



2011

# Minturn Council Meeting

Wednesday June 1, 2011

**Work Session:**

**6:00pm**

**Regular Session:**  
(Town Center)

**7:00pm**

**Council Goals:**

**TOP FIVE COUNCIL PRIORITIES:**

- Entry Signs
- Sidewalk Installations
- Street repairs with drainage (by priority)
- 100% completion of telemetry
- Implement streetscape plan



## **Agenda**

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday June 1, 2011**

**Work Session – 6:00pm**  
**Regular Session – 7:00pm**

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**TOWN MANAGER – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 3:00 p.m., Monday through Friday, excluding holidays.

### **Work Session – 6:00pm**

- Discuss public park regulations as related to liquor – Brunvand/Martinez (30min)
- Presentation on 2009 International Energy Conservation Code – Cerimele (15min)

### **Regular Session – 7:00pm**

- 1. Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance
- 2. Approval of Agenda**
  - a. Items to be Pulled or Added

3. **Minturn Liquor Authority**
  - Special Event Permit – Town of Minturn Independence Day Celebration
4. **Approval of Minutes and Action Report**
  - May 18, 2011
  - Action Item Report
5. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
6. **Special Presentations/Citizen Recognition**
  - Cleanup Day recognition – Martinez
7. **Planning Commission Update**
8. **Town Manager's Report**
9. **Town Council Comments**

#### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. **Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – June 1**
11. **Discussion/Action – Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended – Brunvand (10min)**

#### FUTURE AGENDA ITEMS

12. **Next Meeting – June 15, 2011**
  - Discussion/Action – Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana
  - Work Session and Discussion/Action – 2010 Audit presentation and acceptance – Brunvand – June 15, 2011
  - Work Session - Discussion re: Holy Cross Franchise Agreement – White – June 15, 2011 (45min)
13. **Future Meeting**
  - Discussion/Action – Ordinance \_\_\_\_ - 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana – July 6, 2011

- Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency (EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment– White/Christensen (60min)

#### **14. Set Future Meeting Dates**

a) Council Meetings:

- June 15, 2011
- July 6, 2011
- July 20, 2011

b) Planning & Zoning Commission Meetings:

- June 8, 2011
- June 22, 2011
- July 13, 2011

c) Other Dates:

- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail
- Minturn Independence Day Celebration – July 2, 2011

#### **15. Adjournment**



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
Minturn, Colorado 81645-0309  
970-827-5645 Fax: 970-827-5545  
treasurer@minturn.org

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**FROM THE DESK OF  
JAY BRUNVAND, TREASURER/FINANCE**

*MEMORANDUM*

TO: Town Manger, Mayor, and Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Thursday, May 26, 2011  
RE: July 2<sup>nd</sup> Town Picnic

**SUMMARY:**

At tonight's meeting the Council is asked to approve a Special Event Permit for the Town of Minturn's Special Event scheduled for July 2, 2011. The location of this license is the Little Beach Park located at 801 Cemetery Road. The attached documentation indicates the compliance with the publishing and posting of the site and the event.

**PREVIOUS COUNCIL ACTION:**

None.

**STAFF RECOMMENDATION:**

Approve the request as presented with the detailed conditions.

**RECOMMENDED MOTION:**

I move to approve the proposed Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located at the Little Beach Park as defined on the attached location map as presented with the following conditions:

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on May 20, 2011 at least 10 days prior to the hearing.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.

**ATTACHMENTS:**

- Application

## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT  
AND ONE OF THE FOLLOWING (See back for details.)**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> SOCIAL               | <input type="checkbox"/> ATHLETIC                              | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL            | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC            | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input checked="" type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |  |

<b>LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:</b>	<b>DO NOT WRITE IN THIS SPACE</b>
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Town of Minturn	State Sales Tax Number (Required) 98-07290-0000
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)  PO Box 309 Minturn, CO 81645	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)  821 810 Cemetery Rd Minturn, CO 81645
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE James J White	8/4/1949	210 Eagle St, Minturn, CO 81645	970-827-5645
5. EVENT MANAGER Michelle Metteer	04/07/1974	201 Golden Eagle D1, Eagle, CO 81645	970-827-5645

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
07/02/2011		12:00p	9:00p												

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE 	TITLE Town Manager	DATE 5/18/11
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) Town of Minturn	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK 970 827-5645
SIGNATURE 	TITLE Mayor	DATE 6/1/11

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$ .

## APPLICATION INFORMATION AND CHECKLIST

### THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.  
**Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

W/A  
N/A  
N/A

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.**
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)**
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.**
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE**

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

# LITTLE BEACH PARK MINTURN, CO

*DATE OF EVENT: JULY 2, 2011*



TOWN OF MINTURN / PO BOX 309 / MINTURN, CO 81645  
(970) 827-5645 / INFO@MINTURN.ORG / WWW.MINTURN.ORG

*LOCATION OF BASE JAMES*

TOWN OF MINTURN  
P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645 Fax: 970-827-5545

Jay Brunvand, Town Clerk/Treasurer  
Email: treasurer@minturn.org



Town Council  
Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilmember – Shelley Bellm  
Councilmember – Earle Bidez  
Councilmember – Jerry Bumgarner  
Councilmember – Aggie Martinez  
Councilmember – John Rosenfeld

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May 24, 2011

Attn: Michelle Mitteer  
Town of Minturn

I am in receipt of your Special Event Permit application for a Malt, Vinous and Spirituous permitted event to be held on July 2, 2011 in the Little Beach Park.

This park is a Town owned venue. In order to serve liquor you will need the Town's permission and approval of the event as back up detail for your permit application. Please consider this letter authorization from the Town of Minturn to utilize the venue as requested.

Please feel free to contact me in the event you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Jay Brunvand", written over a horizontal line.

Jay Brunvand, Town Clerk/Treasurer

Staff Initials: MB Today's Date: 5/24/11

Info Sent: \_\_\_\_\_

PW Notified: \_\_\_\_\_

**TOWN OF MINTURN  
Park Permit**

Name of Contact: MICHELLE METTEER

Phone #: (970) 827-5645

Day of Event Contact: KAREN FUNNELLE-HARKINS

Phone #: 920-810-7761

Address: (Physical) \_\_\_\_\_  
(Mailing) PO BOX 309, MINTURN, CO 81645

Park Requested for Rental: Little Beach Park

Date(s): JULY 2, 2011 Time: (from) 8:00 AM to 9:00 pm  
Date(s): \_\_\_\_\_ Time: (from) \_\_\_\_\_ to \_\_\_\_\_

Activity Planned: INDEPENDENCE DAY CELEBRATION Number People Expected: 75

COMMENTS: \_\_\_\_\_

**Security Deposit:** All individuals are required to pay a security deposit. An inspection of the premises will occur to determine condition of facility after use. If the condition is approved, security deposit will be refunded in full within thirty (30) working days after reservation date.

**Cancellations:** All cancellations must be received no later than thirty (30) days in advance to guarantee full refund of deposits and fees. If cancelling within 30 days of scheduled use, the entire deposit may be forfeited.

Will alcohol be served?  Yes  No Will admission be charged? Yes  No  No  
Will alcohol be sold?  Yes  No

*(If yes to admission being charged and/or alcohol sold, a Special Events Permit is required)*

Town Resident?  Yes  No Non-Profit Status\*?  Yes  No  
County Resident\*?  Yes  No Out of County? Yes  No  No

*\*Proof of residency and non-profit status required*

	FEES	AMOUNT PAID	DATE	PAYMENT TYPE
Facility Rental:	<u>0</u>	_____	_____	<u>waived by TOWN of minturn</u>
Admission:	<u>0</u>	_____	_____	
Deposit:	<u>0</u>	_____	_____	
Total Fees:	<u>\$ 0 -</u>	<u>\$ -</u>	_____	
Facility Rental Fees Due By:	<u>0</u>	Deposit Returned:	_____	

**IN CONSIDERATION** of the permission by the Town of Minturn given the undersigned to use certain Town facilities, the undersigned herewith agrees to indemnify and hold harmless the Town of Minturn from all liability, claim or demand for any event or incident involving damages, injuries, or the no-payment of any obligation incurred by the undersigned which may be asserted against the Town of Minturn and further agree to defend the Town of Minturn against any claim arising therefrom, and to pay any judgment which may be obtained, together with costs and attorney's fees incurred by the Town of Minturn.

