



2014

# Minturn Council Meeting

Wednesday October 1, 2014

**Work Session:** **5:00pm**  
**(Town Center)**

**Regular Session:** **6:30pm**  
**(Town Center)**

**REMEMBER TO BRING YOUR 2015  
BUDGET BOOK.**



## Agenda

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

**Wednesday October 1, 2014**

**Work Session – 5:00pm**  
**Regular Session – 6:30pm**

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

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 5:00 p.m., Monday through Friday, excluding holidays.

### **Work Session – 5:00pm**

**Please remember to bring your FY2015 Budget Book**

- 2014 Budget Review – Brunvand Pg 4
- Discussion of additional uses of the Lease Lot Area
- Candidate for Planning Commission – Hawkinson
- Ordinance 08 – Series 2014 (First Reading) An Ordinance adopting the 2010 Model Traffic Code by reference – Powell/Sawyer Pg 27

### **Regular Session – 6:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

**3. Approval of Minutes**

- September 17, 2014 Pg 21

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

**5. Special Presentations**

**PUBLIC HEARINGS AND ACTION ITEMS**

**6. Action Item: Ordinance 08 – Series 2014 (First Reading) An Ordinance adopting the 2010 Model Traffic Code by reference – Powell/Sawyer Pg 27**

**7. Action Item: Council motion to formally accept the FY2015 Preliminary Budget – Brunvand Pg 43**

**COUNCIL AND STAFF REPORTS**

**8. Town Planner**

- Approval of Rob & Colleen Gosiewski single family residence at 560 Taylor Street with the condition to add windows to garage door and front door. Planning Commission requested the owners contribute to the Minturn Sidewalk Fund 5' wide sidewalks the length of their property. Pg 44

**9. Town Manager**

- Action Item Report Pg 49

**10. Town Council Comments**

**11. Town Attorney**

**FUTURE AGENDA ITEMS**

**12. Next Meeting – October 15, 2014**

- Ordinance - Series 2014 (Second Reading) An Ordinance adopting the 2010 Model Traffic Code by reference – Powell/Sawyer

**13. Future Meetings:**

- Nov 5, 2014 Work session: Water Committee update

- Jan 21, 2015: Work session: consideration of approving retail sales of marijuana – Powell/Sawyer
- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2014 Budget – review public funding requests – White/Brunvand 11/5/13
- Meeting: Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2014 Budget and First Reading of Budget Ordinances – Brunvand 11/19/13
- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2014 Budget Ordinances – Brunvand 12/3/13
- 2015 Building Code update – Charlie Davis

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

a) Council Meetings:

- October 15, 2014
- November 15, 2014
- November 5, 2014

b) Planning & Zoning Commission Meetings:

- September 24, 2014
- October 8, 2014
- November 12

#### **15. Other Dates:**

#### **16. Adjournment**



# TOWN OF MINTURN

FISCAL YEAR 2015 BUDGET

October 1, 2014

Council Worksession

# FY2015 BUDGET

## CHANGES MADE IN 2015

- Some reformatting of the budget
- Intent to make the budget more performance based
- Department descriptions
  - Description of functions
  - Recommended goals and projects with costs included in budget

# FY2015 Budget

## General Fund Revenue - Highlights

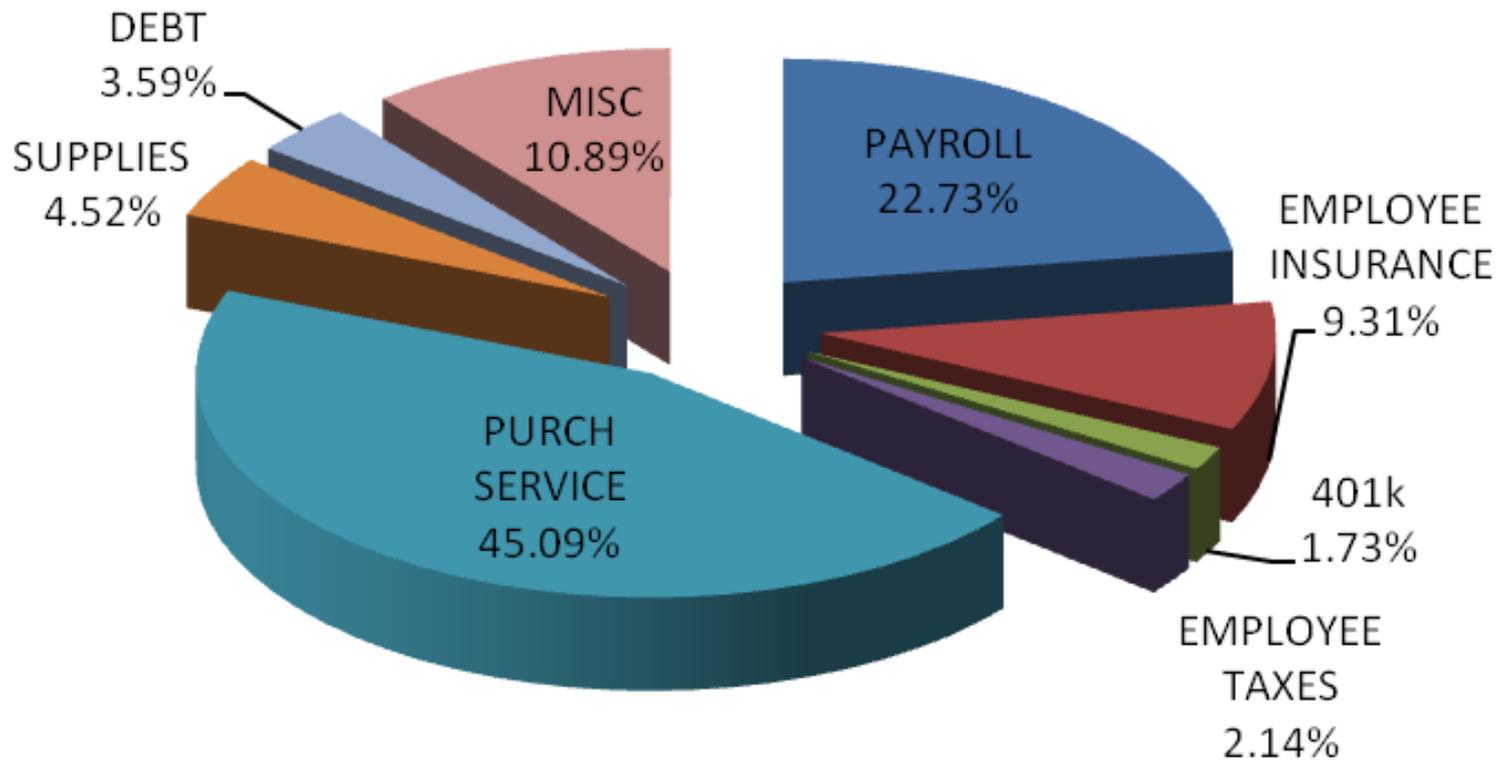
- 2014 Property Tax collections based on the recent valuations will remain constant decrease \$277 over 2014
- Sales Tax is projected to be even or slightly up over 2014 estimates. This line item is budgeted flat compared to 2013 actual and 2014 estimates.

# FY2015 BUDGET

- 2015 Gen Fund total Expenses  
\$1,546,224
- 2015 Ent Fund total Expenses \$818,505.
- 2014 EOY estimate for General and Enterprise Funds expense is \$2,597,791
- This represents an overall net decrease over 2014 of \$233,062 much of this decrease is due to capital projects and one time payments in 2014.

# FY2015 BUDGET

## FY2015 EXPENSES BY PERCENT



# FY2015 BUDGET

The Town payroll as budgeted includes only 9 positions and, including employee benefits, totals \$871,875

2015 represents a decrease of total payroll and benefits of over 18% in total budgeted benefit costs over 2014.

# FY2015 BUDGET

- Total Funded Town Positions = 9
- General Fund Employees = 6.25 (69.5%)
- Enterprise Fund Employees = 2.75 (30.5%)

*(Note: these percentages correspond to the actual breakdown used for our Workers Compensation Audit calculations and is comparable to actual hours worked as well)*

# FY2015 BUDGET

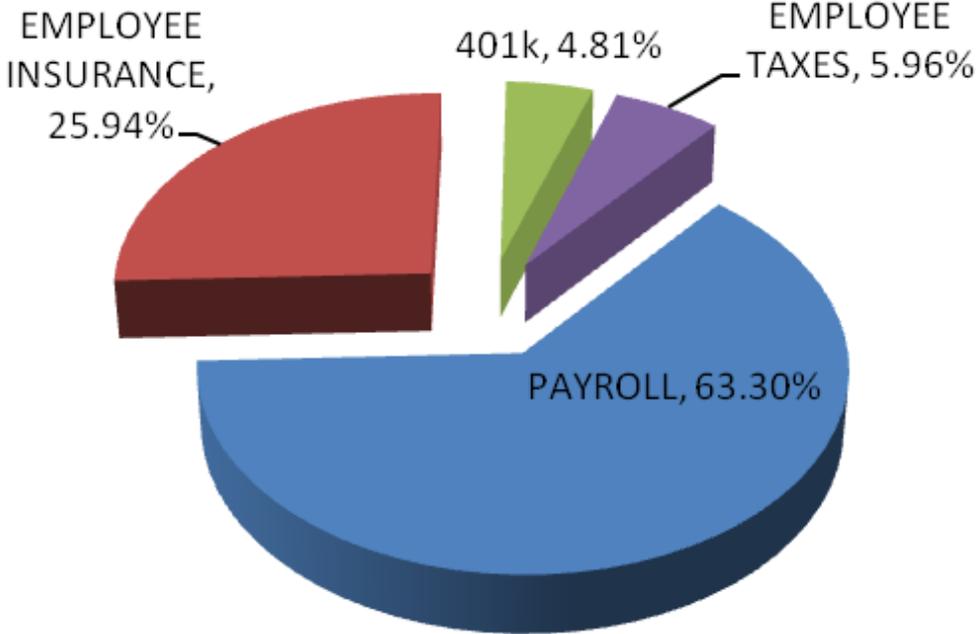
- Based on the work being performed the wages are separated into either the General Fund or the Enterprise Fund
- The Wage/Benefits held in the General Fund total \$614,056 (70.4%) and the Wage/Benefits in the Enterprise Fund total \$257,816 (29.6%)

