

January 13, 2025

Minturn Town Council  
302 Pine Street  
Minturn, CO 81645

Dear Councilmembers,

My name is Alex Markels and I live at 624 Main St. in Minturn.

I am writing to express my concerns about ongoing violations of Section 16-17-95 of the Minturn Municipal Code, which establishes a 30-foot setback from the high-water mark of the Eagle River. This setback is crucial for protecting the river's riparian corridor, a vital ecosystem supporting diverse fish and other wildlife.

While recent discussions regarding historic property designations have sparked debate, I believe we can all agree on the significance of the Eagle River as one of Minturn's most valuable historic and ecological assets. Its riparian corridor plays a critical role in filtering pollutants, stabilizing the riverbank, and moderating water temperatures, benefiting the entire ecosystem.

Unfortunately, the town's enforcement of Section 16-17-95 has proven inadequate. A recent Colorado Open Records Act (CORA) request revealed only a handful of enforcement actions since its adoption in 1999, despite a substantial increase in riverfront development since the adjacent railroad line was deactivated, and particularly after the onset of COVID-19 in 2020.

A prime example is the Eagle River Enclave (ERE) condominium development, where both common areas and residential units have increasingly encroached upon the 30-foot setback. Since moving to the ERE in 2011, I have repeatedly appealed to both residents and the ERE Homeowners Association to respect the setback and enforce their own regulations, but these efforts have been largely ignored.

Over the years, ERE property owners have engaged in activities such as tree removal, replacement of native vegetation with non-native species, and construction of decks, patios, paths and fire pits within the setback. These actions not only damage the ecosystem but also set a dangerous precedent for future development along the riverbank.

In 2018, I brought this issue to the town's attention, prompting a review of riverfront development at the ERE. Scot Hunn, in a letter to the ERE board president, expressed the town's disappointment with the ERE's blatant disregard for building codes, design review standards, and zoning regulations. He offered assistance with permitting and inspections to ensure compliance.

However, the results of another CORA request revealed that only one resident had obtained the necessary permits since Mr. Hunn's letter, leaving multiple units in violation of Minturn's regulations. After filing Code Compliance Violation Witness Reports in 2024, my efforts to address these violations have been met with resistance and even hostility from some ERE residents and the HOA board.

I urge the Town Council to take immediate action to address these violations and protect the Eagle River. Specifically, I request the following:

- **Reinstate the original "high water mark" definition in Section 16-17-95.** This would provide greater protection for the riparian corridor compared to the current "ordinary high water mark" definition.
- **Implement a comprehensive education program.** This program should emphasize the importance of the 30-foot setback and provide clear guidance on permitted activities within the riparian corridor.
- **Conduct a thorough land survey.** This survey would identify and physically mark the 30-foot setback along the entire riverfront, providing a clear visual reminder for residents and developers.
- **Increase proactive enforcement.** This includes regular inspections, requiring violators to restore damaged vegetation, and issuing fines for non-compliance.
- **Consider a river restoration initiative.** Model the successful "Restore the Gore" initiative in Vail to actively restore and enhance the Eagle River riparian corridor.

The Eagle River is an integral part of Minturn's heritage, and additional protection is crucial for the enjoyment of future generations. I urge you to take decisive action to preserve this invaluable natural resource.

Thank you for your attention to this urgent matter.

Sincerely,

Alex Markels  
624 Main St. Minturn, CO 81645  
970-471-8638