**FURTHER**, the undersigned agrees to furnish, at its cost, such liability insurance, if any be required or requested by the Town of Minturn, at least two weeks prior to the time of the intended use of the Town facility.

I have read the policy contained on the reverse side of this form for the use of Town Recreational Facilities, understand it, and agree to comply with all the provisions set forth therein. I also agree to comply with the provisions set forth above in this permit.

[Signature]  
APPLICANT SIGNATURE

5/24/11  
DATE

MICHELLE METTEER  
APPLICANT NAME (PRINT)



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
Minturn, Colorado 81645-0309  
970-827-5645 Fax: 970-827-4049  
treasurer@minturn.org

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**FROM THE DESK OF  
JAY BRUNVAND, TREASURER/FINANCE**

**MEMORANDUM**

To: Chief Lorenzo Martinez  
Allen C., Town Attorney (via fax PDF email)  
CC:  
Date: 5/24/11 9:18 AM  
RE: Liquor License

Attached please find a copy of a Special Event Permit application for the Town of Minturn's July 2<sup>nd</sup> Town picnic. This is to be held at the amphitheater. I have scheduled this approval before the Council at the June 1<sup>st</sup> Council meeting. Because this is the Town's event I have tried to keep everyone in the loop and making sure that the person requesting the event and filing the application is not the person running the event nor the one approving the event at staff level. Therefore, Michelle is the Event Manager, Jim is the Permit applicant, I approved the use of the park and the Council will approve the permit.

I posted the park on May 20, giving us more than 10days public notice.

Please let me know if you have any questions or concerns, which I may be able to answer.

Thanks, jay



## **Minutes**

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday May 18, 2011**

**Work Session – 5:45pm**  
**Regular Session – 7:00pm**

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**TOWN MANAGER – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 5:45pm**

- Discussion re: Ordinance \_\_\_ - 2011 an ordinance regarding the sale of Medical Marijuana – Brunvand/Metteer (60min)

### **Regular Session – 7:00pm**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 7:03pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Jerry Bumgarner, John Rosenfeld, and Earle Bidez. (Aggie Martinez, absent, excused)

Staff present: Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Administrative Assistant/Deputy Clerk, Michelle Metteer, Town Planner Chris Cerimele and Attorney Allen Christensen.

## **2. Approval of Agenda**

- a. Items to be Pulled or Added

Add Executive Session as item 15a.

Motion by Jerry B., second by George B., to approve the agenda as amended; all voted in favor.

## **3. Minturn Liquor Authority**

- Gourmet Cowboy, Inc Hotel/Restaurant Liquor License annual renewal; 455 Main Street; Tom McNeill, Owner/Manager – Brunvand (5min)

Motion by Earle B., second by Shelley B., to approve the Gourmet Cowboy, Inc Hotel/Restaurant Liquor License annual renewal; 455 Main Street; Tom McNeill, Owner/Manager. All voted in favor.

## **4. Approval of Minutes and Action Report**

- May 4, 2011
- Action Item Report

Motion by Shelley B., second by John R., to approve the Minutes of May 4, 2011 as amended; all voted in favor.

## **5. Public comments on items, which are NOT on the agenda (5 minute time limit per person)**

## **6. Special Presentations/Citizen Recognition**

## **7. Planning Commission Update**

- **5.11.11 Planning Commission Meeting Update**

The Planning Commission met to continue discussing up open space dedication requirements for subdivisions and planned unit developments. We reviewed the Department of Local Affairs Model Land Use Code as it pertains to parks and open space dedication requirements. The Commission agreed that the DOLA code could be used as a guideline for creating regulations specific to Minturn. Currently, we are considering requiring a parks and open space dedication of 10-12% of the total gross land area for subdivisions greater than 1 acre. A cash-in-lieu payment could be made for smaller subdivisions. This money could be used for park maintenance or open space acquisition. Staff and Planning Commission will continue to review the DOLA Model

Land Use Code and use it as a guide in our efforts to refine the Town's code. Additionally, the Planning Commission is contemplating a code amendment that would reduce the rear yard setback to allow for garages only. This would give homeowners greater flexibility to construct a garage on their property and help to alleviate the on-street parking problem. This amendment is being considered for the Old Town Character Area due to the fact that most of the existing garages in this area are non-conforming structures since they have been constructed within the 10' rear yard setback. The proposed amendment would reduce the rear setback to 5' for a garage only.

## **8. Town Manager's Report**

### **Maloit Park Annexation**

On Wednesday evening, May 11, 2011, the Eagle School District unanimously approved the annexation agreement for the Maloit Park Character Area and directed the Board President to sign the agreement once approved by the Minturn Town Council. The Minturn Town Council is scheduled to review four ordinances related to the project at its May 18, 2011 meeting.

### **North Main Waterline Project Formal Completion**

Town staff met on Thursday, May 12, 2011 to complete the final walk through on the North Main Waterline Project. Due to the onset of winter, the final walk through was not able to be completed in November last year. The final monetary retainage will be released pending a positive review of the project based on observations during the walk though.

### **XCEL Natural Gas Pipeline Project Begins!**

Monday, May 16, 2011 was the official construction start date for the XCEL Pipeline Project slated for this summer from Edwards to Minturn. Monday was set aside primarily for staging the project, bringing in equipment and supplies. XCEL will be replacing 6" and 12" existing lines with a new 16" line. The old lines will be abandoned in place and filled with an inert gas. XCEL crews anticipate 6-10 hour days, Mondays-through Saturdays. Work stoppage will occur several times this summer due to large events planned, such as bike races. Project completion is set for September 15, 2011. For questions, please call XCEL at 1-877-481-6380.

### **Bone Yard Parcel**

We have secured both the agreement for the appraisal and the cooperation of the Forest Service to restart negotiations on this property. Initial dialog has started, and a site visit has been completed. The Town staff has initiated correspondence with the Eagle County staff to ask assistance in completing the application for funding from the county to make this purchase viable. We will also begin communications with GOCO to consider potential financial contributions.

### **Back Flow Preventer/Turntable**

The Turntable had a back flow preventer installed on Thursday, May 12, 2011. The Town and the Turntable have been communicating about this for a long time. We are very pleased to have had the cooperation from the Turntable to complete this project.

### **Battle Mountain Update**

We communicate with Dave Kleinkopf on a regular basis about the status of the Battle Mountain project. Many of the issues discussed currently involve pending lawsuits related to quiet title action and challenges to the annexation agreement.

Elizabeth Mitchell, Holland & Hart attorney, continues her discussions with Battle Mountain representatives to prepare responses to the EPA. No new information is available at this time. Once it is available, we will reschedule a visit from Elizabeth to update the Town Council.

### **Canning Grant Secured**

The Town of Minturn secured a grant for our Minturn Market. We were one of only two markets selected from Colorado. It supports an educational canning program which involves the use of locally grown foods, a healthy lifestyle, and economic benefits. We will be doing canning demonstrations at the Minturn Market and giving away six free canning kits and other canning products as a result of this grant. We will receive a stipend check to help promote this project. This grant was received based on the efforts of Michelle Metteer. The website [www.farmersmarketcoalition.org](http://www.farmersmarketcoalition.org) is where this originated. The Minturn Market is a proud member of this coalition.

### **Signage**

We have received the Special Use Permit from the US Forest Service which allows the Town of Minturn to construct its entryway sign on Forest land. The formal contract has been signed and sent back to the Forest Service for its signature. The sign is currently being constructed.

### **Holy Cross Franchise Agreement Extension**

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. Holy Cross representatives will meet with Town staff to consider other issues as we move toward franchise renewal.