# FY2015 BUDGET

- Enterprise % of employee
    - 4 employees at 25% each
    - Town Manager 25%\*
    - Town Treasurer/Town Clerk 50%\*
- (\*Historically established)

# FY2015 PAYROLL BUDGET

## WAGES, TAXES, AND BENEFITS



# FY2015 BUDGET

- The Employee Benefit Package is reviewed annually by Staff

## Employee Insurance Actual Cost Overview

| YEAR        | ACTUAL     | TOTAL   |           |           |
|-------------|------------|---------|-----------|-----------|
|             | EMP'EE     | EMP'EES | COST      | PERCENT   |
|             | INSURANCE  |         | PER       | INC/(DEC) |
|             | COST       |         | EMP'EE    |           |
| 2006        | 194,336.22 | 16      | 12,146.01 | -         |
| 2007        | 209,670.24 | 15      | 13,978.02 | 13%       |
| 2008        | 230,803.52 | 14      | 16,485.97 | 15%       |
| 2009        | 204,771.96 | 14      | 14,626.57 | -11%      |
| 2010        | 188,673.32 | 12      | 15,722.77 | -8%       |
| 2011        | 194,131.29 | 11      | 17,456.45 | 9%        |
| 2012        | 179,845.00 | 11      | 16,349.00 | -6%       |
| 2013        | 188,321.49 | 11      | 17,120.13 | 6%        |
| 2014 est    | 198,659.00 | 11      | 18,060.00 | 21%       |
| 2015 Budget | 226,150.00 | 12      | 18,845.00 | 4%        |

# FY2015 BUDGET

## GENERAL FUND CAPITAL EXPENDITURES

|                                      |              |
|--------------------------------------|--------------|
| INTERFUND CAPITAL TRANSFER           | 55,798.00    |
| 2009 CAT LOADER                      | 17,256.00    |
| BOBCAT                               | 3,000.00     |
| TOWN BUILDING MAINT                  | 8,000.00     |
| STREET/SIDEWALK/DRAINAGE             | 40,000.00    |
| PW TOOLS                             | 5,000.00     |
| COMPUTER ROTATION                    | 3,500.00     |
| PW HEAVY EQUIP (split with Ent Fund) | 20,000.00    |
|                                      |              |
| TOTAL                                | \$152,554.00 |

# FY2015 BUDGET

## 2014 PROJECTS

- Consideration of Town Manager Position
- Conservation Easement site design-  
Boneyard
- Zoning Code review-Chapters 16 & 17
- Bridge Repairs
- Taylor St Railroad crossing
- Water Filter fencing

# FY2015 BUDGET

## ENTERPRISE FUND CAPITAL EXPENDITURES

|                                      |              |
|--------------------------------------|--------------|
| INTERFUND CAPITAL TRANSFER           | 23,914.00    |
| 2009 CAT LOADER                      | 17,256.00    |
| BOBCAT                               | 3,000.00     |
| TOWN BLDING/PARK MAINT               | 11,000.00    |
| PW TOOLS                             | 5,000.00     |
| WATER PLANT/SYSTEM                   | 40,000.00    |
| PARK MAINTAINANCE AND TOWN SIGNAGE   | 11,000.00    |
| PW HEAVY EQUIP (split with Gen Fund) | 20,000.00    |
| TOTAL                                | \$131,170.00 |

# FY2015 BUDGET

## 2015 PROJECTS

- Adoption of 2015 Building Code
- Street paving and maintenance projects
- Water Line looping
- Little Beach Park grant
- Conservation Easement Grant in Boneyard
- Lease Lot and Public Works site plan

# FY2015 BUDGET

## **Questions And Answers**

**2015 COUNCIL PRIORITIES**

| <b>POLICY ITEM</b>                                       | <b>FUNDING YEAR</b> | <b>MONEY ALLOCATED</b> | <b>SCHEDULE &amp; NOTES</b>   | <b>BUDGET LINE</b>                       |
|--|---------------------|------------------------|---|--|
| Conservation Easement                                    | 2014                | 10K                    | (site design & management plan)   |  |
| Oversight & evaluation process for town manager position | 2014                |                        |   |  |
| Revisions to 16 & 17 of MMC                              | 2014/15             | 5K-7,500               | See timeline  |  |
| Adoption of 2015 Building Code                           | 2015                | N/A                    | Review amendments by other jurisdictions. Confirm Charlie is attending the Eagle County mass review.  |  |
| Water rates  | 2015                | N/A                    | Water Committee to provide update to Council in Nov.  |  |
| Marijuana Ordinance                                      | 2015                | N/A                    | Review in work session after Jan 1  |  |
| <b>TO DO ITEM</b>  | <b>FUNDING YEAR</b> | <b>MONEY ALLOCATED</b> | <b>SCHEDULE &amp; NOTES</b>   |  |
| Bridge repairs – includes Bellm railings & painting      | 2014                | 20K                    | Bridge report   | \$ already available in budget           |
| Water plant fencing                                      | 2014                | 18K                    | To be completed in 2014   | 02-06-5293                               |
| Taylor Ave RR Crossing repairs                           | 2014                | 15,700                 |   | 01-06-5352                               |
| Pave Norman St. from Pine to Boulder                     | 2015                | 30K                    | \$30K   | \$20k: 01-06-5352<br>\$10K: cash savings |
| Loop water line on Mann Ave and repave                   | 2015                | 25K                    | Funding available in restricted cash-coordinate mobilization with Norman Ave repaving. Budget: 02-06-5293   |  |
| Economic Development Committee                           | 2015                | N/A                    | No funding currently necessary  | 01-05-5275                               |
| Entryway & 100 blk plan                                  | 2015                |                        | TAP grant submittal. With proper planning, this can be an all-inclusive process covered, in part or in full, by approved Battle Mtn funding (spent only once). Project to be carried out in multiple phases, beginning with sidewalks. \$250K |  |
| Replace sidewalks for 100 blk                            | 2015                |                        |   |  |
| Little Beach Park grant                                  | 2015                | 250K                   | Spring submittal  | Battle Mtn Funding                       |
| Improve mapping  | 2015                | ???                    |   |  |
| PW material storage bins                                 | 2015                | 30K                    | Complete master site plan   | \$30K Cash savings                       |
| Conservation Easement grant                              | 2015                | 20K                    | 20% matching grant  | \$20K Cash savings                       |
| <b>FUNDING SOURCE</b>                                    | <b>Total</b>        |                        |   |  |
| Cash savings   | 60K                 |                        |   |  |
| Budgeted funding   | 80K                 |                        |   |  |
| Battle Mountain funding                                  | 500K                |                        | From LBP and Infrastructure sources.  |  |



## **Official Minutes**

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

**Wednesday September 17, 2014**

**Work Session – 5:00pm**  
**Regular Session – 6:30pm**

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

### **COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

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 970/827-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 5:00pm**

- Discussion of 2015 priorities – Powell/Metteer
- Boneyard Conservation Easement, Management Plan, and Site Plan discussion – Powell/Hawkinson
- Discussion of Colorado Proposition 105
- Review of the 2010 Colorado Model Traffic Code – Sawyer

### **Regular Session – 6:30pm**

#### **1. Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:37pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, John Rosenfeld, Matt Scherr, Earle Bidez, Shelley Bellm, and Ozzy Osborne.

Staff present: Town Attorney Mike Sawyer, Economic Development/Deputy Clerk Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand, Town Planner Janet Hawkinson.

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Modify: Move Special Presentations prior to Public Comment.

Motion by Shelley B., second by Johnie R., to approve the agenda as amended. Motion passed 7-0.

## **3. Approval of Minutes**

- September 3, 2014

Make note in the minutes that quasi-judicial items were not discussed in the Worksession

Motion by Johnie R., second by Shelley B., to approve the minutes of September 3, 2014 as amended, motion passed 7-0

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

Mr. Art Salazar, 412 Taylor St, spoke regarding Minturn and that he felt being cited into court for his property in disarray was not appreciated.

Mike S. stated the concerns of Mr. Salazar are currently in the Municipal Court and it would not be advisable the Council to consider his concern with the case pending.

Mr. Berry Clark, 974 Main St, asked for an update on restoration of the Bellm and Cemetery Bridges in advance of the 2015 World Cup. Hawkeye stated he had discussed this with the Town Manager and that it had also been discussed at the Worksession held prior to the meeting. Repairs to the bridges are pending and it is the intent to be done prior to winter.

## **5. Special Presentations**

- Colorado Mountain College Minturn Scholarship Recipient Ms. Emily Martinez

Ms. Emily Martinez, 1010 Mtn Drive, Minturn. Shelley B. introduced Ms. Martinez stating that she is a recipient of a scholarship from the Town of Minturn. Ms. Martinez stated how honored she is to receive such a scholarship and the benefit she derives from it.

- Walking Mountain Actively Green Initiative presented by Kim Langmaid

Dr. Kim Langmaid, Walking Mountain Science Center, introduced the new program, Actively Green Initiative. This program educates on green innovations and sustainable leadership.

