

ORDINANCE 05 – SERIES 2025

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, GRANTING A TEMPORARY EXTENSION
OF THE FRANCHISE AGREEMENT BETWEEN THE
TOWN OF MINTURN AND XCEL ENERGY OF
COLORADO FOR THE USE OF TOWN PROPERTY TO
PROVIDE GAS AND ELECTRIC UTILITY SERVICE TO
THE TOWN AND ITS RESIDENTS.**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, pursuant to Section 10.1 of the Charter, the Town Council has authority to grant, amend, revoke, or otherwise carry out its powers regarding franchise agreements; and

WHEREAS, as set forth in Ordinance No. 11 – Series of 2005, the Town Council executed a Franchise Agreement (the "Agreement") between the Town and Xcel Energy of Colorado, its successors, assigns, affiliates, and subsidiaries (the "Company") granting the Company the right to use Town streets and property to provide gas and electricity service to the Town and the Town's residents (the "Utility Service"); and

WHEREAS, the term of the Agreement is for twenty (20) years, set to expire on June 1, 2025; and

WHEREAS, the Town and the Company are presently engaged in negotiations regarding a new franchise agreement wherein the Town may grant the Company a new non-exclusive franchise to use Town streets, public utility easements, and other Town property to provide Utility Service; and

WHEREAS, the Town and the Company wish to amend the Agreement to provide for a temporary extension of the Company's rights and duties under the Agreement for a period of ninety (90) days, as shown in **Exhibit A** (the "Amendment"); and

WHEREAS, the Town Council finds and declares that amending the Agreement to provide for a temporary extension of the Utility Service within the Town is necessary for the preservation of public health, safety, and welfare and is in the best interests of the Town.

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

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

Section 2. Amendment of Franchise Agreement. Town Council hereby approves the Amendment to provide for a temporary extension of the Agreement for a period of ninety (90) days in substantially the same form as **Exhibit A**, as determined to be satisfactory to the Town Attorney, and authorizes the Town Manager or designee to execute the same. The Town Council further ratifies all actions taken by the Town to date with respect to the Amendment.

Section 3. Effective Date. Upon passage of this Ordinance, the provisions hereof shall

become effective on May 28, 2025.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 7th DAY OF MAY 2025. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 21st DAY OF MAY, 2025 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 21st DAY OF MAY, 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

EXHIBIT A
Amendment to Franchise Agreement