### **Annual Town Clean Up Day**

The Town of Minturn held its Annual Town Clean Up Day this year on Saturday, May 14, 2011 @ the Municipal Lot. A resounding THANK YOU to all the volunteers, Town Council members, Fire District personnel, staff and all others who contributed to the planning efforts or during the event itself!

### **Colorado Municipal League Annual Conference**

Please consider attending the CML Annual Conference this year in Vail, CO. The conference is from June 22-June 24, 2011. The information and registration is available on the CML website. Early bird registration ends on Friday, May 20, 2011.

### **Out of the Office**

I will be out of the office on May 19th, 20th and 23<sup>rd</sup> ... Thursday, Friday, and next Monday.

## **9. Town Council Comments**

Jim W., Councilman Jerry B. and Mayor Hawkeye F., both assisted Mayor Pro Tem, George Brodin in the Highway Cleanup day on Battle Mountain. It came to the attention of the

volunteers that folks are using Battle Mountain as a tire dump as well as other unauthorized refuse. The Mayor asked if staff, with the help of volunteers to include CDOT, can be directed to cleanup the remaining of the refuse dumped. Tacit approval was given.

Earle B., asked for Staff to please keep Council updated and ensure that CDOT fully inform of any potential plans for the land swap potentially taking place north of Town.

## PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

### **10. Discussion/Action – Ordinance 1 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1 – Cerimele (10min)**

Mr. Ray Scott, 948 Chambers Rd, Eagle, Eagle County School Board Representative, confirmed the unanimous vote of the School Board to pass the annexation.

Mr. Frank Lorenti, 1081 Main St, asked what's in this agreement for the citizens? He said water is not that important...well it is important but this agreement seems to benefit the school district. He recommended a special revenue fund be implemented. Initial misconceptions Frank is concerned about include: bus service for enrolled students at the Vail Ski and Snowboard Academy. He calculated this to be 380 car trips a day if no bus service is included and parents are picking up and dropping off their kids. Frank recommended addressing traffic and infrastructure issues at this time rather than waiting for a formal development plan. He also recommends that bike paths, sidewalks and small parks be used to connect the different sections of Town together.

Ray Scott, 948 Chambers Rd, Eagle, Eagle County School Board Representative, chose not to respond to the public comments made. He also answered the question presented by Mayor Hawkeye Flaherty that the school is not a part of the annexation process, but that he is unaware of bus services being provided to students.

Jerry B. asked about vested rights.

Boots Ferguson, special Council to the Town of Minturn, explained that vested rights are set forth in the agreement and the vested rights are in the density of the 120 units and the site development plan is presented in the zoning. Since it is anticipated that the 120 units will be non-district development, and the elements of the plan will have to be approved by the code. The zoning that the Council is considering has setbacks and other provisions. The agreement also provides that they will not downsize without consent.

Motion by Shelley B., second by George B., to approve Ordinance 1 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1 as presented with the following findings. All voted in favor (6-0) (Aggie M., absent, excused.)

The following findings were made:

That the owners of one hundred percent of the area that is the subject of the petition have petitioned for annexation to the Town of Minturn, that findings of fact and conclusions were made by resolution by the Town Council confirming that the requirements of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S. have been met, that an election is not required under Section 30 (1)(a) of Article II of the State Constitution and Section 31-12-107(2) C.R.S., and that no additional terms and conditions are to be imposed, and therefore the property described in Exhibit A, heretofore attached, be, and hereby is, annexed to the Town of Minturn and made a part of said Town, to be known as the Eagle County School District Maloit Park Parcel No. 1.

**11. Discussion/Action – Ordinance 2 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2 – Cerimele (10min)**

Boots Ferguson readdressed the issue of vested rights and corrected his previous statement, indicating that in fact there are no vested rights with this annexation; there are agreed upon rights including: density, and no change allowed in use, but to confirm, there are no vested rights.

Frank Lorenti, as he understands, the Town can not make any changes to make the agreement have less density. Boots Ferguson confirmed that if a developer wishes, they can build the specified maximums as referenced in the agreement.

Motion by George B., second by Jerry B., to approve Ordinance 2 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2 as presented with the following findings; All voted in favor (6-0). (Aggie M., absent, excused.)

The following findings were made:

That the owners of one hundred percent of the area that is the subject of the petition have petitioned for annexation to the Town of Minturn, that findings of fact and conclusions were made by resolution by the Town Council confirming that the requirements of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S. have been met, that an election is not required under Section 30 (1)(a) of Article II of the State Constitution and Section 31-12-107(2) C.R.S., and that no additional terms and conditions are to be imposed, and therefore the property described in Exhibit A, heretofore attached, be, and hereby is, annexed to the Town of Minturn and made a part of said Town, to be known as the Eagle County School District Maloit Park Parcel No. 2.

**12. Discussion/Action – Ordinance 3 - 2011 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn, Colorado to sign an annexation agreement with the Eagle County School District – Cerimele (10min)**

Motion by George B., second by Jerry B., to approve Ordinance 3 - 2011 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn, Colorado to sign an annexation

agreement with the Eagle County School District as presented. All voted in favor. (6-0) (Aggie M., absent, excused.)

**13. Discussion/Action – Ordinance 4 – 2011 (Second Reading) An Ordinance establishing zoning on parcels of land known as the Eagle County School District Maloit Park Property annexed to the Town of Minturn, Colorado and amending the official zone district map of the Town of Minturn, CO.– Cerimele (10min)**

Frank Lorenti asked if this annexation is contingent on any other annexed properties and the subsequent outcomes of current legal issues at present.

Boots Ferguson explained that this is a “stand-alone” annexation and is not dependent on any other annexation agreements.

Motion by Shelley B., second by George B., to Ordinance 4 – 2011 (Second Reading) An Ordinance establishing zoning on parcels of land known as the Eagle County School District Maloit Park Property annexed to the Town of Minturn, Colorado and amending the official zone district map of the Town of Minturn, CO as presented with the following findings. All voted in favor. (6-0) (Aggie M., absent, excused.)

The following findings were made:

1. That proper publication and public notice were provided as required by law for hearings before the Planning Commission and Town Council; and
2. The proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan. The subject property is being annexed to the Town and there is no existing Town zoning on the property. The proposed amendment will zone property and create consistency with the existing Official Zone District Map through the creation of the Maloit Park Character Area and associated zoning districts.
3. The proposed amendment is compatible with existing and proposed uses surrounding the subject land.
4. The proposed amendment is necessary because there will be a change in condition due to the fact that the property has been annexed into the Town and therefore the property is required by state law to be zoned.
5. The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm-water management, wildlife habitat, vegetation, and wetlands.
6. The proposed amendment does address a demonstrated community need. The zoning for the property will provide for the orderly and planned development of the property. As well, it may provide for more property and sales tax revenue for the Town.

7. The proposed amendment will result in a logical and orderly development pattern. The proposed amendment will not constitute spot zoning.

8. The resulting development can logically be provided with necessary public facilities and services.

9. The proposed amendment is changing to such a degree that it **is** in the public interest to encourage a new use or density in the area.

**14. Discussion/Action – Ordinance 8 – 2011 (Second Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting sections 18-5-10 and 18-5-20 to adopt by reference the 2009 International Fire Code with Amendments - Cerimele (15min)**

John R., stated portable cooking devices are acceptable in the setback. Shelley B., Jerry B., George B., and Hawkeye F. agreed.

Earle B., reiterated the importance of removing any ash and debris after the use of such a device.

The dumping of ash is strictly prohibited (not allowed) in the 30' setback area.

Motion by Shelley B., second by John R., to approve Ordinance 8 – 2011 (Second Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting sections 18-5-10 and 18-5-20 to adopt by reference the 2009 International Fire Code as amended. The motion passed (5-1) Earle B., nay. Aggie M., absent, excused.