Note: Shelley B. excused herself from the meeting at 7:00pm.

A training is offered in October 15&22 and November 12&19.

## PUBLIC HEARINGS AND ACTION ITEMS

### **6. Action Item: Ordinance 7 – Series 2014 (Second Reading) an Ordinance regarding the extension of a building moratorium within the Town of Minturn – Sawyer**

Hawkeye introduced the Ordinance. Mike S. stated that no changes have been proposed since the first reading. It was noted that this Ordinance extends the moratorium through March 2015. However, it is understood this is a high priority for the Council and the Town and Staff will proceed expeditiously.

With adding “New” into the title.

Motion by Ozzy O., second by George B., to approve Ordinance 7 – Series 2014 (Second Reading) an Ordinance of the Town of Minturn, Colorado enacting a moratorium on the acceptance and processing of **new** applications for design review for multi-family residences, duplexes, accessory dwelling units and accessory apartments as amended. Motion passed 6-0. (Note: Shelley was excused absent.)

### **7. Discussion and Direction: Building Moratorium proposed timeline schedule - Hawkinson**

Janet H. outlined the proposed schedule. Ozzy stated he would be out of town on Oct 1 and requested it be moved to the 2<sup>nd</sup> meeting. Johnie R. stated he will also be out of town on Oct 1.

Zoning Code Meetings:

- 9/24/14 Planning Commission Meeting: brainstorming session on what is working – what is not working – what they would like to see as a Town – discussion about scale and massing issues
- 10/15/14 Town Council Meeting during Work Session: brainstorming session on what is working – what is not working – what they would like to see as a Town – discussion about scale and massing issues
- 10/21/14 Public Meeting: brainstorming session on what they would like to see the design of the Town to be - character of the Town

- Staff create issue and priority lists, diagrams and images from information from brainstorming sessions
- Staff recommend changes to the codes under moratorium – have various solutions and proposals that address the information from the brainstorming sessions.
- 11/5/14 Town Council Meeting with Planning Commission in Work Session to review proposed zoning code changes and Town design vision – informal direction on changes
- 11/12/14 Planning Commission Meeting – Review draft ordinance of zoning code
- 11/19/14 Town Council Meeting – Submittal of Ordinance with Zoning Code changes
- 12/3/14 Town Council Meeting – 2<sup>nd</sup> vote of Zoning Code Ordinance

## COUNCIL AND STAFF REPORTS

### 8. Town Planner

- 1092 Main Street Addition DRB Approval
- International Trade Center Sign Approval
- Eagle River Bathroom Update

Project is moving forward and construction progressing.

- Community Project

A tree planting project was undertaken for an Eagle Scout at the Boneyard.

### 9. Town Manager

- Art in Public Places

Michelle M. asked for direction regarding an art structure that will be placed in Eagle River Park. Because this was approved by a previous Town Manager and at this time we do not have a policy for Art in Public Places completed she was asking for direction. Discussion ensued as to the cost that Minturn would incur and what the completed project would actually entail.

- Bridge update

The community survey indicated a predominate color of a barn red color. Michelle M. noted this would include some of the maintenance repairs recommended in the State Bridge Report.

Michelle M. noted the bridge information has been forwarded to the County, Keith Montag, and they have not reported back as yet.

- Fiscal Year 2015 Budget Calendar

Council had no concerns or changes with the proposed calendar.

- Action Item Report

### **10. Town Council Comments**

Matt S.: Update on the Castle Peak Senior Home has met its Capital Campaign funding, the project is on line.

### **11. Town Attorney**

A quiet title process has been undertaken to ensure the ownership by the Town of Little Beach Park this will be updated at the next meeting.

Hawkeye asked for a bullet list of what Mike Sawyer's firm is working on and what we can anticipated budget wise for the balance of the year.

## **EXECUTIVE SESSION**

### **12. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(b) – to receive legal advice on specific legal questions pertaining to a franchise agreement – Sawyer**

Motion by Johnie R., second by Earle B., to convene in Executive Session pursuant to C.R.S. §24-6-402(4)(b) – to receive legal advice on specific legal questions pertaining to a franchise agreement at 8:15. Motion passed 6-0. Note: Shelley B. was excused absent.

Council reconvened at 8:25 direction to staff is to discuss the issues with Xcel.

## **FUTURE AGENDA ITEMS**

### **13. Next Meeting – October 1, 2014**

### **14. Future Meetings:**

- Ordinance \_\_\_\_ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer

### **15. Set Future Meeting Dates**

#### a) Council Meetings:

- October 1, 2014
- November 15, 2014
- November 5, 2014

#### b) Planning & Zoning Commission Meetings:

- September 24, 2014
- October 8, 2014
- November 12

### **16. Other Dates:**

## **17. Adjournment**

Motion by Johnie R., second by Ozzy, to adjourn the meeting at 8:26pm.

---

Mayor Hawkeye Flaherty

ATTEST:

---

Town Clerk, Jay Brunvand

Michael J. Sawyer  
[mjs@mountainlawfirm.com](mailto:mjs@mountainlawfirm.com)

Sander N. Karp\*  
James S. Neu  
Karl J. Hanlon  
Michael J. Sawyer  
James F. Fosnaught  
Jeffrey J. Conklin

Matthew L. Trinidad  
Patrick L. Barker

*Of Counsel*  
Richard I. Zuber\*\*  
Anna S. Itenberg  
Greg S. Russi  
Hollie L. Wieland

201 14<sup>th</sup> Street, Suite 200  
P. O. Drawer 2030  
Glenwood Springs, CO 81602  
Telephone: (970) 945-2261  
Facsimile: (970) 945-7336

[www.mountainlawfirm.com](http://www.mountainlawfirm.com)

\* *Fellow of the College of Labor and  
Employment Lawyers*  
\*\* *Fellow of the American Academy of  
Matrimonial Lawyers*

September 26, 2014

To: Mayor Flaherty and Town Council

From: Town Attorney, Michael Sawyer

Re: Adoption of 2010 Model Traffic Code

---

The Town has been asked by the Eagle County Sheriff's Office to adopt the 2010 version of the Colorado Model Traffic Code ("MTC"). Currently, Minturn has adopted the 2003 version of the MTC. I have contacted Town Prosecutor Inga Causey and she supports adopting the 2010 MTC.

During the Council work session on September 17, Council discussed certain changes to the MTC to accommodate unique traffic and parking situations in Minturn. In response to this discussion, the draft ordinance for your consideration has a few deviations from the MTC standard language.

1. The Ordinance includes a provision that Town law enforcement in consultation with the Town Administrator may adopt parking plans for streets within the Town. Further, the Ordinance allows for these parking plans to deviate from the state manual and specifications for statewide uniformity. This is to allow for parking plans that conform to some of Minturn's non-standard roadways.
2. The Ordinance includes a provision that clearly states that the Town has the authority to erect temporary traffic and parking control signs. Given Minturn's public market and other civic activities, this addition to the MTC clarifies the Town's authority and the public's obligation to abide by temporary signs.

Two items that were discussed at the last meeting did not, in my opinion, warrant inclusion of special language modifying the MTC. With regard to pedestrians, the MTC gives pedestrians the right of way at all designated cross-walks. When pedestrians cross at areas that are not designated cross-walks, the pedestrians must yield to traffic. (See MTC sections 802 and 803). With regard to bicycles, the MTC makes bicycles subject to the same traffic control rules as motorized vehicles. (See MTC section 1412).

Council asked to see a list of special MTC provisions adopted by other mountain communities. Such provisions from Vail, Carbondale and Glenwood Springs are included in Attachment A to this memo.

Michael J. Sawyer  
[mjs@mountainlawfirm.com](mailto:mjs@mountainlawfirm.com)

September 26, 2014

To: Mayor Flaherty and Town Council

From: Town Attorney, Michael Sawyer

Re: Adoption of 2010 Model Traffic Code

---

The Town has been asked by the Eagle County Sheriff's Office to adopt the 2010 version of the Colorado Model Traffic Code ("MTC"). Currently, Minturn has adopted the 2003 version of the MTC. I have contacted Town Prosecutor Inga Causey and she supports adopting the 2010 MTC.

During the Council work session on September 17, Council discussed certain changes to the MTC to accommodate unique traffic and parking situations in Minturn. In response to this discussion, the draft ordinance for your consideration has a few deviations from the MTC standard language.

1. The Ordinance includes a provision that Town law enforcement in consultation with the Town Administrator may adopt parking plans for streets within the Town. Further, the Ordinance allows for these parking plans to deviate from the state manual and specifications for statewide uniformity. This is to allow for parking plans that conform to some of Minturn's non-standard roadways.
2. The Ordinance includes a provision that clearly states that the Town has the authority to erect temporary traffic and parking control signs. Given Minturn's public market and other civic activities, this addition to the MTC clarifies the Town's authority and the public's obligation to abide by temporary signs.

Two items that were discussed at the last meeting did not, in my opinion, warrant inclusion of special language modifying the MTC. With regard to pedestrians, the MTC gives pedestrians the right of way at all designated cross-walks. When pedestrians cross at areas that are not designated cross-walks, the pedestrians must yield to traffic. (See MTC sections 802 and 803). With regard to bicycles, the MTC makes bicycles subject to the same traffic control rules as motorized vehicles. (See MTC section 1412).

Council asked to see a list of special MTC provisions adopted by other mountain communities. Such provisions from Vail, Carbondale and Glenwood Springs are included in Attachment A to this memo.

