility system; and

WHEREAS, the Town has historically collected tap fees during development based on type of use and meter size; and

WHEREAS, the Town recently commissioned a study conducted by SGM Engineering to determine the foreseeable costs associated with the ongoing repair, replacement, and enlargement obligations of the Town’s existing water system and future capital expenditures; and

WHEREAS, the result of SGM Engineering’s study indicated that the Town’s fee system is insufficient to meet the reasonable foreseeable capital costs necessary to maintain the capacity of the water utility system; and

WHEREAS, review of the connection and impact fees charged in neighboring and similarly situated jurisdictions, including the Upper Eagle Regional Water Authority, provide baseline estimates for reasonable water system tap and improvement fees in the Town and, in doing so, help establish a rational nexus for implementing a new fee system for the repair, replacement, and enlargement and future capital improvements associated with the Town’s water utility system; and

WHEREAS, the Minturn Town Council desires to amend Chapter 13 of the Minturn Municipal Code to implement a new water utility fee system composed of both tap fees based upon single family equivalent units and system improvement fees based on the square footage of residential development.

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. Section 13-1-10 of the Minturn Municipal Code is hereby amended as follows, with double underlined text added:

Room means a single room without a kitchen, with or without a bathroom, with private access to a central corridor or the outside.

SFE (Single Family Equivalent) means the basic unit for determination of water charges and usage. One (1) SFE shall be equal to the water required to serve up to three thousand (3,000) square feet of building area as measured from the exterior dimensions of development and two thousand (2,000) square feet of outside irrigated area.

Square-foot floor area, as used in determining fees, is calculated on gross residential floor area, plus unfurnished areas, but excluding garage area and multi-unit common space.

System Improvement Fee (SIF) means a payment or charge made for a permanent reservation of water plant capacity and the right to use water from the Town water system.

System Improvement Fee Schedule for Residential means the schedule of fees adopted by resolution of the Town Council and applied to the development of residential dwellings based on square footage added.

System Improvement Fee Schedule for Commercial means the schedule of fees adopted by resolution of the Town Council and applied based on the water connection service line size needed for a commercial development.

Tap or connection means the process of connecting a service line to the water main.

Tap Fee means a fee charged to a customer of water or sewer utility, which fee represents an investment and capital contribution to the Town's present physical water and sewer utility system, and includes such items as collection, treatment and storage, but does not include extensions of the Town water and sewer system to provide service, nor payment for acquisition, adjudication, or changes in water rights necessary to provide water service or to protect the Town's water rights.

Threshold criteria means the criteria set forth in Section 13-7-45(i).

Water connection or service line means a service line connection from the property line to the water main, including the curb stop installation.

Water main means the principal artery of the water system to which service lines may be connected. The water main is owned, operated and maintained by the Town.

~~*Water meter* means all components between the amended or flanged ends of the meter body. Gaskets and fittings are not considered part of a water meter. Each meter shall have a separate and independent service from the water main.~~ Means a device which measures all water use on a property, including in-house use and outside irrigation use.

Water system means the public water system owned and/or operated by the Town.

SECTION 3. Section 13-2-10 of the Minturn Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 13-2-10. - Application procedure generally.

- (a) An application and written approval of the application by the Public Works Director, Town Treasurer, and Planning Director shall be required for any material change in water service for the customer or potential customer, including, without limitation for any new service connection, any expansion of or addition to the water-using unit, any change in use of the water-using unit or property served (e.g., from residential to commercial, conditional-use permit, home-occupation permit or conversion of a garage into a residential unit), the addition of additional water fixtures in commercial establishments, any remodel or other work for which a building permit is required, any demolition of a water-using unit, and/or rezoning or subdivision of property. The water service application shall be in writing on a form approved by the Town, shall be submitted to the Town Clerk and shall set forth: the name and post office address of the owner of the water-using property, the legal description of the water-using property for which water is desired, the purpose or purposes for which the water will be used, plans or drawings depicting the square footage of structures in which water will be used and water fixtures in the structures, and such other facts reasonably required by the Town, to determine the purpose, extent, nature and location of water use, the water-using property and the water-using unit.

SECTION 4. Section 13-2-30 of the Minturn Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 13-2-30. - Town Clerk's duties.

Upon receipt of an application, together with the required accompanying data, material and fees, the Town Clerk shall, upon finding the same in order and in accord with this Chapter, submit such application and accompanying data to the Public Works Director, the Town Planning Director, and the Town's water consultants as may be necessary.

SECTION 5. Section 13-2-20 of the Minturn Municipal Code is hereby repealed and replaced in its entirety, to read as follows:

Sec. 13-2-20. - Application and water system fee payments; water dedication or payment of cash in lieu of water rights.