- Amendment: To modify the IFC Section 307.3.1 second sentence to read “Portable cooking devices may be used in this area; however, the dumping of ash in the river or setback area is strictly prohibited.”

**15. Discussion/Action – Council Meeting Start time – White (15min)**

Following a brief discussion and presentation of the results of a random straw poll, a motion was made by George B., second by Shelley B., to start future Town Council meetings at 6:30pm, starting with the first meeting in July (July 6<sup>th</sup>), 2011. Motion passed (5-1) Hawkeye F nay, Aggie M., absent, excused.

## EXECUTIVE SESSION

### 15a Executive Session

Motion by Shelley B., Second by Earle B., to convene into Executive Session pursuant to section 24-6-402(4)(e) for the purpose of discussing the Prosecuting Attorney's contract; all voted in favor.

The Executive Session ended at 9:02pm.

Following the Executive Session, the Town Council returned to the Regular Meeting and directed the Town Manager to negotiate a new contract with a new Town Prosecuting Attorney.

## FUTURE AGENDA ITEMS

- **Next Meeting – June 1, 2011**
  - Special Presentation/Citizen Recognition: Recognition of Town Clean Up Day volunteers - Martinez
  - Discussion/Action – Ordinance \_\_\_\_ - 2011 an Ordinance allowing the sale of Medical Marijuana
  
- **Future Meeting**
  - Special Events permit-Michelle Metteer
  - Discussion/Action – Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – June 1
  - Discussion/Action – Ordinance \_\_\_\_ - 2011 an Ordinance allowing the sale of Medical Marijuana – June 15
  - Discussion/Action – Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended – Brunvand/Martinez (30min)
  - Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency (EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment– White/Christensen (60min)
  
- **Set Future Meeting Dates**
  - a) Council Meetings:
    - June 1, 2011
    - June 15, 2011
    - July 6, 2011
  
  - b) Planning & Zoning Commission Meetings:

- May 25, 2011 (cancelled)
- June 8, 2011
- June 22, 2011

c) Other Dates:

- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail

- **Adjournment**

Motion by Jerry B., second by John R., to adjourn the meeting at 9:05pm. All voted in favor.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Staff Members/Council Members  
**FROM:** Jim White/ Town Manager  
**DATE:** June 1, 2011  
**SUBJECT:** Status of Action Items from Town Council Meetings

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
Maloit Park Annexation with Eagle County School District	White/Christensen	All approved, awaiting signatures and then will be recorded at County
Town entry sign: Requirements with USFS being sought	White	Continuing to modify & review design. Reviewing USFS Special Use Permit. Design complete, initial order placed at House of Signs with est install date of June 2011.
Draft Medical Marijuana Ordinance-Staff level	White	Draft being reviewed at work session level.
Minturn Scholarship Fund	White	Pursue interest money from Battle Mountain scholarship fund contributions.
Town Sidewalks	A. Martinez/White	Clarify instillation plans (add language to code to require for new construction).
OSAC Funding for Boneyard purchase	White	Seek fundraising partners. Town staff to meet with Eagle County Staff.

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Town Council  
Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilwoman – Shelley Bellm  
Councilman – Jerry Bumgarner  
Councilman – Aggie Martinez  
Councilman – Earle Bidez  
Councilman – John Rosenfeld

To: Minturn Town Council  
Cc: Jim White, Town Manager  
From: Chris Cerimele, Town Planner  
Re: Planning Department Update  
Date: May 26, 2011

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### **5.25.11 Planning Commission Meeting Update**

The Planning Commission did not meet on 5.25.11. No new land use applications have been received by the Planning Department.

### **Maloit Park Annexation**

The final piece of the Maloit Park Annexation process will be the creation of the 18 acre water treatment plant parcel. This will be accomplished through a subdivision exemption pursuant to section 17-3-30 of the Minturn Municipal Code. The subdivision exemption plat can be approved through a Town Council Resolution. This item will be presented at the June 15<sup>th</sup> meeting.

### **Eagle County CIP Request**

The Town has submitted a request to Eagle County for funding for road and drainage improvements along the 100 block of Pine Street. If the request is granted, the money will be used in 2012 to match existing Town funds for street improvements. The project will entail pulverizing the existing asphalt and improving the road base, adding concrete gutters in areas where they currently do not exist, and overlaying the road with new asphalt. This project will be the first in an effort to improve drainage throughout the Town.

**Jim White**  
**Town Manager**  
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Email: [manager@minturn.org](mailto:manager@minturn.org)



**TOWN COUNCIL**  
**Mayor – Gordon “Hawkeye” Flaherty**  
**Mayor Pro Tem – George Brodin**  
**Councilmember – Shelley Bellm**  
**Councilmember – Earle Bidez**  
**Councilmember – Jerry Bumgarner**  
**Councilmember – Aggie Martinez**  
**Councilmember – John Rosenfeld**

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**To:** Mayor Flaherty and Minturn Town Council  
**From:** Jim White, Town Manager  
**Date:** May 26, 2011  
**Re:** **Manager’s Report for the June 1, 2011 Town Council Meeting**

**Maloit Park Annexation**

Final recordation of the annexation of Maloit Park from the School District has been completed and all necessary signatures are in the process of being gathered. Additionally, attorneys from both sides are making sure all legal issues are reviewed and finalized.

**North Main Waterline Project Formal Completion**

Town staff met on Thursday, May 12, 2011 to complete the final walk through on the North Main Waterline Project. The project passed inspection. Final payment of the retainage will be released pending the completion and delivery of all as-built plans to the Town of Minturn.

**XCEL Natural Gas Pipeline Project Begins!**

The XCEL Pipeline Project from Edwards to Minturn is underway. XCEL has begun replacing 6” and 12” existing lines with a new 16” line. The old lines will be abandoned in place and filled with an inert gas. XCEL crews anticipate 6-10 hour days, Mondays-through Saturdays. Work stoppage will occur several times this summer due to large events planned, such as bike races. Project completion is set for September 15, 2011. For questions, please call XCEL at 1-877-481-6380. **XCEL Energy is hosting a public Open House from 6-8 p.m. on Thursday, June 2 at the Avon Public Library, 200 Benchmark Road. They’ll provide a construction update as they replace approximately eight miles of natural gas pipeline along U.S. Highway 6 between Edwards and Minturn.**

The presentation includes information about current and upcoming construction locations. They also want to hear your feedback and answer your questions.

**Battle Mountain Update**

Most of the issues discussed currently involve pending lawsuits related to quiet title action and challenges to the annexation agreement.

Elizabeth Mitchell, Holland & Hart attorney, continues her discussions with Battle Mountain representatives to prepare responses to the EPA. No new information is available at this time. However, a revised remedial investigation report has been completed and should be delivered soon

5/27/2011

### **Signage**

We have received the Special Use Permit from the US Forest Service which allows the Town of Minturn to construct its entryway sign on Forest land. The formal contract has been signed returned to the Town from the Forest Service. The sign is currently being constructed. Excavation and Installation dates are set for June 10<sup>th</sup>, June 13<sup>th</sup>, and June 14<sup>th</sup>.

### **Holy Cross Franchise Agreement Extension**

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. The revised agreement is under legal review. Due to scheduling issues, the work session will take place on July 6, 2011 followed by 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinance on July 20<sup>th</sup> and August 3<sup>rd</sup>.

### **Northwest Colorado Council of Governments (NWCCOG)**

The most recent meeting was held on May 26<sup>th</sup> at the Donovan Pavilion in Vail. Initial discussions centered on the topic of having the NWCCOG Board also serve as the governing board for an Economic Development District. No decision was made, but staff was directed to continue to research potential scenarios related to board composition, or ramifications of not pursuing this venture at all.

### **Eagle County Grant Application**

Earlier this year, I learned about the prospect of an Eagle County CIP grant process. Subsequently, we decided to seek funding to augment our budget for road and drainage repairs needed. This addresses one of the Town Council's primary goals for 2011. The grant was submitted prior to the June 1, 2011 deadline.