## Addendum A to Staff Memo

### Town of Carbondale – Additions to MTC:

The 2010 edition of the Model Traffic Code is adopted as if set out at length, save and except the following additions:

1. New Section 1003.5 "Other Overtaking Rules."

At all times when overtaking a bicycle or a slower moving vehicle not travelling at the speed of traffic, the driver of the passing vehicle shall (a) ensure that he/she allows for no less than 3 feet of separation between the right side of his/her passing vehicle – including all mirrors, projections and trailers – and the left side of the bicycle or the slower moving vehicle and (b) allow any oncoming vehicles to travel on no less than ½ of the main traveled portion of the roadway.

2. New Section 714: "Restricted Use of Streets & Alleys."

Except when parking or placing a vehicle in a loading zone during the process of loading or unloading, no person shall park or place a vehicle – including all trailers and other attachments to said vehicle – in any designated parking spot(s) or the front, side, or rear lines of said parking space on any public right-of-way.

3. New Section 1203: "Illegal Parking."

(a) It is unlawful for any person to park or place any vehicle in any posted "No Parking" area.

(b) It is unlawful for any person to leave any vehicle unattended on any portion of a street or highway right-of-way in the Town of Carbondale for a period of seventy-two (72) hours or longer. Vehicles not registered and insured shall be considered abandoned and may be towed at the expense of the owner and/or given a citation to appear in municipal court for failure to register or insure a vehicle.

(d) It is unlawful for any person to leave in the public right-of-way any pickup camper, boat or detached trailer for longer than seventy two hours (72). Such detached trailers may be towed by, or at the direction of, the Town and such pickup campers and boats may be removed and impounded at the expense of the owner. For purposes of this section, "trailer" means any wheeled vehicle without motor power and designed to be drawn by a motor vehicle. A "pickup camper" means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

4. New Section 1214: "Hazard Parking Violations."

Any vehicle parked or placed such that it creates an immediate hazard or affects the flow of traffic in any travelled right-of-way is in violation of this Section and may be towed without prior notice to the owner by the Town, or otherwise, at the owner's expense, and the owner of said vehicle shall pay the towing and storage fees for the vehicle's release.

5. New Section 1215: "Fire Lanes."

It is a violation of the Town Municipal Code for any person to park a vehicle within a designated Fire Lane. Designated Fire Lanes may be on private property that is open to the public. Such Fire Lanes shall be designated by the Town of Carbondale, which may occur by the Owner requesting that The Town so designate. The Town may consent to such an Owner request but must do so in writing. Fires Lanes shall also be designated by the Town if the Town has required an Owner of the property to designate and maintain fire lanes pursuant to any development application such Owner has made to the Town as a condition of Approval. Fire Lanes shall be clearly marked by the Owner or Lessee with official traffic control signs approved, which signs may be approved by the Town or by the Fire Department. Any person who is found guilty, admits liability for, or against whom a judgment is entered in violation of this section shall be fined and/or penalized for a first offense within a two year period by a penalty assessment of \$75.00. For a second offense that occurs within a two year period the fine shall be \$150. The third offense within a two year period shall be punishable by the penalties as set forth in the Town Code at Section 1.16.010.

6. New Section 1216: "Towing."

Any vehicle parked or left in violation of this chapter, but that does not appear to create an immediate hazard in the opinion of the Police Department may be either (1) towed by the Town after an officer of the Town has conspicuously affixed to such vehicle a parking violation notice informing the user or owner that a particular parking or stopping violation has occurred at that time and place and after the violation has not been corrected within 2 hours (in which case the owner of the vehicle shall pay the actual towing and storage fees for the release of the vehicle); or (2) assess a parking violation fine to be paid by the owner of such vehicle within 20 days of the date of such notice. The notice shall set forth the nature of the violation, the fine for the particular violation, and the procedure for payment or dispute of the charge. The owner receiving said notice shall pay the fine within 20 days of the date of such notice or contact the Clerk of the Municipal Court and sign a written request in order to dispute the charge. Failure to pay the fine or dispute the charge within 20 days of the date of such notice shall cause a late penalty to be added to the fine and cause the assessment to be submitted to a collection agency for the collection of the delinquent fees plus the cost of collection.

7. New Section 1410: "Operation of Motor Vehicles on Park Trails."

It is unlawful for any person to operate a motor vehicle or other motorized conveyance in Town parks, or on trails or pathways owned or under the control of the Town for maintenance, except those authorized vehicles designated by the Town. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted. (Ord. 19-2012, § 3)

11.04.040 Penalties each day.

All parking violations are subject to a separate fine for each violation period, such periods consisting of two hours. (Ord. 19-2012, § 4).

**City of Glenwood Springs Amendments/Additions to 2010 MTC.**

120.040.020 Additions, deletions, or modifications to Model Traffic Code.

The following sections of the Model Traffic Code are hereby amended to read as follows:

(1) Part 1 Section 109 of the Model Traffic Code is hereby amended by the addition of a new subsection (14) as follows:

"Section 109(14). Low-Power Scooters, Animals, Skis, Skates, Toy Vehicles and All-Terrain Recreational Vehicles on Highways.

"(14) Skating and Skateboarding Prohibited on Pedestrian Bridge. It shall be unlawful for any person to travel upon the Colorado River pedestrian/bicycle bridge on skates, skateboards or similar devices. For purposes of this Section, the Colorado River pedestrian/bicycle bridge is defined to include any and all portions of the bridge existing and in place (easterly of the Colorado Highway 82 bridge), including all ramps, approaches, landings and stairways appurtenant thereto."

(2) Part 6, Subsection 225(3) of the Model Traffic Code is hereby amended as follows:

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection 1.5 of this section shall, upon conviction, be punished by a fine of five hundred dollars (\$500.00).

(A 5-96 §2; A 2-11, §2)

(3) Part 6, Section 603 of the Model Traffic Code is hereby amended by the addition of subsection (6) as follows:

"Section 603(6). Obedience to Official Traffic Control Devices.

"(5) Obedience to Turn Prohibition Signs. Whenever official signs are erected prohibiting or restricting a right or left turn, a U-turn or all turns, as authorized in Section 601, no driver shall disobey the directions of any such sign. Whenever an official sign prohibits right turns by oversized vehicles, the term "oversized vehicle" shall mean any vehicle which, due to excessive length or limitations in turning radius, is incapable of executing a right turn in the extreme right hand lane lawfully available to traffic without breaching the adjacent curb or shoulder and without encroaching into oncoming lanes of traffic."

(Ad 5-96, §2; A 2-11, §2)

(4) Part 6, Section 614 of the Model Traffic Code is hereby amended, as follows:

"Section 614. Designation of Highway Maintenance, Repair or Construction Zones - Signs - Increase in Penalties for Speeding Violations. (A 16-03 §2; A 2-11, §2)

"(1) If maintenance, repair or construction activities are occurring or will be occurring within four hours on a state highway or municipal street, the Department of Transportation or municipal authorities, within their respective jurisdictions, may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this Section is subject to increased penalties and surcharges.

"(2) The Department of Transportation or municipal authorities, within their respective jurisdictions, shall designate by appropriate signs that a maintenance, repair or construction activity is taking place within four hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

"(3) Signs used for designating the beginning and end of a maintenance, construction or repair zone shall conform to Department of Transportation requirements. The Department of Transportation or local authority may display such signs on any fixed, variable or moveable stand. The Department of Transportation or local authority may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work."

(Ad 33-97 §1)

(5) Part 6, Section 615 of the Model Traffic Code is hereby amended, as follows:

"(1) Any person who commits a moving traffic violation in a school zone is subject to double penalties and surcharges.

"(2) For the purposes of this Section, "School Zone" means an area that is properly designated by the City as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled.

"(3) This Section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 of this Code or section 42-4-614, C.R.S. because such violation also occurred within a highway maintenance, repair or construction zone."

(Ad 21-98 §1; A 16-03, §2; A 2-11, §2)

(6) Part 11, Section 1102 of the Model Traffic Code is hereby amended by the addition of a subsection (8) to read as follows:

"Section 1102(8). Altering of Speed Limits - When.

"(8) It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie speed hereinbefore set forth is greater than reasonable or safe under the conditions found to exist upon certain streets and intersections described in traffic control schedules herein or otherwise recorded, as provided in Sections 1101 and 1102 of this Model Traffic Code, and it is hereby declared that the prima facie speed limit upon every street and intersection so designated shall be as stated in said schedules or records, which speed so declared shall be effective when signs are erected giving notice thereof; provided, however, that decreased speed limits on streets which are a part of the state highway system shall be subject to the approval of the said Department of Highways, as specified in Section 1102(4) of this Model Traffic Code."

(Ad 5-96 §2; A 2-11, §2)

(7) Part 12 of the Model Traffic Code is hereby amended by the addition of Section 1203 as follows:

"Section 1203. Abandoned, Junked, Dismantled and Wrecked Motor Vehicles.

"(1) Short Title. This ordinance shall be known and may be cited as the 'Inoperable Vehicle Ordinance.'

"(2) Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

"(a) 'Vehicle' is any vehicle which is designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes., motorcycles., motorscooters, trucks, tractors, campers, motor homes and trailers.

"(i) 'Inoperable vehicle' is any vehicle, as defined by subsection (a) above, which does not have lawfully affixed thereto unexpired license plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

"(ii) Exemption: 'Inoperable vehicle,' as used in this Section, shall not include: vehicles exempt from registration under the laws of the State of Colorado and specifically including those vehicles exempted by C.R.S. 42-3-103, as the same may be now or hereafter amended; vehicles defined and registered as 'collector's items,' pursuant to C.R.S. 2-12-101, et seq., as the same may be now or hereafter amended; and special interest vehicles. Special interest vehicles shall include, but shall not be limited to, racing vehicles, stock cars, classic and antique cars, all of which special interest vehicles shall be maintained in good operating condition.