- (a) Application. Each application for connection to the water system or for a certificate of occupancy following new construction or an addition to an existing structure shall be accompanied by a tap fee and/or SIF. Any other application required under this Chapter shall be accompanied by such application fee as the Town Council may establish by resolution. Payment shall be made to the Town Clerk.
- (b) Fees. No water service shall be furnished to any new connection or to any property, the redevelopment or change of use of which requires an additional SFE or payment of an SIF, until all fees have been paid as provided in this Chapter. System improvement fees owed to the Town due to any addition to an existing structure or change in use shall take into account the existing use and/or retained structure size. However, no credit shall be given for the prior structure size or use in cases of new development or the tear down and

redevelopment of the structure. Fees shall be based on the current fee rates set by resolution of the Town Council.

Ex: Where 1,000 sq. ft. is added to a 1,500-sq. ft. residential dwelling unit, the SIF shall be calculated at the rate of 1,000 multiplied by the then applicable Tier 2 price per sq. ft.

Ex: Where an existing structure is scraped and redeveloped, no credit shall be given for the prior structure size, and the SIF shall be calculated as though for a new structure.

The following fees shall be assessed, except as otherwise determined by the Town Council:

(1) Residential water service.

- a. *Tap fee.* A tap fee shall be paid for each three thousand (3,000) square feet of developed building space as measured from the exterior walls of the building and/or two thousand (2,000) square feet of outside irrigated area.
- b. *System improvement fee.* SIF's for any new development or redevelopment of property resulting in the addition of square footage shall be calculated at prices set by resolution of the Town Council and according to the following SIF Table:

SYSTEM IMPROVEMENT FEE TABLE

	Floor Area Tiers
Tier 1	0 – 1,500 sq. ft.
Tier 2	1,501 – 3,000 sq. ft.
Tier 3	3,001 sq. ft. or more

c. *Accessory unit fees.*

- i. *System improvement fee.* The addition of any accessory unit, whether attached or detached from the primary structure on a property, shall be calculated as though an addition of square footage to the primary structure.
- ii. *Tap fee.* The addition of any accessory unit that does not require the purchase of a separate tap, but which would otherwise result in an additional SFE, shall be charged one-half (.5) SFE.

(2) Commercial, industrial, and irrigation water service.

- a. Commercial water service fees shall be assessed based upon the size of all service lines and using total water demand from all fixtures,

connections, outlets, or other water uses, determined by the current section of the International Plumbing Code for metered water.

- (c) In addition to the fees described above, the Town conditions new water service upon either a dedication of water rights or a payment of cash in lieu of water rights. This condition applies to:
- (1) All new development or redevelopment within the Town not covered by existing taps and all redevelopment within the Town that will require an increase in water use in excess of the use covered by existing taps; and
 - (2) All properties not currently within the Town, as provided in Section 13-2-80 of this Article. The applicant for water service for new development or redevelopment in the Town must agree, in writing, to:
 - a. Dedicate water rights to the Town in an amount, legal priority, and of a quality adequate, in the judgment of the Town and its water consultants, to serve the needs of the new water use or the increase in water use not covered by existing taps; or,
 - b. At the Town's sole discretion, pay cash in lieu of such water rights at the then-current rate set by the Town. Such cash-in-lieu payments shall be paid to the Town to be used, at the discretion of the Town, to develop and/or acquire water rights or storage for the Town or to construct or improve municipal water facilities.

The increase in water use caused by redevelopment may be as a result of increased density, increased landscaping or any other change in use of the property that increases the water demand from the pre-redevelopment demand. The applicant must provide evidence, acceptable to the Town, regarding the amount of water required by the proposed use. The applicant shall be required to pay the Town for all legal, engineering and other costs incurred or which may be incurred by the Town to evaluate the application and implement this Section or to adjudicate any Water Court application necessary to provide water service to the new development or redevelopment within the Town. Such agreement shall be made a covenant running with the land.

- (d) Should any information disclosed on the application prove at any time to be false, or should the applicant omit any material information, the Town shall have the right to:
- (1) Reassess the tap fee originally charged to the rate current at the time of discovery by the Town of the false or omitted information;
 - (2) Disconnect the service in question;
 - (3) Back-charge the customer for the water-using unit in question for tap fees and/or service fees that may be due and owned; and/or
 - (4) Charge any other additional fee or penalty specified in this Chapter. Any reassessment, penalties or other additional fees, charged with interest at the maximum legal rate on the entire balance upon and from the date of the original application, shall be due and payable immediately.
- (e) Unless otherwise agreed by the Town in writing, the customer shall pay a monthly water service fee commencing upon the earlier of:

- (1) The use of water at the site;
- (2) Two (2) years from the Town's issuance of the tap for the water-using unit or property;
- (3) Expiration of the building permit issued for the water-using unit; or
- (4) Issuance of the certificate of occupancy or temporary certificate of occupancy for the water-using unit.