### **Prosecuting Attorney**

Inga Causey will begin her duties as prosecuting Attorney on Thursday, June 9, 2011 in Minturn's Municipal Court.

### **Bone Yard Parcel**

We have secured both the agreement for the appraisal and the cooperation of the Forest Service to resume negotiations on this property.

### **2010 Audit Report**

The Town will be receiving the 2010 draft audit soon. Plans to review the audit with Town Council for its approval are in progress.

### **Colorado Municipal League Annual Conference**

Please consider attending the CML Annual Conference this year in Vail, CO. The conference is from June 22-June 24, 2011. The information and registration is available on the CML website. Early bird registration ends on Friday, May 20, 2011.

### **Out of the Office**

I will be out of the office June 2<sup>nd</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, and 7<sup>th</sup>...Thursday, Friday, and next Monday and Tuesday.

5/27/2011

Respectfully submitted,

Jim White  
Town Manager

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## AGENDA ITEM COVER SHEET

<p><b>AGENDA TITLE:</b></p> <p><b>Ordinance 5 – 2011; An Ordinance of the Town of Minturn repealing and reenacting multiple sections of Chapter 18 of the Municipal Code to adopt by reference the 2009 International Building Codes with amendments.</b></p>
<p><b>MEETING DATE:</b> June 1, 2011</p>
<p><b>PRESENTER:</b> Chris Cerimele</p>
<p><b>BACKGROUND:</b> The Town of Minturn is currently on the 2003 edition of the building codes. Passage of this ordinance will adopt the 2009 editions of the following codes: <i>International Building Code; International Residential Code; International Fuel Gas Code; International Energy Conservation Code; International Plumbing Code; International Mechanical Code; International Property Maintenance Code and the National Electrical Code.</i></p> <p><i>Since the last meeting, staff has eliminated the section of the International Residential Code that required the installation of sprinkler systems in residential homes.</i></p>
<p><b>CORE ISSUES:</b> <i>The Town Council requested more information on the cost associated with implementing the 2009 International Energy Conservation Code (IECC). The Governor’s Energy Office concluded that the average cost to implement the 2009 IECC would be \$922.73. Additional information on the 2009 IECC from the US Department of Energy is included for Council review.</i></p>
<p><b>BUDGET/FINANCE IMPLICATIONS:</b> None</p>
<p><b>RECOMMENDED MOTION:</b> I move to approve Ordinance 5 – Series 2011 on first reading.</p>

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Town Council  
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Councilman – Earle Bidez  
Councilman – John Rosenfeld

To: Minturn Town Council  
Cc: Jim White, Town Manager  
From: Chris Cerimele, Town Planner  
Re: 2009 Building Codes  
Date: May 26, 2011

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### **Why Adopt Building Codes???**

- SAFETY
- Building longevity
- Adherence to best practices in the building industry
- Energy efficiency and associated cost savings

### **International Residential Code**

Since the April 20, 2011 meeting when the 2009 building codes were last discussed, staff has completely eliminated the requirement for residential sprinkler systems. The previous version stated that sprinkler systems would be required in all residential homes effective January 1, 2013.

### **International Energy Conservation Code (IECC)**

The Governor’s Energy Office of Colorado published a report in July 2009 that outlined the findings of a survey that was conducted to determine which of the 329 jurisdictions that have an adopted building code also had an energy conservation code. There were 174 jurisdictions that completed the survey, including Minturn. Of those 174 jurisdictions that responded, 128 (73.5%) had adopted either the 2003 or 2006 Edition of the International Energy Conservation Code.

The Minturn Town Council was concerned with the added cost that the 2009 IECC would add to a new home. A study conducted for the Governor’s Energy Office in December 2010 concluded that the average incremental cost of implementing the 2009 IECC would be \$922.73 per home and the median energy savings would be \$239.50 per year.

The minimal initial investment in the above example would be recouped within 3.9 years and the homeowner would be able to pocket the additional energy savings in the subsequent years that they owned the home.

**Table 1. Annual Savings in Residential Energy Costs**

<b>Savings Current Practice vs. 2009 IECC</b>		
City (Climate Zone)	Savings (\$/year)	Percent Savings
Wichita, KS (Zone 4B)	\$266	14%
Boulder (Zone 5B)	\$213	13%
Eagle (Zone 6B)	\$246	13%
Alamosa (Zone 7B)	\$239	13%

Source: [2009 IECC Residential Nationwide Analysis](#), U.S. Department of Energy

**Table 3. Incremental Cost of Building to the 2009 IECC**

Weighted Average Incremental Cost	Median Energy Savings	Simple Payback
\$922.73 per home	\$239.50 per year	3.9 years

Source: [Estimated Energy Savings](#), Building Codes Assistance Project

# Analysis of 2009 International Energy Conservation Code Requirements for Residential Buildings in Colorado

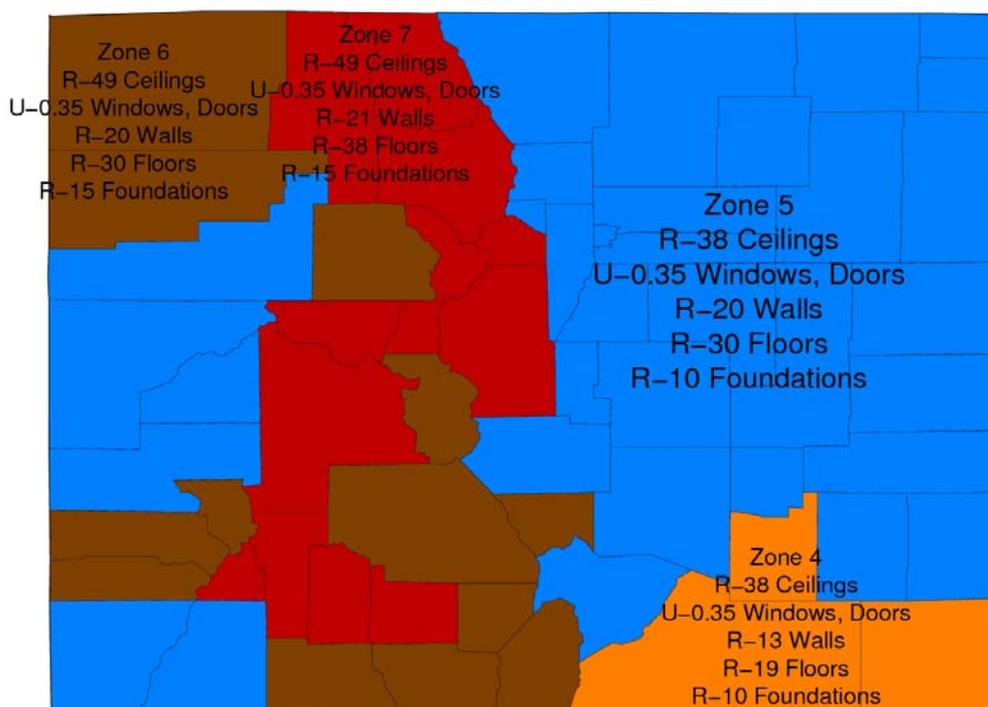
## Summary

The 2009 International Energy Conservation Code (IECC) contains several major improvements in energy efficiency over the current state code, the 2003 IECC. The most notable changes are improved duct sealing and efficient lighting requirements. A limited analysis of these changes resulted in estimated savings of \$213 to \$266 a year for an average new house at recent fuel prices.

## Overview of the 2009 IECC

The IECC scope includes residential single-family housing and multifamily housing three stories or less above-grade intended for permanent living (hotel/motel is not “residential”). The code applies to new buildings and additions/alterations/renovations/repairs.

The map below shows the primary building envelope requirements for all residential buildings in the 2009 IECC.