"(b) 'Person' shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

"(c) 'Public property' shall mean any alley, street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

"(3) Storing, Parking or Leaving Inoperable, Dismantled or Other Such Vehicles Prohibited; and Declared Nuisance; Exceptions. No person shall park, store, leave or permit the parking, storing or leaving of any vehicle of any kind which is in an inoperable, abandoned, wrecked, dismantled, rusted, junked or partially dismantled condition, whether attended or not, upon any public property within the City for a period of time in excess of seventy-two (72) hours. The presence of an inoperable, abandoned, wrecked, dismantled, rusted, junked or partially dismantled vehicle or parts thereof, in public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance.

"(4) Notice to Remove. Whenever it comes to the attention of the Police Department that any vehicle is an inoperable vehicle as defined in Section (a)(i) above, and is therefore a nuisance, a written notice shall be affixed to the vehicle where the nuisance exists requiring its removal. In the event said vehicle, after the Police Department has affixed written notice, has not been moved for a period of seventy-two (72) hours, said vehicle shall be subject to being towed by the Police Department and impounded. Within five (5) days after the vehicle has been towed, the Police Department shall send a written letter to the registered owner of said vehicle advising them that the vehicle has been towed and stored in the impound lot or other location and that such vehicle shall be disposed of in accordance with law on a specific date.

"(5) Penalty. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as set forth in Section 010.020.080 of the Municipal Code. Each act in violation of any of the provisions hereof shall be deemed a separate offense."

(Ad 5-96 §2; A 2-11, §2)

(8) Part 12, Section 1205 of the Model Traffic Code is hereby amended by the addition of subsections 1205(5) and (6) to read as follows:

"Section 1205(5) Parking for Certain Purposes Prohibited.

"(5) No person shall park a vehicle upon a roadway for the purpose of:

"(a) Displaying such vehicle for sale;

"(b) Greasing, painting, or repairing such vehicle, except repairs necessitated by an emergency;  
or

"(c) Displaying advertising.

(Ad 12-97 §1; A 16-03 §2; A 2-11, §2)

"Section 1206(6) Parking of Certain Vehicles for More than Two Hours; Seventy-two Consecutive Hours Adjacent to Dwelling; Parking Permit for Storage of Construction Vehicles.

"(6) (a) Parking of Certain Vehicles.

"(1) Definitions.

"a. Certain Vehicles. Any 'bus,' 'commercial vehicle,' 'road machinery,' 'trailer,' 'trailer coach' or 'mobile home,' 'truck tractor,' 'semitrailer,' as defined by the Model Traffic Code.

"b. The term 'construction equipment' shall mean, 'trailers regardless of design which are used primarily for construction; excavation equipment, backhoes, dump trucks, bulldozers, graders, front-end loaders, trackhoes, asphalt kettles and dumpsters.'

"c. Park. The standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

"(2) Prohibition. It shall be unlawful for any person to park certain vehicles, any trailer having an empty weight of more than 250 pounds which is capable of carrying recreational vehicles such as ski-mobiles or motorcycles, and trucks exceeding six thousand (6,000) pounds empty weight, or a self-contained motor home with its own motive power exceeding twenty-two feet overall length for an aggregate period of time longer than two (2) hours during any given twenty-four-hour period upon any street, alley, municipal parking lot, parkland or other public place.

"(b) Exception - Parking Adjacent to Dwelling. A person may park on a public street, alley or other public place, certain vehicles, any trailer having an empty weight of more than 250 pounds which is capable of carrying recreational vehicles such as ski-mobiles or motorcycles, hand trucks exceeding six thousand (6,000) pounds empty weight, or a self-contained motorhome with its own motive power, exceeding twenty-two (22) feet in overall length, adjacent to a dwelling occupied by the owner of the noncommercial recreational vehicle or his/her invitee, for a period not to exceed seventy-two (72) consecutive hours during any thirty-consecutive-day period.

"(c) Safety Hazard. If a determination is made by the traffic engineer, upon receipt of a written complaint, that the parking of the types of vehicle as set forth in this section obstructs the flow of traffic, or is a safety hazard for whatever reason, it shall be unlawful to park such vehicles upon any street, alley, municipal parking lot, parkland or other public place. The traffic engineer shall post notice on said vehicle and by certified letter to the registered owner of such vehicle, giving such owner three (3) calendar days from the date of such notice to move said vehicle. In the event said vehicle is not moved, the Police Department shall have the authority to issue a ticket for violation of this section and have said vehicle towed at the owner's expense.

"(d) Parking of Construction Equipment.

"1. Prohibition. It shall be unlawful to park construction equipment on any public street, alley, municipal parking lot, parkland or other public place.

"2. Exception - Permit. A person may park construction equipment on a public street, alley, municipal parking lot, parkland or other public place if such person has obtained a parking permit, at the time of issuance of a building permit, which shall state that identified construction

equipment shall be allowed to be parked on the street directly adjacent to the address on the building permit during the period of active construction.

"3. Safety Hazard. If it is the determination of the traffic engineer, upon receipt of a written complaint, that construction equipment parked pursuant to permit conflicts with other traffic or creates a safety hazard for whatever reason, it shall be unlawful to park such construction equipment upon any street, alley, municipal parking lot, parkland or other public place, and any parking permit issued for said location shall be deemed revoked. The traffic engineer and police department shall follow the procedures set forth in (c)."

(Ad 5-96, §2; A 2-11, §2)

(9) Part 12, of the Model Traffic Code is amended by the addition of Section 1212 to read as follows:

"Section 1212. Parking Permits. The City Council may provide by resolution for parking permits granting exemption from time parking regulations on such terms and conditions and for such fees as Council may determine appropriate from time to time."

(Ad 5-96, §2, A 16-03 §2; A 2-11, §2)

(10) Part 12, of the Model Traffic Code is hereby amended by the addition of Section 1213 (1) and (2) to read as follows:

"Section 1213(1) Notice on Illegally Parked Vehicles.

"(1) Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of the City of Glenwood Springs, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him or her at a place and at a time specified in said notice.

"Section 1213(2) Failure to Comply with Notice on Parked Vehicle.

"(2) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of the City of Glenwood Springs does not respond within the time specified to a penalty assessment notice affixed to such vehicle, as provided in section 1210(2) hereof, by appearance and payment at the City of Glenwood Springs Municipal Court; by mailing payment by means of the United States Mail; or by disposition of the charge as provided by law, the clerk of said court or the Parking Enforcement Officer shall send another notice by mail to the registered owner of the vehicle to which the original notice was affixed."

(Ad 12-97 §2; A 16-03 §2; A 2-11, §2)

(11) Part 12, Section 1204 is hereby amended by the addition of subsections (9) and (10) to read as follows:

"Section 1204(9). Parking Not to Obstruct Traffic or Maintenance.

"(a) No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

"(b) It shall be unlawful for any person to park any vehicle, farm tractor, any implement of husbandry designed primarily or exclusively for use and used in agricultural operations, or trailer from 4:00 a.m. to 7:00 a.m. on Grand Avenue from 7th to 10th Street; and on 8th and 9th Streets from Cooper Avenue to Colorado Avenues."

(Ad 5-96 §2; A 2-11, §2)

"Section 1204(10) Stopping, Standing, or Parking Prohibited in Specified Places.

"(a) On any street or at any place within this municipality where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions as authorized in C.R.S. 42-4-111(a) and described in traffic control schedules, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic control device or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic.

"(b) In any private parking area within this municipality where signs are posted sufficient to inform the public of the parking restrictions thereon and the penalties for violation thereof, where the vehicles properly parking thereon are obviously marked as such in the front driver's side window, and where such signs and markings have first been approved in writing by the City's Chief of Police or his/her designee. The owner of the vehicle in violation of this provision is liable for the payment of the respective fine(s) unless he/she can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the vehicle must provide, within three (3) days after receiving notification of the violation, the City Attorney with the name and address of the person who had care, custody or control of the vehicle at the time of the violation."

(Ad 5-96 §2; Ad 7-02 §1; A 16-03 §2; A 2-11, §2)

"(c) No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property."

(Ad 5-96 §2; A 2-11, §2)

(13) Part 14, Section 1408 of the Model Traffic Code is hereby amended by the addition of subsection (4) as follows:

"Section 1408 (4). Traffic Regulations in Parklands.

"(4) (a) It shall be unlawful for any person operating a vehicle in or upon park lands as established in 090.030.010 of the Municipal Code to fail or refuse to obey all traffic signs or other traffic-control devices regulating the operation, stopping or parking of vehicles.

"(b) It shall be unlawful for other than authorized personnel to park or drive on lawns, fields or any other places other than upon roadways and parking areas clearly constructed and established for such purposes within the park lands.

"(c) All traffic ordinances adopted pursuant to this Article shall have full application and effect within all park and recreation areas."

(Ad 5-96 §2; A 2-11, §2)

(14) Part 18, Section 1409 of the Model Traffic Code is hereby amended by deleting subsection (9).

(Ad 2-11, §2)

(15) Part 18 of the Model Traffic Code is hereby amended, as follows:

( A 2-11, §2)

"Section 1801. Authority to Impound Vehicles:

"Whenever any police officer finds a motor vehicle, vehicle, cargo or debris, attended or unattended, standing upon any portion of a street or highway right-of-way in such a manner as to constitute an obstruction to traffic or proper street or highway maintenance, such officer is authorized to cause the motor vehicle, vehicle, cargo or debris to be moved to eliminate any such obstruction; and neither the officer, nor anyone acting under the direction of such officer, shall be liable for any damage to such motor vehicle, vehicle, cargo or debris occasioned by such removal. The removal process is intended to clear the obstruction, but such activity should create as little damage as possible to the vehicle or cargo or both.