Monthly service fees commencing under Subparagraph (e)(1) through (e)(3) above shall be at the base rate, unless the Town Council has established another rate by resolution. Monthly service fees commencing under Paragraph 13-2-20(e)(4) above shall be at the metered water rate.

SECTION 6. Sections 13-4-30 and 13-4-40 of the Minturn Municipal Code are hereby repealed.

SECTION 7. The Minturn Town Council hereby adopts the following water tap and system improvement fee schedules applicable under Chapter 13 of the Minturn Municipal Code:

Item	Description	Fee 2018
Tap Fees		
Single Family Equivalent (SFE)	Per 3,000 sq. ft. of floor space and 2,000 sq. ft. of irrigated area	\$4,700
System Improvement Fee Schedule for Residential	Ex. 3,000 sq. ft. of new development: 1,500(3.87) + 1,500(4.87) = \$13,110.00	
Tier 1	0 – 1,500 sq. ft.	\$3.87/ sq. ft.
Tier 2	1,501 – 3,000 sq. ft.	\$4.87/ sq. ft.
Tier 3	3,001 + sq. ft.	\$5.87/ sq. ft.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 18TH DAY OF APRIL 2018. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN

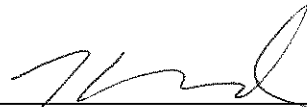
COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2ND DAY OF MAY 2018 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

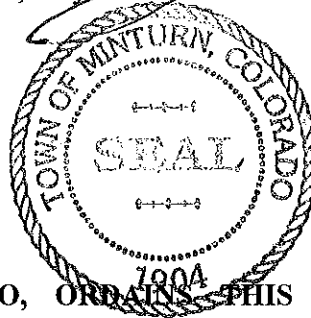


Matt Scherr, Mayor

ATTEST:


By: 

Jay Brunvand, Town Clerk




THE TOWN OF MINTURN, COLORADO, ~~ORDAINS~~ THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF MAY 2018.

TOWN OF MINTURN, COLORADO




Matt Scherr, Mayor

ATTEST:

By: 

Jay Brunvand, Town Clerk



COLORADO MOUNTAIN NEWS MEDIA

Order Confirmation

Account 1032852
Ordered By Jay Bruvand
Ad# 0000227838
Sales Rep Marti Adolph
Order Taker Marti Adolph
PO Number
Invoice Text Minturn ORD 02-Series 2018

Customer TOWN OF MINTURN
Customer Address P.O. BOX 309
 MINTURN CO 81645 USA
Customer Phone 9708275645
Customer EMail treasurer@minturn.org
Customer Fax

<u>Net Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$19.24	Billed-Invoiced	\$0.00	\$19.24

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Ad Size 1 X 37 li
Modular Ad Size
Order Start Date 04/21/2018
Order Stop Date 04/21/2018
Placement LEGALS CMN
Position Munc Gvt Line
Products 8INTA/8VD

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TOWN OF MINTURN, COLORADO

/s/ Matt Scherr, Mayor

ATTEST:

By: Jay Bruvand, Town Clerk
 Jay Bruvand, MIMC
 Town Clerk/Town Treasurer
 P.O. Box 309
 Minturn, CO 81645

treasurer@minturn.org
 970/827-5645 Ext: 1
 Published in the Vail Daily on April 21, 2018
 0000227838

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Order Confirmation**COLORADO MOUNTAIN NEWS MEDIA**

05/04/18

10:47:38

Account 1032852
Ordered By Jay Brunvand
Ad# 0000237097
Sales Rep Jerlynn Medina
Order Taker Jerlynn Medina
PO Number
Invoice Text Ord No. 02 Series 2018

Customer TOWN OF MINTURN
Customer Address P.O. BOX 309
MINTURN CO 81645 USA
Customer Phone 9708275645
Customer Email treasurer@minturn.org
Customer Fax

Net Amount	Payment Method	Payment Amount	Amount Due
\$13.52	Billed-Invoiced	\$0.00	\$13.52

Ad Number 0000237097-01
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Modular Ad Size
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Order Stop Date 05/07/2018
Placement LEGALS CMN
Position Munc Gvt Line
Products 8INTA/8VD

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THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF MAY 2018.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor
ATTEST:

By:
Jay Brunvand, Town Clerk

Published in Eagle Valley Enterprise on May 7, 2018. 0000237097

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