Notable requirements in the 2009 IECC:

- Building envelope must be caulked and sealed.
- Slab-on-grade insulation is R-10 to a depth of 2 feet in Zones 4 and 5 and 4 feet in Zones 6 and 7.
- Supply ducts in attics must be insulated to R-8. Return ducts in attics and all ducts in crawlspaces, unheated basements, garages, or otherwise outside building envelope must be insulated to R-6.
- All ducts must be sealed and either:
  - *verified by pressure testing* – the duct system has to be tested and the air leakage out of ducts must be kept to an acceptable maximum level.

- *installed entirely within the building thermal envelope* – testing is not required if all ducts are inside the building thermal envelope (for example in heated basements), though the ducts still have to be sealed.
- Piping for hydronic (boiler) heating systems must be insulated to R-3.
- Although vapor retarders are not required by the IECC, the I-codes do set wall vapor retarder requirements in Section R601.3 of the 2009 IRC, and vapor retarders are required in Zones 5, 6, and 7.
- Less insulation is allowed for mass walls and more insulation is required for steel framing.
- 50% of the lighting “lamps” (bulbs, tubes, etc.) in a building must be high efficacy. Compact fluorescents qualify, standard incandescent bulbs do not.
- Standard I-code administrative requirements (inspections, documentation) apply.
- A certificate must be posted near the electrical panel listing insulation levels and other energy efficiency measures.

#### Exemptions/Allowances from prescriptive measures:

- One door and 15 ft<sup>2</sup> of window area are exempt
- Skylight U-factors are allowed to be U-0.60
- 500 ft<sup>2</sup> or 20% of ceiling area of cathedral ceiling, whichever is less, is allowed to have R-30 insulation

#### Mandatory Requirements:

Windows can never exceed an area-weighted U-factor of 0.48 in Zones 4 and 5 and 0.40 in Zones 6 and 7. The 2009 IECC also identifies a set of other requirements that are strictly “mandatory” that must be done in all buildings, such as building envelope and duct sealing.

#### Compliance Paths:

The IECC effectively contains three alternative compliance paths.

- 1) Prescriptive measures. This is considered the simplest path. These requirements do not vary by building size, shape, window area, or other features. The IECC has a single table of requirements for insulation R-values and window and door U-factors and SHGC. There is a corresponding U-factor table that permits compliance of less common component types (e.g., structural insulated panels), albeit without any cross-component trade-offs.
- 2) Total building envelope UA (U-factor multiplied by area). This is the path predominantly used by the REScheck<sup>TM</sup> software. Based on the prescriptive U-factor table, it allows trade-offs whereby some energy efficiency measures can fall below code requirements if balanced by other measures that exceed code requirements.
- 3) Simulated performance (requires software programs). This path allows compliance if the home has a calculated annual energy consumption (or energy cost) equal to or less than that of a standard reference design that just meets the code’s prescriptive requirements. This path allows for crediting energy efficiency measures not accounted for in the other paths, such as renewable energy measures. The 2009 performance path differs from previous editions of the IECC in that it allows no tradeoff credit for the use of high efficiency space heating, space cooling, or water heating equipment.

### Main Differences between the Colorado Code and the 2009 IECC

Colorado requires the 2003 IECC as the minimum code though many municipalities have adopted the 2006 IECC, and the 2006 IECC is therefore compared to the 2009 here. The 2006 IECC has the same format (including the same climate zones) and many of the same requirements as the 2009 IECC. The major differences are listed below:

- The current state code requires ducts to be sealed but not to a specific leakage rate verified by testing as is required in the 2009 IECC (if any ducts are outside the building envelope).
- 50% of the lighting “lamps” (bulbs, tubes, etc.) in a building have to be high efficacy in the 2009 IECC; the 2006 IECC has no lighting requirement. Compact fluorescents qualify, standard incandescent bulbs do not.
- Trade-off credit can no longer be obtained for high efficiency HVAC equipment in the 2009 IECC. For example, if a high efficiency furnace is used, no reduction in wall insulation is allowed. (This will have a substantial impact on the flexibility allowed by the REScheck™ software and other energy performance analysis tools.)
- A number of thermal envelope requirements have improved in the 2009 IECC. These are highlighted in Table 10.

**Table 10. Comparison of Envelope Requirements**

<i>Components</i>	Climate Zone 4B		Climate Zone 5B		Climate Zone 6B		Climate Zone 7B	
	2006 IECC	2009 IECC	2006 IECC	2009 IECC	2006 IECC	2009 IECC	2006 IECC	2009 IECC
Ceiling	38	38	38	38	49	49	49	49
Skylight U-factor	.60	.60	.60	.60	.60	.60	.60	.60
Fenestration U-factor	<b>.40</b>	<b>.35</b>	.35	.35	.35	.35	.35	.35
Fenestration SHGC	NR	NR	NR	NR	NR	NR	NR	NR
Wood Frame Wall	13	13	<b>19</b>	<b>20</b>	<b>19</b>	<b>20</b>	21	21
Mass Wall	<b>5/13</b>	<b>5/10</b>	<b>13/19</b>	<b>13/17</b>	15/19	15/19	19/21	19/21
Floor	19	19	30	30	30	30	<b>30</b>	<b>38</b>
Basement Wall	10/13	10/13	10/13	10/13	<b>10/13</b>	<b>15/19</b>	<b>10/13</b>	<b>15/19</b>
Slab	10, 2ft	10, 2ft	10, 2ft	10, 2ft	10, 4ft	10, 4ft	10, 4ft	10, 4ft
Crawl Space	10/13	10/13	10/13	10/13	10/13	10/13	10/13	10/13

### Energy Analysis

A brief energy analysis was conducted comparing the current state code to the 2009 IECC. The EnergyGauge™ software was used to determine the energy impacts of changes in envelope requirements. EnergyGauge™ is based on the DOE-2 energy simulation software developed by DOE (Lawrence Berkeley National Laboratory 1981).

Two sets of buildings were simulated: one with energy efficiency levels set to the prescriptive requirements of the current state code, and one with energy efficiency levels set to the prescriptive requirements of the 2009 IECC. All inputs other than the changes in energy efficiency levels were identical in the two sets of simulations.

The analysis assumed a two-story, single-family house with a conditioned floor area of 2,400 ft<sup>2</sup>. It was assumed that the house had 8.5-ft high ceilings, a ceiling area (bordering the unconditioned attic) of 1,200 ft<sup>2</sup>, a gross exterior wall area of 2,380 ft<sup>2</sup>, and a window area of 357 ft<sup>2</sup> (15% of the wall area) equally oriented north, south, east, and west. Heating with a natural gas furnace (\$1.20/therm) and central electric air conditioning (\$.12/kWh) were assumed.

High-efficacy lighting was assumed to increase from 10% to 50% of all lighting within the building, reducing lighting energy use by 26%, or \$74 a year. Savings attributable to the lighting requirements in the IECC will decrease as Federal law requires improved light bulbs in 2012 to 2014. Improved duct sealing was assumed to save 10% of the heating and cooling costs. Actual savings will vary depending on many factors, including how well ducts are currently sealed in the absence of any testing requirements.

Table 11 shows the estimated annual energy savings per house that result from meeting the improved requirements in the 2009 IECC. Total savings includes heating, cooling, and lighting and is shown as a percentage of the end-uses covered by the 2009 IECC (heating, cooling and water heating).