"Any police officer who finds a motor vehicle, which officer has reasonable grounds to believe has been abandoned upon any portion of a street or highway right-of-way within the municipality in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance, or left unattended and presumed to be abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in any impound lot designated or maintained by the City of Glenwood Springs.

(A 12-97 §4)

"A motor vehicle shall be considered to be abandoned under the following conditions:

"(a) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period of seventy-two hours or longer;

"(b) Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent or a law enforcement agency and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees.

"Section 1802. Impoundment of Vehicles.

"(a) Notice. Whenever a police officer orders the towing of a vehicle pursuant to C.R.S. 42-4-1803, the Police Department shall follow the procedures for determination and notification of the owner as set forth in C.R.S. 42-4-1804. Notification of the owner shall be made upon forms supplied by the Colorado Department of Motor Vehicles pursuant to C.R.S. 42-4-1804(5), and shall include the following statement:

"A Police Officer has ordered the towing of your vehicle. If you feel that the impoundment of your vehicle is improper, you have ten (10) days from the date of this notice to file a written request with the Glenwood Springs Municipal Court located at 101 W. 8th Street, for a hearing regarding the propriety of this impoundment. Such hearing shall be scheduled within three (3) days, excluding Saturday, Sunday and City holidays, of the date your written request is received by the Glenwood Springs Municipal Court. The Court shall be empowered to waive the towing and storage fees if it is found that the impoundment was improper. The retrieval of your vehicle from impoundment does not waive your right to a subsequent hearing and reimbursement. In conjunction with a request for a hearing, you are encouraged to also contact the Police Department of the City of Glenwood Springs for purposes of resolving a dispute concerning the impoundment of your vehicle without the necessity of having a formal hearing.

"(b) Hearing. A hearing shall be conducted before the Glenwood Springs Municipal Court within three (3) days of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing in writing. Saturdays, Sundays and City holidays are to be excluded from the calculation of the three-day period. The sole issue before the Court shall be whether there was probable cause to impound the vehicle in question.

"'Probable cause to impound' shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of law to grant legal authority for the removal of the vehicle.

"The Court shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that

such person has the right to possession of the vehicle. The City shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. Failure of the registered or legal owner or their agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

"(c) Reimbursement for Improper Towing. Upon a determination by the court that the subject vehicle was improperly towed, the City shall either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner or directly pay the towing and storage company for accrued fees.

"(d) Applicability. The hearing and reimbursement provisions contained in this Section shall only be applicable to vehicles which have been impounded by order of a police officer.

"(e) Compliance with Time Requirements. The requirements contained within this Section relating to compliance with time periods are directory in nature. Failure of the City to strictly comply with said time periods shall not cause an automatic forfeiture of the City's rights pursuant to this Section.

"(f) Disposal of Abandoned Vehicles. Vehicles removed from streets or highways and other public property within this municipality and placed in storage as provided in Section 1802(a) shall be disposed of in accordance with one or more of the following methods:

"(1) By Sealed Bid. The City Manager or his/her designee may sell abandoned vehicles after first advertising them for sale in the official newspaper of the City.

"All bids shall be sealed and shall be opened in public at a designated time and place. The City Manager or his/her designee may reject all bids and advertise and give notice again. If sold, a vehicle shall be sold for cash, money order or cashier's check to the highest responsible bidder.

"(2) By Auction. After giving notice as described in paragraph 1802(f)(1), the City Manager or his/her designee may conduct a public auction for the sale of abandoned vehicles. Each vehicle, if sold, shall be for cash, money order or cashier's check to the highest bidder."

(Ad 5-96 §2; Ad 12-97 §3; A 2-11, §2)

(16) The Appendix of the Model Traffic Code is hereby amended by the addition Part H, as follows:

"Appendix Part H Schedules Adopted.

"Pursuant to C.R.S. 42-4-111, the following traffic schedules, as amended from time to time at the discretion of the traffic engineer, are hereby adopted and the noted sections are added to said Model Traffic Code.

"(Traffic Schedules Available from the Traffic Engineer)"

(A 2-11, §2)

(17) Part 19, Section 1903 of the Model Traffic Code is hereby amended by the addition of Subsection (8):

"(8) Any person convicted of violating any provision of this Section shall be subject to doubling of the respective fine."

(Ad 5-96 §2; Ad 31-98 §18; A 2-11, §2)

(A 5-96 §2; Ad 12-97 §§1, 2, 3, 4; Ad 33-97 §1; Ad 21-98 §1; Ad 31-98 §18; Ad 7-02 §1; A 2-11, §2)

**Town of Vail Additions to the MTC (old MTC):**

Provisions of the Municipal Traffic Code, as adopted by Section 7-1-1 of this Chapter, are amended as follows:

A. Article IV, section 1 (b) is hereby amended as follows:

(1) 15 miles per hour in any business district.

(2) 15 miles per hour in any residential district.

B. Article XIII, section 1, is hereby amended by changing the words, "and then only for a period not to exceed 3 minutes." to "and then only for a period not to exceed 10 minutes".

C. Article XVI, section 7(b), is hereby amended by the addition of a sentence to read as follows: The provisions of subsections 16-7(a) and 16-7(b) shall not apply on streets or rights-of-way designated by the Town of Vail as pedestrian malls or areas.

D. Article XX, section 13, shall be amended by adding the following subparagraph:

(n) Any motorcycle and motorized bicycle shall be prohibited in areas designated by the Town as pedestrian malls or areas.

E. Article XXII is hereby amended by the addition of section 23, which shall read as follows:

Penalty Assessment Schedule: The Penalty assessment and the nature of the violation for which said penalty assessment may be made by the arresting officer and accepted and paid by the violator under the privileges of this Section shall be designated by the Municipal Judge, and a schedule thereof filed with the Traffic Violations Bureau, Vail Police Department, and the Traffic Engineer.

F. Section 21-5 of the Model Traffic Code for Colorado Municipalities, 1977 Edition as adopted by the Town is amended by the addition of subsection (e) to read as follows:

(e) This section shall not apply upon any street or portion thereof designated as a limited play street for use of roller skates, skateboards or similar devices. Nothing in this subsection (e) shall

be construed to allow the use of skis, toboggans or coasting sleds on said limited play street and the same are prohibited: All businesses which rent skates shall post in a conspicuous place on the business premises a map of the Town of Vail with the limited play streets for the use of roller skates marked thereon.

G. Article IX is amended by the addition of Section 11-1(c)(3) which shall read as follows:

(3) At any place designated by the Traffic Engineer as a specially restricted area in accordance with subsection 7-1-3H.

H. Article XXIII is amended by the addition of section 9(10)(b) which shall read as follows:

(10)(b) Designate any parking area, when it is located on a public street, right-of-way, or other public property as a controlled or specially restricted parking area. The Town Engineer may prescribe any conditions necessary to protect and control the specially restricted area, including the requirement for parking stickers. If parking stickers are utilized the Traffic Engineer is authorized to prescribe the form of parking stickers for the restricted area and all vehicles using the restricted area shall display an approved parking sticker as evidence of permission to park in the restricted area.

It shall be unlawful to park any vehicle, or to permit a vehicle to remain parked in such area, unless the vehicle complies with the restrictions applicable to the area which may include the required parking sticker.

(Ord. 38(1980) § 1: Ord. 28(1979): Ord. 37(1978) § 1(B))

P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
Jay Brunvand, Treasurer/Clerk  
Email: treasurer@minturn.org



TOWN COUNCIL

Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilmember – Shelley Bellm  
Councilmember – Earle Bidez  
Councilmember – John Rosenfeld  
Councilmember – Jason Osborne  
Councilmember – Matt Scherr

---

**AGENDA ITEM COVER SHEET**

|  |
|--|
| <b>AGENDA TITLE:</b> Budget Acceptance   |
| <b>MEETING DATE:</b> October 1, 2014   |
| <b>PRESENTER:</b> Brunvand   |
| <b>BACKGROUND:</b> During the Regular Session Council will be presented with the FY2015 Proposed Budget. In the event there are any questions from the Work Session we will continue the discussion. Otherwise Council need only accept the document. This acceptance will then allow me to publish the Public Hearing dates which begins the public portion of the budget process.<br><br>Please find a copy of the FY2015 Budget under separate cover. |
| <b>CORE ISSUES:</b> N/A  |
| <b>STAFF RECOMMENDATION/MOTION:</b> “I move to accept the Fiscal Year 2015 Proposed Budget and set Public Hearings at 6:30pm on November 5 and November 19, 2014 to be held in the Council Chambers at 302 Pine St, Minturn as presented.”   |



# Design Review Planner Report

9/24/14

J Hawkinson, Planner

Town of Minturn  
302 Pine Street  
Minturn, Colorado  
81654  
970-827-5645

**APPLICANT:** Rob & Colleen Gosiewski - 970-390-5467

**DESIGNER:** Brian Unger - 303-817-3336

**REQUEST:** Design Review of a new single family home

**PLANNER  
RECOMMENDATION:** Approve Application

**LOCATION:** 560 Taylor Street, Minturn, CO

**DATE SUBMITTED:** August 26, 2014

**ZONING:** Residential - Game Creek Character Area

**PUBLIC NOTICE:** Agenda posted at Town Hall and on website

**BUILDING HEIGHT:** Maximum Allowed: Actual:  
28' at mid-roof line 28' at top of roof line

**LOT AREA:** 6,770 sq ft

**LOT COVERAGE:** Maximum Allowed: Actual lot coverage:  
50% 3,385 43% 2,883 sq ft  
(includes 50% of sq ft of 2nd story decks)

**SETBACKS:** Meets required setbacks: 20' front 5' side yards 10' rear yards  
\*1' roof overhang in side yard setbacks, meets code

**TOTAL BEDROOMS** 2

**PARKING SPACES:** Required: Actual:  
2 spaces 2 spaces - 1 in garage, 1 in front of garage

**SNOW STORAGE:** Required: 150 sq ft Actual: 200 sq ft

(2.5% of the total area of the required off-street parking loading area, inclusive of access drives, shall be designated snow storage area Sec 16-16-130)

**SITE PLANNING & DESIGN STANDARDS - CHAPTER 16 & APPENDIX B -** meets standards





STANDING SEAM METAL ROOF



RECLAIMED WOOD SIDING



CORRUGATED METAL SIDING



SOUTH WEST PERSPECTIVE

SHEET INDEX

|      |  |
|------|--|
| G000 | PROJECT CONTACT AND MATERIAL INFORMATION |
| T101 | TOPOGRAPHIC SITE PLAN                    |
| L101 | LANDSCAPE PLAN                           |
| A101 | SITE PLAN                                |
| A301 | FLOOR PLANS                              |
| A501 | ELEVATIONS                               |

OWNER

ROB AND COLLEEN GOSIEWSKI  
 1612 MATTERHORN CIRCLE, APT. B  
 VAIL, CO 81657  
 970.390.5467  
 ROBERT.GOSKI@GMAIL.COM

ARCHITECT

SHORT AND BRENNAN ARCHITECTS  
 2200 W 29TH AVE, SUITE 102  
 DENVER, COLORADO 80211  
 BRIAN UNGER, AIAS  
 303.817.3336  
 BUNGER@SHORTBRENNAN.COM

CONTRACTOR

BURKE HARRINGTON CONSTRUCTION  
 PO BOX 2943  
 VAIL, COLORADO 81658  
 BURKE HARRINGTON  
 970.376.2256  
 BHCCO@COMCAST.NET

STRUCTURE

TJF STRUCTURAL DESIGN, INC.  
 3752 S SEBRING COURT DENVER, CO  
 80237  
 TROY FORNSTROM  
 303.618.4555  
 TFORNSTROM@COMCAST.NET

HVAC

ROBINSON PLUMBING & HEATING  
 531 TAYLOR AVENUE  
 MINTURN, CO 81645  
 DUNCAN ROBINSON  
 970.688.0715  
 DUNCANROBI@GMAIL.COM

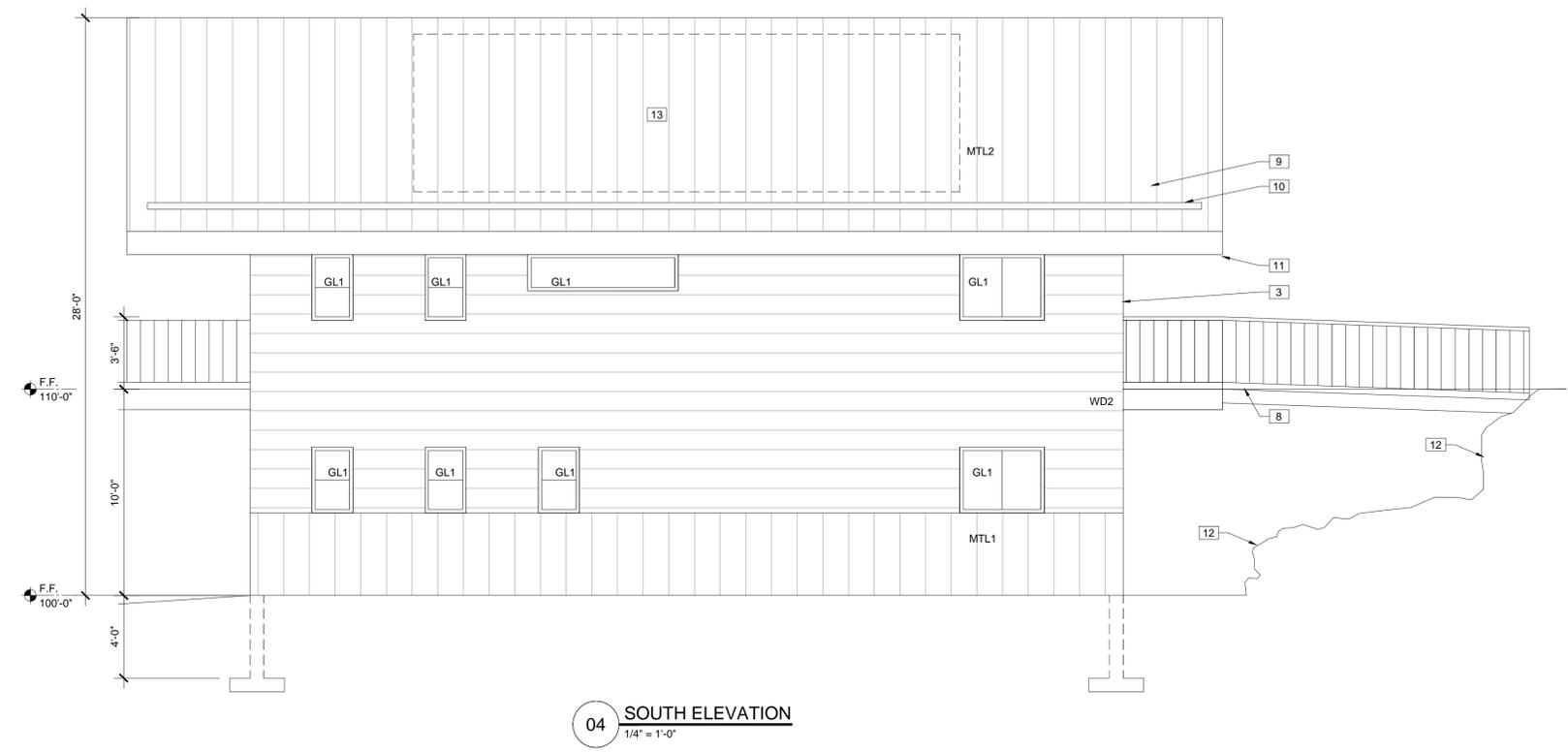
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

GOSIEWSKI RESIDENCE  
 560 TAYLOR AVENUE, MINTURN, COLORADO 81645

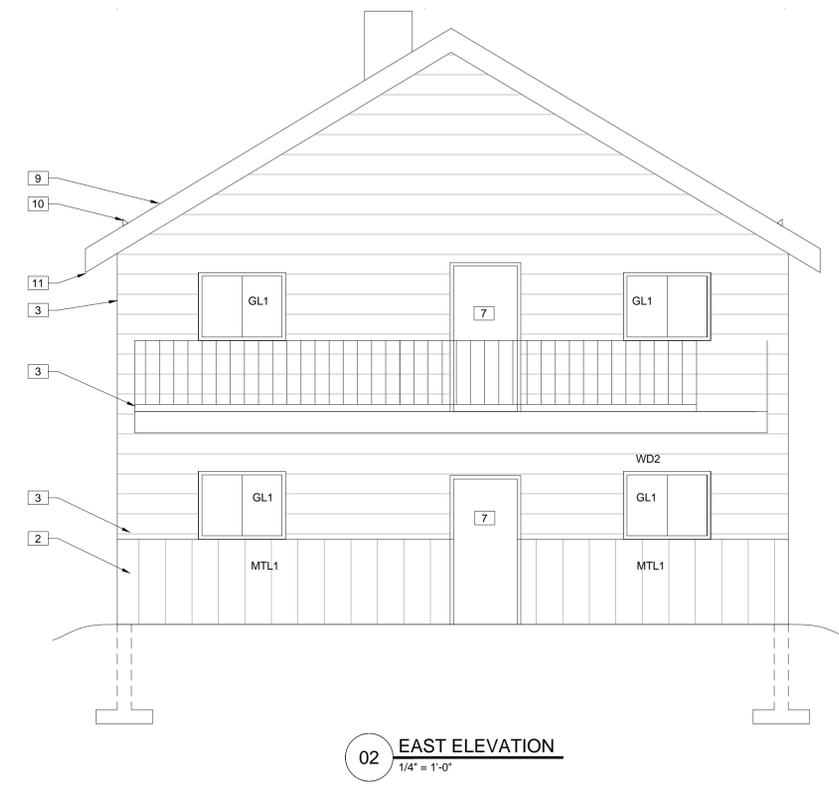
PROJECT 2014.01  
 SCHEMATIC DESIGN DOCUMENTS  
 PERMIT DOCUMENTS

GENERAL INFORMATION

**G000**



04 SOUTH ELEVATION  
1/4" = 1'-0"



02 EAST ELEVATION  
1/4" = 1'-0"

**FINISH & MATERIALS LEGEND**

**CONCRETE**

- CONC1 CONC. SLAB
- CONC2 CAST-IN-PLACE, BOARD FORMED CONC.; 1"X6" NOMINAL WOOD PLANK VERT. FORM

**GLAZING**

- GL1 1" INSULATED VISION GLASS

**GYPSUM WALL BOARD**

- GWB1 1/2" TYPE 'X' GYPSUM WALL BOARD

**CARPET**

- CPT1 CARPET

**METAL**

- MTL1 CORRUGATED METAL WALL PANEL
- MTL2 STANDING SEAM METAL ROOF PANEL

**PAINT**

- PT1 KWAL-HOWELLS 7766A "RICH AMBER" LRV 23
- PT2 KWAL HOWELLS 8775D "METAL SHAVINGS" LRV 18
- PT3 KWAL HOWELLS AC144N "BLACK DECO" LRV 6306