**Table 11. Energy End Use and Percentage Savings**

Climate Zone	Annual Energy Cost (\$)				Savings 2009 IECC vs. 2006 IECC	
	2006 IECC		2009 IECC		Savings (\$/yr)	
	Heating	Cooling	Heating	Cooling		
Wichita KS (CZ 4B)	1247	305	1085	275	266	14
Boulder (CZ 5B)	1152	150	1029	134	213	13
Eagle (CZ 6B)	1530	88	1367	79	246	13
Alamosa (CZ 7B)	1475	68	1318	60	239	13

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 5 - SERIES 2011**

**AN ORDINANCE OF THE TOWN OF MINTURN REPEALING AND REENACTING ARTICLES 1-4 AND 5-8 OF CHAPTER 18 OF THE TOWN OF MINTURN MUNICIPAL CODE AND REPLACING THOSE SECTIONS WITH ARTICLES 1-4 AND 5-8 AND ADDING A NEW ARTICLE 9 AND 10 AND RENUMBERING SUBSEQUENT SECTIONS TO ADOPT BY REFERENCE THE 2009 EDITIONS OF INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE NATIONAL ELECTRICAL CODE AS CURRENTLY ADOPTED BY THE STATE OF COLORADO**

**WHEREAS**, in promotion of the public health, safety and welfare of the inhabitants of the Town of Minturn, the Town Council desires to update its ordinances by adopting the 2009 International Building Codes with amendments; and

**WHEREAS**, section 11.11 of the Home Rule Charter and section 31-16-202, C.R.S., as amended, permit the contemplated adoption by reference of such codes upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

**WHEREAS**, the Minturn Town Council held a public hearing, with proper notice provided, to consider adoption of such International Codes as required by law; and

**WHEREAS**, copies of said International Codes are available in the Planning Office at the Minturn Town Center; and

**WHEREAS**, the Town Council has determined, based on the evidence and testimony presented at the public hearing, that the adoption of these codes, as amended herein, will further the health, safety and welfare of the inhabitants of Minturn; and

**NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS** as follows:

**Section 1.** Article 1 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

**Section 18-1-10. Title.**

The provisions of the ordinance codified herein shall be know and cited collectively as the “Town of Minturn Building Code” or “International Codes.”

**Section 18-1-20. Codes adopted.**

- (1) The Town of Minturn adopts by reference the following codes:
- a. *International Building Code, 2009 Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - b. *International Residential Code, 2009 Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - c. *International Fuel Gas Code, 2009 Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - d. *International Energy Conservation Code, 2009 Edition* as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - e. *International Plumbing Code, 2009 Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - f. *International Mechanical Code, 2009 Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - g. *International Property Maintenance Code, 2009 Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001
  - h. *National Electrical Code as currently adopted by the State of Colorado.*
  - i. *International Fire Code, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (adopted by Ordinance 8 - Series 2011)*

**Section 2.** Article 2 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

### **Building Code**

#### **Section 18-2-10. International Building Code adopted.**

(a) The *International Building Code, 2009 Edition, 2<sup>nd</sup> printing*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 35 inclusive, exclusive of any Appendices, (“IBC”) is hereby adopted by reference as the Town of Minturn Building Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IBC, as adopted and as amended.

### **Section 18-2-20. Amendments.**

The following sections of the adopted code are hereby revised as follows:

- (1) Section 111.2 Certificate Issued shall read: “Final Certificate of Occupancy Inspection approval shall be the Certificate of Occupancy.”
- (2) Section 419.2 Occupancies. The following sentence shall be added: “F and I occupancies shall not be permitted in a live/work unit.”
- (3) Section 1029 Emergency Escapes and Rescue is amended to delete *Exception 1*
- (4) Section 1608.2 Ground Snow Loads is hereby deleted and replaced with the following: “Snow loads for roofs and decks shall be 75 pounds per square foot.”
- (5) Section 1809.5 Frost Protection. This section is amended by deleting the section in its entirety and replacing it with the following language: “Foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by the following method – Footings subject to frost shall have a minimum depth of 48” measured from finished grade to the bottom of the footing or the depth specified by the soils engineer of record.”
- (6) Section 1809.12 Timber Footings is deleted in its entirety.
- (7) Section 2111.13 Exterior Air Intake is amended by adding the following: “Outside combustion air intake shall be required for all gas-fired and wood burning fireplaces. Combustion air ducts shall be a minimum 26 gauge sheet metal for the portion of duct extending through the building on the outside of the fire-resistive shaft. Ducts extending from the fireplace and exiting directly to the outside without passing through any other portion of the building may be of any material permitted by the fireplace manufacturer or the International Mechanical Code. Fireplaces: Where dampers are required to be removed, clamped or welded open- doors in front of fireplace openings are required.
- (8) Section 3001.5 is amended to read as follows: “A fee for each permit and plan review shall be paid to the Northwest Colorado Council of Governments. The annual certificate of inspection will be administered by the certified elevator inspection agency. For permit applications and inspections, contact Elevator Inspection Program at (970) 468-0295. Ext. 108

**Section 3.** Article 3 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

## **Residential Code**

### **Section 18-3-10. International Residential Code adopted**

- (a) The *International Residential Code*, 2009 Edition, 2<sup>nd</sup> printing, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 44 inclusive and Appendices A, C, G, H, and N, (“IRC”) is hereby adopted by reference as the Town of Minturn Residential Building Code as if fully set out in this Ordinance, with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No residential building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IRC, as adopted and as amended.

### **Section 18-3-20. Amendments.**

The following sections of the adopted code are hereby revised as follows:

- (1) Section R104.4 Inspections is amended by the addition of the following paragraph: “A third party inspection by a certified log inspection agency shall be required of all structural members in log framed buildings. A letter from the log grading agency certifying log grades are in accordance with the plan specifications shall be required at, or prior to frame inspection. Elevators installed in all structures shall require a third party plan review and inspection by Northwest Colorado Council of Governments.”
- (2) Section R301.2.3 Snow Loads is amended by the addition of the following: “Snow loads for roofs and decks shall be 75 pounds per square foot.”
- (3) Section R302.2.2 Townhouses is amended by the addition of the following sentence to the start of Exception: “When an approved fire sprinkler system is installed.”
- (4) Section R313.1 Townhouse automatic fire sprinkler systems remains but with the addition of the words: “effective January 1, 2013 at the end of the statement.
- (5) Section R313.2 One and two-family dwelling automatic fire systems is deleted in its entirety.
- (6) Section R315.1 Carbon Monoxide alarms is amended by deleting this section and replacing it with the following language: “For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet of the entrance to each bedroom in

dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.”

- (7) Section R403.1.4.1 Frost Protection is amended by deleting the section in its entirety and replacing it with the following: “Foundation walls, piers, and other permanent supports of buildings shall be protected from frost by the following method – Footings subject to frost shall have a minimum depth of 48” measured from finished grade to the bottom of the footing or the depth specified by the soils engineer of record.”
- (8) Section R403.2 Footings for Wood Foundations is amended by adding the following: “Foundations shall be designed by a registered Colorado Engineer or Architect and approved by a Geotechnical Engineer.
- (9) Section R403.3 Frost Protected Shallow Foundations is amended by adding the following: “Foundations shall be designed by a registered Colorado Engineer or Architect and approved by a Geotechnical Engineer.
- (10) Section R404.2 Wood Foundation Walls is amended by adding the following: “Foundations shall be designed by a registered Colorado Engineer or Architect and approved by the Geotechnical Engineer.”
- (11) Section G2425.8 (501.8) Equipment Not Required to be Vented is amended by deleting item #7. The sentence after this exception should be amended to read: “Where the appliances listed in Items 5 and 6 above...”
- (12) Section G2445 (621) is amended by removing all subsections and replacing it with “Section G2445.1 General. Unvented room heaters are prohibited from installation.”
- (13) Table R301.2(1) is amended by deleting it in its entirety and replacing it with the following:

Table R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof Snow Load	WIND DESIGN		SEISMIC  DESIGN  CATEGORY	SUBJECT TO DAMAGE FROM			WINTER  DESIGN  TEMP	ICE BARRIER  UNDERLAYMENT  REQUIRED	FLOOD  HAZARDS	AIR  FREEZING  INDEX	MEAN  ANNUAL  TEMP
	Speed  (mph)	Topographic  effects		Weathering	Frost  line  depth	Termite					
75  psf	90	NO	B	SEVERE	48"	NONE  TO  SLIGHT	-15° F	YES	2007	2000	45° F

(14) Add a new Section R303.1.2 Mechanical ventilation to read:

**R303.1.2 Mechanical ventilation.** Dwelling units shall be provided with a mechanical exhaust system, supply system, or combination thereof to provide whole-building ventilation with outdoor air. Such system shall comply with Section R303.1.2.1 through R303.1.2.2.

**Exception:**

1. Other *approved* mechanical ventilation systems.

(15) Add a new Section R303.1.2.1 Mechanical ventilation rate to read:

**R303.1.2.1 Mechanical ventilation rate.** The mechanical ventilation system shall provide outdoor air continuously at a rate of not less than that determined in accordance with Table R303.4(1)

**Exception:** Continuous operation of the system is not required where the system has controls that enable operation for not less the 25% of each 6 hour segment and the ventilation rate prescribed in Table R303.1.2.1 (1) is multiplied by the factor in accordance with Table R303.1.2.1 (2)

(16) Add a new table, TABLE R303.1.2.1 (1) to read:

**TABLE R303.1.2.1 (1)**  
**VENTILATION AIR REQUIREMENTS, CFM<sup>1</sup>**

FLOOR AREA (SQ. FT.)	BEDROOMS				
	0-1	2-3	4-5	6-7	>7
<1,500	30	45	60	75	90
1,500-3,000	45	60	75	90	105
3,001-4,500	60	75	90	105	120
4,501-6,000	75	90	105	120	135
6,001-7,500	90	105	120	135	150
>7,500	105	120	135	150	165

For SI: 1 square foot = 1 square foot = 0.0929 m<sup>2</sup>.

1. Equation R303.1.2.1 (1) can be used as an alternative to Table R303.1.2.1 (1)

$$Q_{fan} = 0.01 A_{floor} + 7.5 (Nbr + 1)$$

Where:

$Q_{fan}$  = fan flow rate in cubic feet per minute (cfm).

$A_{floor}$  = floor area in square feet (ft<sup>2</sup>)

Nbr = number of bedrooms; not to be less than 1

(17) Add a new table, TABLE R303.1.2.1 (2) to read:

**TABLE R303.1.2.1 (2)**

**INTERMITTENT MECHANICAL VENTILATION RATE FACTORS<sup>a b</sup>**

<b>Run-Time Percentage In each 6 hour Segment</b>	<b>25%</b>	<b>33%</b>	<b>50%</b>	<b>66%</b>	<b>75%</b>
<b>Factor</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1.5</b>	<b>1.3</b>

- a. Interpolation between entries is permitted.
- b. The ventilation system run time shall be not less than 25%

(18) Add a new section R303.1.2.2, System design, to read:

**R303.1.2.2 System design.** The required whole-house ventilation system shall consist of one or more supply or exhaust fans or a combination thereof and associated ducts and controls. Outdoor air ducts connected to the return side of an air handler shall be considered to be supply ventilation where the manufacturer's requirements for a minimum return air temperature for the air handler are met.

(19) Add a new section R303.1.2.3 System Controls, to read:

**R303.1.2.3 System Controls.** The mechanical ventilation system shall be provided with controls that enable occupant override.

(20) Add a new section R303.3.1 Bathroom ventilation to read:

**R303.3.1 Bathroom ventilation.** Bathrooms shall be mechanically exhausted in accordance with section 1507.

**Section 4.** Article 4 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

### **International Fuel Gas Code**

#### **Section 18-4-10. International Fuel Gas Code adopted.**

(a) The *International Fuel Gas Code*, 2009 Edition 2<sup>nd</sup> printing as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, (“IFGC”) is hereby adopted by reference as the Town of Minturn Fuel Gas Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFGC, as adopted and as amended.

#### **Section 18-4-20. Amendments.**

The following sections of the adopted code are hereby revised as follows:

- (1) Section 303.3 Prohibited Locations is amended by deleting exceptions number 3 and 4.
- (2) Section 402.6.2 Liquefied Petroleum Gas Facilities and Piping is amending by the addition of the following sentence: “Liquefied petroleum gas facilities and equipment shall not be located in any pit or basement, under show windows or interior stairways, in engine, boiler, heater, or electric meter rooms”. The following exception shall apply: “equipment may be installed with an approved means of detection and removal of unburned liquid petroleum gas. A minimum 3” drain pipe to the exterior of the building, propane sensor and automatic safety shutoff shall be installed. The drain shall not be trapped and shall be protected from snow closure and rodents. When the above listed means cannot be achieved, an engineered mechanical exhaust system with a propane sensor, and an automatic safety shut-off, shall be required”.
- (3) Section 501.8 Equipment Not Required to be Vented is amended by the deletion of item No. 8

**Section 5.** Article 6 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

### **International Energy Conservation Code**

#### **Section 18-5-10. International Energy Conservation Code adopted.**

(a) The *International Energy Conservation Code*, 2009 Edition 5<sup>th</sup> printing as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 6 inclusive, (“IECC”) is hereby adopted by reference as the Town of Minturn Energy Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IECC, as adopted and as amended.

**Section 18-5-20. Amendments.**

The following sections of the adopted code are hereby revised as follows:

(1) Chapter 1 Administration shall be deleted and chapter 1 of the IBC and IRC shall apply.

**Section 6.** Article 7 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

**International Plumbing Code**

(a) The *International Plumbing Code*, 2009 Edition 3<sup>rd</sup> printing as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive, (“IPC”) is hereby adopted by reference as the Town of Minturn Plumbing Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IPC, as adopted and as amended.

**Section 7.** Article 8 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

**Mechanical Code**

**Section 18-8-10. International Mechanical Code adopted.**

(a) The *International Mechanical Code*, 2009 Edition 4<sup>th</sup> printing as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, (“IMC”) is hereby adopted by reference as the Town of Minturn Mechanical Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IMC, as adopted and as amended.

**Section 8.** Article 9 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

**Property Maintenance Code**

**Section 18-9-10. International Property Maintenance Code adopted.**

(a) The *International Property Maintenance Code*, 2009 Edition 1<sup>st</sup> printing as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference as the Town of Minturn Property Maintenance Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IPMC, as adopted and as amended.

**Section 9.** Article 10 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

### **National Electrical Code**

#### **Section 18-9-10. National Electrical Code adopted.**

(a) The *National Electrical Code*, as published by the National Fire Protection Association, and the rules and regulations thereunder, as adopted, amended and updated to the most current edition by the Colorado State Electrical Board from time to time (“NEC”) pursuant to the authority set forth in Article 23 of Title 12, C.R.S., is hereby adopted by reference as the City of Centennial Electrical Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the City unless the same shall, as to design, construction, quality of materials and workmanship, conform with the NEC, as adopted and as amended.

**Section 10.** **Severability.** If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

**Section 11.** The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

**Section 12.** The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution

commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, TITLE READ IN FULL, APPROVED ON FIRST READING AND ORDERED PUBLISHED IN FULL THE \_\_\_\_\_ DAY OF JUNE, 2011. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 15<sup>TH</sup> DAY OF JUNE , 2011, AT 7 P.M. IN THE MINTURN TOWN CENTER IN THE TOWN OF MINTURN, COLORADO.**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE READ BY TITLE, ENACTED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
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Jay Brunvand, Treasurer/Clerk  
Email: treasurer@minturn.org



TOWN COUNCIL  
Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilwoman – Shelley Bellm  
Councilman – Earle Bidez  
Councilman – Jerry Bumgarner  
Councilman – Aggie Martinez  
Councilman – John Rosenfeld

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## AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Ordinance No. 7 - 2011
<b>MEETING DATE:</b> June 1, 2011
<b>PRESENTER:</b> Brunvand
<ul style="list-style-type: none"><li>• <b>BACKGROUND:</b> During the April 20 Council meeting, after in depth discussion, this item was tabled to the May 4 Council Meeting in order to allow further research by Staff. The Council concern was that the Optional Premises License would supersede any attempt by a nonprofit organization or the Town itself to obtain a Special Event Permit.  During the May 18 Council meeting, after in depth discussion, Council requested this item not be pursued further. In accordance with our Town Charter Section 11.6(e) “If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendments or rejected by vote of the Council”.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to reject Ordinance 7 – 2011 on First Reading an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as presented.