**TILE**

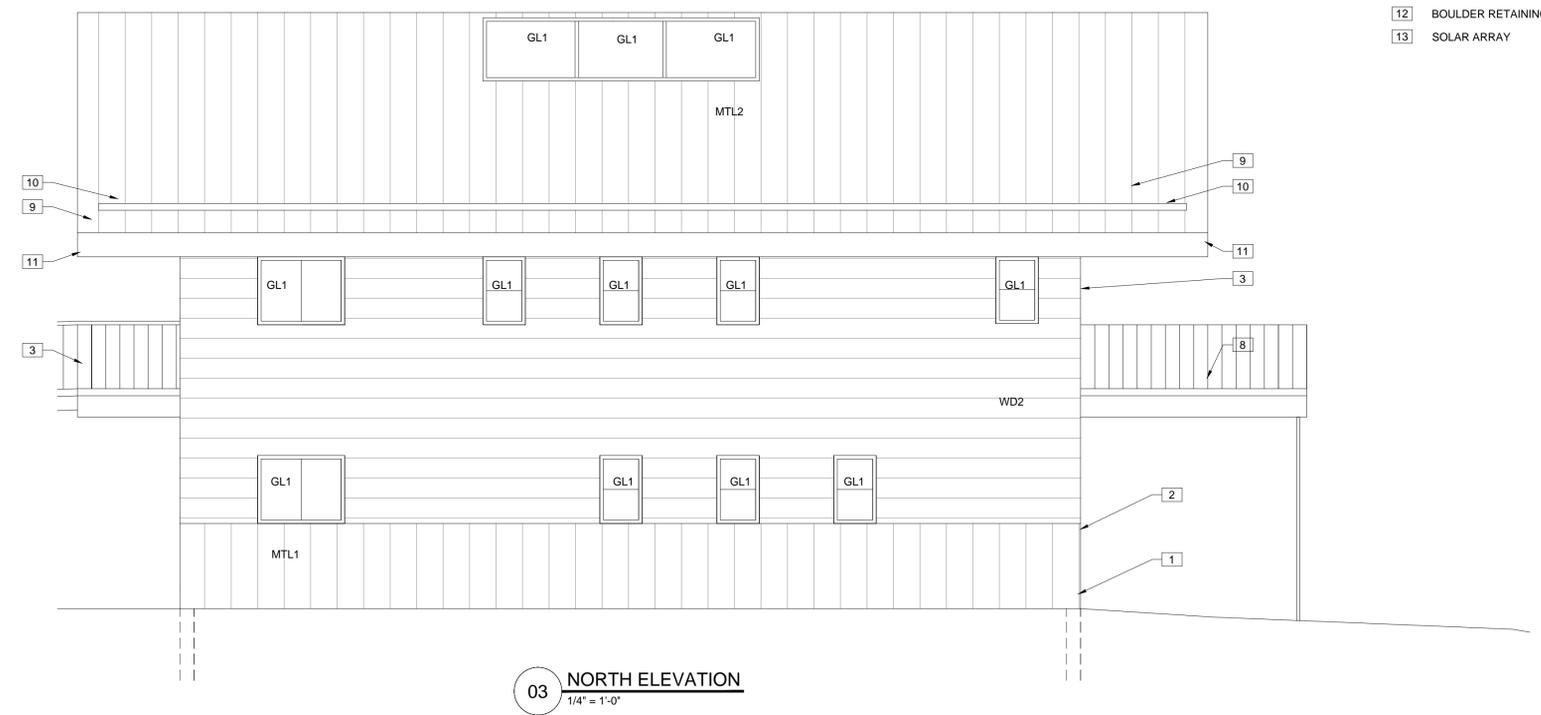
- CT1 EXIST. QUARRY TILE; DALTILE 6X6 QUARRY TILE PAVER, 0T08 SAHARA SAND, GROUT COLOR MAPEI #04 BAHAMA BEIGE; V.I.F.

**WOOD**

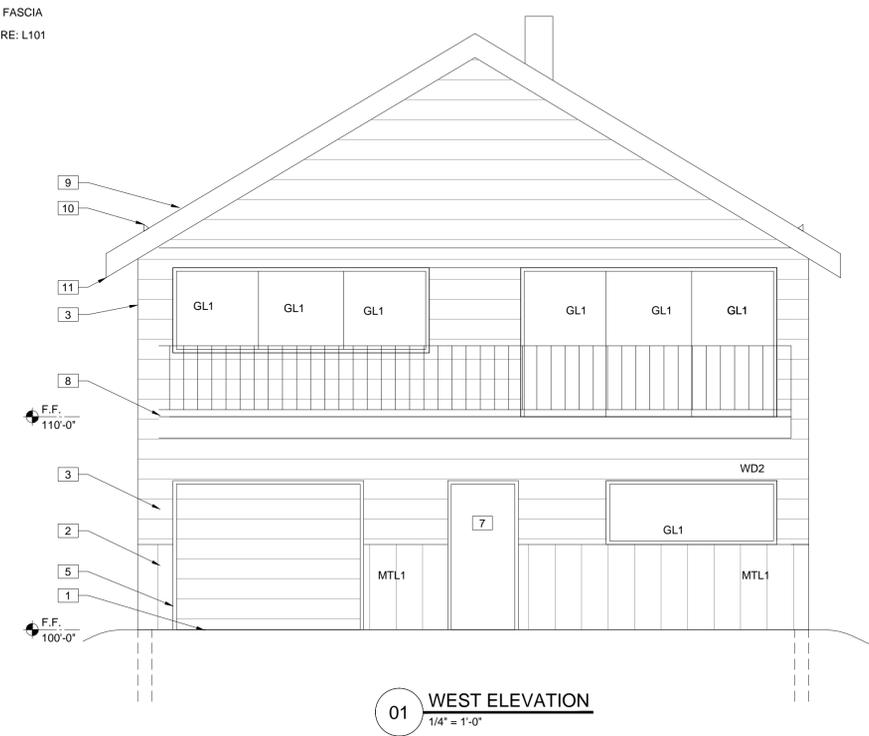
- WD1 OAK WOOD FLOORING WITH ARCHITECT APPROVED STAIN
- WD2 RECLAIMED WOOD SIDING
- WD3 WOOD PATIO, STAIN

**ELEVATION WORK NOTES**

- 1 CONCRETE SLAB ON GRADE, SLOPE TO DRAIN WEST IN GARAGE
- 2 BOARD FORMED CONC FOUNDATION WALL; SEAL WITH PENETRATING WATER REPELANT
- 3 2X6 TREATED WOOD STUD WALL WITH BATT INSULATION AND RECLAIMED WOOD SIDING
- 4 OPERABLE ALUMINUM WINDOW
- 5 OVERHEAD GARAGE DOOR WITH GC APPLIED EXTERIOR WOOD CLADDING
- 6 FOUR PANEL FULL HEIGHT GLASS AND WOOD SLIDING DOOR
- 7 3X7' WOOD DOOR INSULATED WOOD DOOR WITH TEMPERED DECORATIVE GLASS PANEL AND STAIN FINISH
- 8 WOOD PATIO RAILING AND BRIDGE, STAIN
- 9 STANDING SEAM METAL ROOF
- 10 METAL SNOW GUARD
- 11 PAINTED WOOD SOFFIT AND FASCIA
- 12 BOULDER RETAINING WALL, RE: L101
- 13 SOLAR ARRAY



03 NORTH ELEVATION  
1/4" = 1'-0"



01 WEST ELEVATION  
1/4" = 1'-0"

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

PROJECT 2014.01  
SCHEMATIC DESIGN DOCUMENTS  
PERMIT DOCUMENTS

ELEVATIONS  
**A501**



**ACTION ITEMS REPORT**

From: Town Manager  
29-Aug-14

| Action Item  | Responsible staff                      | Status   |
|--|--|--|
| Eagle River Park Grant<br>"History Walk in the Park" and bathrooms | Hawkinson                              | foundation wall installed, bathrooms being constructed in shop<br>Design for educational portion beginning   |
| Rec Property Clean-up  | Martinez<br>Hawkinson                  | berm constructed. Continue grading, cleanup and beautification   |
| Little Beach Park<br>perfect ownership                             | Powell                                 | quiet title action to be filed   |
| TAP grant--South Minturn sidewalks                                 | Hawkinson                              | Grant submitted  |
| 2014 Community Master Plan   |  | need to discuss this project in relation to other priorities   |
| Memorialization Guidelines   |  | staff collecting models from other municipalities  |
| Minturn Fitness Center   | Powell<br>Rosenfeld<br>Bidez<br>Sawyer | Bylaws reviewed on and commented by town reps<br>Funding agreement drafted<br>review construction/soft cost expenses<br>mixer installed and job complete<br>transfer ownership to MFC<br>achieve 501.c.7 non-profit status |
| Minturn Education Fund   | Powell                                 | Bylaws approved by MEF Board<br>achieve 501.c.3 non-profit status<br>scholarships awarded  |
| Zoning Code Amendments   | Hawkinson<br>Powell<br>Sawyer          | staff review and recommendations<br>P&Z review and recommendations<br>Council review and adoption  |
| Guide Sign Plan  | Metteer                                | Staff provides plan for Council review<br>Take to CDOT for approval  |
| Water Rate Structure and Rates                                     | Powell<br>water committee              | Staff and Water Committee to meet and recommend<br>Council reviews recommendation<br>Potential Amendments to Water Ordinance   |